



RP1380

ARIS

(Community Development and Investment Agency)

**Additional Financing for Bishkek and Osh Urban Infrastructure
Project (BOUIP AF)**

**Bash Karasuu Water Intake and Water Mains from the Water
Intake to Ak–Ordo Novostroika**

RESETTLEMENT ACTION PLAN

Bishkek

November 2012

Table of Contents

I. Abbreviations and Glossary of Key Terms	3
II. Executive Summary	4
1. Introduction	6
2. Project description	6
3. Legal Framework.....	7
4. Impact Assessment	9
5. Public consultations, information disclosure and resolution of disputes.....	12
6. Organizational responsibilities	19
7. Control mechanisms	19
8. Annexes	21
1. Routing plan of water mains.	
2. Minutes and lists of participants of explanatory consultations held on August 22 and 30, and September 4 and 11, 2012.	
3. Appeal to the Mayor's Office of Bishkek, dated September 5, 2012 Ref. №12-1031.	
4. Inquiry №1-12-1030 made by the ARIS on September 5, 2012 to Sokuluk Raion Department for Land Management and Registration of Rights to Immovable Property.	
5. Reply of Sokuluk Raion Department for State Registry to the inquiry made by the ARIS.	
6. Copy of the Order of Orok Aiyl Okmotu on establishment of a Grievance Redress Commission received from PAPs.	
7. Charts of Social and Economic Profiles of PAPs.	
8. Opinion of the Sokuluk Raion Department for Land Management and Registration of Rights to Immovable Property about granting right for a land parcel for laying water mains in new route.	
9. Guarantee letter from Sokuluk Raion administration on payment of compensations.	
10. PAP acquittances of compensation.	

I. Abbreviations and Glossary of Key Terms

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

II. Executive Summary

Background

The Project “Bash - Karasuu Water Intake and the Water Mains from the Water Intake to the Ak-Ordo Novostroika” is aimed at ensuring the availability and quality of drinking water for more than 85,000 residents of Novostroiki of Bishkek City and villages of Orok AO, Sokuluk Raion, Chui Oblast.

This document discusses the elements of the Resettlement Action Plan and activities to ensure participation of the community of Orok village administration, whose land parcels will be adjacent to water mains routing following the alteration in design solution. Alteration of the design is associated with transferring of water mains routing from “Bash - Karasuu” water intake up to Sarban village to municipal lands diverted around the private lands.

From August 6 to September 12, 2012 screening was conducted and the scope defined to determine the potential impact, to select tools to manage the resettlement and research under the framework of preparing the RAP. These activities were meant to gather the following information:

- a) survey data on the use of land by PAPs and their ownership rights;
- b) socio-economic characteristics of PAPs.

No consent from the farmers for using their lands for laying water mains was obtained during repeated advisory consultations held with participation of PAPs and during preparation of RAP. It constituted a ground for changing the route and finding an alternative option where the farmers and their lands are not affected by the project.

Project Impact

An asset inventory prior to alteration of design solutions was performed to determine the list of PAPs on the projected routes of water mains running for 6400 m from the Bash - Karasuu water intake to the Ak - Ordo Novostroika, power lines with the length of 7000 meters from the substation 110/10 "Orto - Alysh" to the water intake Bash - Karasuu and on the territory of the water intake. The stock taking activity yielded the following findings:

1. The design envisaged laying of water mains route from the Bash Karasuu water intake through the existing trench, located on private farm land allotments from the water intake to a passing bridge over irrigation canal and then on municipal lands of Orok AO up to the village Sarban. (**Annex 1**).

On the right side of the trench, excavation dumps are located, and the total length of those is 1692 m, the average width including the trench ~ 15 m.

These plots (less than 10%), namely, the territory occupied by the trench and dumps have not been used for agricultural purposes over the last 4 years due the previous impact not associated with this particular project.



Photos 1-3. Trench for laying the water mains from the Bash Karasuu Water Intake to the Sarban Village and the dumps

Following the survey and analysis of all technically feasible options of changing the water mains routing an option of laying water mains on municipal lands where forest belt is located was chosen. The proposed route on its western part is adjacent to private land parcels.

168 trees should be cut if the route is laid through the forest belt. In this regard, requirements of OP 4.01 of the WB should be taken into account by making provision for expenses aimed at compensatory planting under the Environment screening of the project coordinating the activities with environmental bodies of Sokuluk Raion.

2. In the Djal Village, a Servicing Station (SS) with a tire repair shop fall under the potential impact of the project because of the possible short-term restriction of access roads during excavation and laying of pipelines.



Photos 4-5. SS and Curing Point located in a distance of 6.3 meters from the route of water mains

3. On the route of transmission lines from the substation 110/10 "Orto-Alysh" to the Bash Karasuu water intake, and on the territory allotted for the water intake, no PAPs were identified.

A shortened RAP was prepared following the provisions of the RPF because:

- a) in case of changing the water mains route the proposed activity will not affect the farmers' land parcels. Moreover the impact of the proposed activity on farmers will be positive, since the implementation of the project will provide an opportunity to restore their agricultural land for the intended use and restore the income derived from the land holdings until 2009, i.e., before the indicated parts of the farmland were ruined;
- b) main compensation payments to the farmers in the value of lost crops from agricultural lands in 2009 due to previous impact will be made at the expenses of the Bishkek Municipality as OGUKS was the Client for works in 2008;
- c) the impact on commercial entities is insignificant, as the affected assets are not acquired, and operation of the SS will not stop;

- d) the population in the impact zone of the project will not be subjected to physical resettlement to a new residence.

The estimated RAP budget is 494 400 KGS and consists of expenses of the project related to implementation of corrective actions on unmitigated previous resettlement in the amount of 240 000 KGS and payments of Sokuluk Raion state administration for lost crops to the farmers in the amount of 254 400 KGS.

Funds in the amount of 240 000 KGS should be envisaged by the project under RAP for backfilling of the trench and execution of vertical levelling of the excavation dumps on the farmers' lands from "Bash-Karasuu" water intake to Sarban village. The given expenses are included to the RAP as additional support to the farmers who have lost part of their income since 2009. Prior to alteration of water mains route land planning work was an integral part of the engineering design, such works were included in the BoQs and no additional costs were involved.

Loss of the farmers in the amount of 254 400 KGS for lost crops of last four years of agricultural seasons should be compensated by the Bishkek Municipality.

No additional costs will be required during the works for construction of alternative access roads to vehicle service station and tire repair shop as no restriction is expected and the approach and access roads to these businesses remain accessible.

1. Introduction

The Subproject "Bash - Karasuu Water Intake and Water Mains from the Water Intake to Ak-Ordo Novostroika" is included as the subcomponent A.1 Basic Infrastructure of Bishkek City- of the component A.

The component A will finance the improvement and / or expansion of the water supply, roads and other basic infrastructure, and the restoration and / or improvement of access to basic services in Novostroiki of Bishkek and small towns.

The Sub-Component A.1 will finance rehabilitation of Bash Karasuu Water Intake, including the purchase and installation of pumps and other technical equipment needed for operation of the facility, installation of power lines and substations, and construction of water main from the water intake to the network of Production and Maintenance Enterprise "Bishkek Vodokanal" (Bishkek Water Utility).

2. Project description

The project objective is to improve the living conditions of the population, its ability to social and economic integration into the urban community, and supply drinking water for residents of Novostroiki of Bishkek City and the villages located along the route of the water mains. Consumers – residents of the villages located upstream of the existing water main: Sarban, Djal, Verhniy Orok, Kashka-Bash, as well as residents of the villages located downstream of the existing water main: Selektionnoe, Nizhniy Orok, Ak-Orgo, Ak-Ordo, Archa-Beshik, Novaya Seleksiya, Ala-Too, Ala-Archa, along the streets Alykulov and Yn-Tymak.

The project has three components:

1. Rehabilitation of Bash Karasuu water intake to generate the required volume of water- 1440 m³/h (400 l/s), provided by the intake of water from 12 operational wells, including four existing wells with total capacity of 160 l/s, 8 new wells with the capacity of 40 l/s each. Out of the total number of wells, 10 wells will be operational ones, and 2 will be

stand-by ones.

The Project provides for construction of 2 reservoirs to ensure round the clock supply of water for the population. In emergencies - double reserve for fire-fighting and emergency reserve volume of water to satisfy economic and drinking needs for 12 hours.

The Project includes facilities for disinfection of water, as well as arrangement of zones of sanitary protection of underground sources of water. The area of the first belt of sanitary protection zone is shielded by impenetrable 2.5-meter high fence;

2. the designed length of water mains is 6400 m to supply water to Novostroiki of Bishkek and the villages. The total route of the projected water mains from the designed Bash Karasuu water intake to the Ak-Ordo Novostroika consists of 3 parts:
 - Water pipes \varnothing 450 mm from the water intake site to the existing water mains DN 1000 mm, L ~ 5400 m;
 - The existing water lines DN 1000 mm, L ~ 1500 m;
 - Water pipes \varnothing 315 mm from the existing water lines to the Ak-Ordo Novostroika, L~1000 m;

The flow capacity of water main was designed to be able to accommodate all water produced at the water intake. Water supply network of Sarban, Djal, and Verhniy Orok Villages will be connected to water mains in projected chambers. The connection facilities for Ak-Orgo, Yn-Tymak, Verhniy Orok, Archa-Beshik, Nizhny Orok, Seleksionnoye, Kashka-Bash, Plodovoye and Koktar Novostroiki to the water mains are specified in the design. Further, the conditions for their connection are to be issued by the Bishkek Vodo kanal (BVK).

- A switch chamber was designed to connect the Ak-Ordo Novostroika to the water supply mains to enable regulation of the pressure in the water supply network of the Novostroika.
3. construction of two chain-10kV power lines with the total length of up to 7000 meters to supply power to the water intake site from the substation 110/10 "Orto-Alysh."

3. Legal Framework

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

1. Land Code of the Kyrgyz Republic, edition of June 2, 1999 № 45-a comprehensive set of rules governing the relationships that arise in the process of ownership, use and disposal of land;
2. The Civil Code of the Kyrgyz Republic, which defines the legal status of actors of civil turnover, and the bases for emergence and order of exercising the rights, contractual obligations, property related and other relationships;
3. Civil Procedure Code of the Kyrgyz Republic, which determines the order, rules and terms of legal protection in the event of litigation on involuntary resettlement.
4. Law of the Kyrgyz Republic "On Roads", edition of June 2, 1998 N 72, which determines the economic, legal basis and principles of management of territories and objects, adjacent to the road, area and the order of using the right-of-way;

5. Resolution of the Government of the Kyrgyz Republic № 47, "Procedure for Determining the Value (Standard Cost) of Agricultural Land", issued on February 4, 2002, which establishes the legal framework of land valuation;
6. Government Resolution № 427 "On Approval of the Regulation on Sale of Agricultural Land" dated August 13, 2001, which establishes the legal basis for sale of land;
7. Government Resolution № 668 "On Liability for Losses Caused by Damage of Land", dated September 7, 2004, in the Edition of the Resolution of the Government of the Kyrgyz Republic № 696 as of September 27, 2006, which establishes the order for compensating losses to land users;
8. Regulation on the Procedure of Sale of Agricultural Land, in the edition of Resolutions of the Government of the Kyrgyz Republic № 422 dated September 9, 2005, and № 14 dated January 13, 2006, which sets the order of sale of land;

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

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

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

1. Measures have to be taken to minimize involuntary resettlement;
2. Loss of property has to be compensated based on its replacement value;
3. PAPs¹ are to be timely informed and the compensation options have to be clearly explained to them. Generally, if people earn livelihood by using the land, the best option is at the least to provide them with land of equal quality and area. Compensation should be paid for crops as well.
4. Under current law, titled owners are entitled to claim compensation. Illegal users of land or illegal residents are not entitled to compensation for expenses incurred during the illegal use of land.

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

The Project will have positive impact on private agricultural land.
Use of municipal land is regulated by the state.

In accordance with the legal documentation of the Project, ***"In case of discrepancy between the laws of the Kyrgyz Republic and the requirements of the World Bank Policy on Involuntary Resettlement OP 4.12, the principles and procedures of OP 4.12 should be applied. The prevalence of WB standards over state law is a requirement for projects funded by the World Bank"***².

¹ The requirement to inform the affected population is established by the Constitutional Law of the Kyrgyz Republic
² p. 11 RFP

The guidance should be drawn from the following:

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

4. Impact Assessment

Census

Census of affected landowners and registry of rights for land was conducted prior to alteration of water mains routing on an average of a 15-meter wide corridor of impact resulting from laying the pipelines, covering the dumps and the trench located on land where the route of the water mains could have been laid.

All PAPs received timely invitation to informational consultations held on August 22, 2012 in the administrative building of Orok Aiyl Okmotu and notified about the planned census. The list of PAPs included five farmers and a Servicing Station with a tire repair shop located along the pipeline route in Djal Village.

List of farmer affected by the previous impact.

Table 4.1

No	Names of farmers	PAPs status	Area of land parcels retired from agricultural use in 2009.
I	Farmer 1	Official owner	0,08
II	Farmer 2	Certificate No. 072 dated 19.05.2000.	0,16
III	Farmer 3	Certificate No.035430 dated 25.11.1999r.	0,07
IV	Farmer 4	Certificate No. 2477 dated 19.05.2000r.	0,31
V	Farmer 5	Certificate No.12813 dated 28.11.2006r.	0,44
			1.06 (ha)

Head of the household with his wife participated in the census. With their participation location of the affected asset, PAPs status and actual condition of land parcel were defined and possible impacts were listed.

Information on the dates of the census were documented in the Minutes of the Meeting held on August 22, 2012 (**Annex 2**) in the administrative building of Orok Aiyl Okmotu with participation of LSG's representatives and was further disseminated on the territory of the village municipality through announcements placed on public places.



Photo 6. Announcement about the census and the cut-off date

The findings of the conducted analysis stated that the Project would not entail any adverse impacts. However, the assessment revealed the impacts of past involuntary resettlement, which required corrective measures to deal with consequences of the previous unmitigated resettlement of 2008 when Public Capital Construction Department (OGUKS) of the municipality was the Client for works. These corrective measures envisaged the following mitigation measures to correct the previously exerted impact:

- a) Land parcels disturbed in 2009 prior to development of DDE (previous impact of involuntary resettlement) would be restored from the funds stipulated by DDE for execution of backfilling of the trench and site levelling following the completion of construction and installation works of the water mains;
- b) Assistance was rendered to the farmers during preparation of RAP for addressing the issue regarding compensation of losses for previous impact by arranging of negotiations with representatives of the Bishkek mayor's office, Sokuluk Raion administration and LSG bodies (annex 2 and 3).

However following the failure to obtain consent of the farmers to use their lands, an alternative option for laying a part of water mains route on municipal land was proposed which implies absence of any PAPs.

Previous impact on land parcels and crops. Calculation of cost for recovery

- a) In order to correct measures dealing with consequences of the previous unmitigated resettlement following the alteration in water mains route the project makes a provision for additional expenses related to execution of works on returning back the part of land parcels to agricultural use by backfilling of the trench and vertical levelling of disturbed lands. Expenses of the project for recovery of lands retired from agricultural use in 2009 are equal to:

$C=Q \times P$ (KGS), where

C – cost of excavation works, (KGS);

Q – volume of soil for backfilling of the trench, (m³);

P - cost per one m³, (KGS).

$C= 8000 \text{ (m}^3\text{)} \times 30 \text{ (KGS)} = 240\,000 \text{ (KGS)}$

- b) Calculation of compensation payments to the farmers by the Municipality of Bishkek bodies is shown in table 4.2.

Compensation payments for lost crop of alfalfa (trefoil)

Table 4.2

Names of farmers affected in the past (official owners)	Area of lost agricultural lands in 2009, S (ha)	Average crop yield U (bale/season)	Cost per product unit P, (Som)	Number of lost agricultural seasons N	Compensation per season – C=S×U×P, (Som)	Compensation for four seasons – C, (Som)
Farmer 1	0,08	400	150	4	4 800	19 200
Farmer 2	0,16	400	150	4	9 600	38 400
Farmer 3	0,07	400	150	4	4 200	16 800
Farmer 4	0,31	400	150	4	18 600	74 400
Farmer 5	0,44	400	150	4	26 400	105 600
	1.06	400	150	4	63 600	254 400

According to the data of Sokuluk Raion Department for State Registry (**Annex 5**) no formal rights for land plots from the crossing bridge over the main flumed irrigation canal to control point “12” (**Annex 1**, sheet 3) were registered by the Sokuluk Raion State Registry.

Nonetheless, the listed land allotments will be restored for further agricultural use. Access to the Servicing Station on the Central Street in Djal Village may be restricted for short period of time. However, the works will be implemented without impeding the business activities.

Social and Economic Profiles of PAPs

Collection of information on social and economic status of PAPs was completed in parallel with the census, by interviewing the PAPs based on a specially designed questionnaire.

The questionnaire included the following questions:

- I. For business entities:
 1. Activity type
 2. Operation period
 3. Average monthly profit
 4. Number of workers
- II. For Households, except for abovementioned:
 5. Number of able-bodied and working persons in the household
 6. Number of people living in the house
 7. Number of children younger than 13 years old
 8. Number of people older than 60 years old
 9. Number of students.

Findings of the social economic profiling are presented in graphic format in Annex 7. With respect to privacy, information pertaining to some persons and households, i.e. the information presented in Annex 7 of RAP will not be disclosed to the public.

5. Public consultations, information disclosure and resolution of disputes

Public consultations

No resettlement impacts were foreseen to result from the project activities. However, as the project progressed, it became obvious that there is a need to conduct explanatory activities with farmers who were claiming compensation for damage caused to their agricultural lands in 2009, i.e. before the beginning of the project activities.

Therefore, comprehensive information consultation with PAPs were to be conducted with residents of the area with participation of representatives of local government bodies of Orok AO, mayor of Bishkek, NGOs and other stakeholders, with farmers being the key target group of the process.

During the consultations on rehabilitation of PAPs' land and other benefits from the Project, it was explained that any claims for compensations to the current project executors are ineligible, as legally they are not the due respondents for the earlier inflicted losses.

In consultation with the LSG the format of "Meetings of residents" of Orok AO was selected to be the most appropriate communication tool and channel of information to be used during public consultations for assessment of project impact. During the survey, this source of information, the main one for the population, was given the priority.

Meetings of residents of Orok Aiyl Okmotu affected by the project impact and other activities were held in the following order:

Table 5.1

No	Venue	Date and participants	Results
1	Djal Village, conference hall, administrative building of Orok Aiyl Okmotu	August 22 and 30, September 4. PAPs, LSG, Deputies of the local council, ARIS representatives	It was decided that the ARIS would appeal in writing to the Mayor's Office of Bishkek requesting assistance for the residents of Orok Aiyl Okmotu to settle the issue about compensation for loss of part of their land in 2009.

2	Bishkek, Conference –Hall, Mayor’s Office	September 10, 2012 Head of Orok Aiyl Okmotu, Deputy Head of Sokuluk Raion State Administration, Head of Sokuluk Raion Department of the State Registry, officials of the Mayor’s Office of Bishkek, representatives of ARIS	Imashov T.M., the Deputy Mayor of Bishkek tasked Suyumkulov R.A., the head of Public –State Management of Capital Construction Unit of Bishkek Mayor’s Office and Isaev A.M., the head of the Production and Operation Management “Bishkek vodokanal” to address the issue and render support to the farmers whose land allotments were damaged in 2009 to receive compensation in any form of payment out of acceptable alternatives.
3	Djal Village, Conference – Hall, Administrative Building of Orok Aiyl Okmotu	September 11, 2012 PAPs, LSG, representatives of the Mayor’s Office of Bishkek, Sokuluk Raion State Administration, Bishkek Water Utility, ARIS	It was decided to make compensation payments to the farmers by Sokuluk Raion state administration and Orok AO.

Minutes of consultations and lists of participants presented in **Annex 2**.

The ARIS staff, namely, Umetov B.U, the project coordinator, Bostonbaev K.M, the infrastructure engineer and Kutmanova E.V, the safeguards specialist explained all key aspects of the Project, the goals and procedures of RPF and the principles of developing the RAP in a clear and accessible manner and language during the meetings.

At the first meeting held on August 22, 2012 the launch of the census of PAPs was announced and Djubasov D.K., the land surveyor of Orok aiyl okmotu was appointed the Authorized Project Representative for Resettlement from the LSG.

Anna Cestari, the WB Task Team Leader for the Project and WB staff Saltanat Asan and Talipova Leila visited the Bash Karasuu water intake, the routes of the water mains and power lines on August 7 and 8, 2012 under the framework of implementation of activities stipulated by the resettlement policy. The locations were surveyed to identify the scope of the project impact.

Photos from informative consultations held in Orok Aiyl Okmotu from August 22 to September 11, 2012 are presented below:





Photos 7-19. Consultations in Orok Aiyl Okmotu

Information disclosure

Upon completion, this RAP will be submitted to the ARIS Executive Director for approval and further disclosure on the ARIS website. The ARIS will disseminate it among the LSG, interested NGOs as well as PAPs.

Comments and proposals will be accepted during two weeks following the disclosure. The received comments and proposals will be analyzed to assess their validity and incorporate relevant ones into the plan, and the revised RAP is to be approved by the ARIS management and

further submitted to the WB for review and approval for compliance with the requirements of OP 4.12.

Once these tasks are accomplished, in line with the established information disclosure principles, this RAP will be disclosed on the WB info-shop website and reposted on the ARIS webpage, and will be disseminated again in Orok Aiyl Okmotu and sent to PAPs.

This order of information coverage is summarized in the table below:

Table 5.2

No	Order of information disclosure activities	RAP is submitted to	Result of information activity
1	After development of RAP	ARIS Executive Director for approval	1. Published on the ARIS website 2. Disseminated among LSG, concerned NGOs and PAPs
2	For 14 days following the initial publication, comments and proposals are collected, their validity is analyzed for inclusion of comments into the RAP	ARIS Executive Director again for re-approval and submission to the WB for review and approval	1. Published on the WB info-shop website and disclosed on the ARIS website. 2. Disseminated again in Orok Aiyl Okmotu among the PAPs

On the ARIS website the RAP will be available in English and Russian. It will also be translated into Kyrgyz and disseminated among the stakeholders.

Regulation of disputes

If risks arise or negative impact on PAPs occurs, concerns and complaints regarding resettlement can be impartially dealt with through the grievance redress mechanism built on the following principles:

- a) Compliance of grievance redress mechanism to the scope of the project impact;
- b) Prompt consideration of issues, use of free, accessible and open process, acceptable and understandable to all stakeholders;
- c) Provision of access to legal and administrative measures, i.e. rights to appeal to court;
- d) Due informing of the concerned community about this mechanism.

Order of submission, review and addressing of complaints

Table 5.3

Grievance redress order	PAP submits his/her complaint to:	Form of submission	Grievance management order	Time for review of the complaint
I Instance	Authorized Project Representative (APR) – Djubasov K., the land surveyor or Orok Aiy1 Okmotu, contract telephone number: 0550 144691	Oral	<ol style="list-style-type: none"> 1) The APR registers the complaint in the log³, assigns it a reference number. 2) The APR follows up the process of grievance review and redress; 3) The APR reports to the LSG and the ARIS on the status of grievance redress activity in writing on monthly basis 	5 days
II Instance	<p>ARIS Executive Director Address: ARIS Central Office, 102 Bokonbaev Street, Bishkek, Kyrgyz Republic, 720040,</p> <p>Tel: + 996(312) 30–18–05, 30–17–53, 30–17–54, 62–07–52 fax: + 996(312) 62–47–48, e-mail: office@aris.kg.</p>	In writing, dated, signed	<p>Kutmanova E., ARIS Safeguards Specialist, (tel: 0772 573930):</p> <ol style="list-style-type: none"> 1) Maintains direct liaison with the PAPs, 2) Cooperates with the ARIS Executive Director to report to the ARIS Supervisory Board on validity of complaint; 3) In case of proven validity, organizes and holds consultations with the complainant and develops corrective measures 	14 days

³ Format of Grievance log is presented in Table 7.2, 7.3

III Instance	Grievance Redress Commission, established by the Order of Orok Aiyl Okmotu (Annex 5)	In writing, if the complaint was not resolved at the 2 nd instance, it is directed from the ARIS to the review of the commission	1) Coordination with all stakeholders; 2) Adopted of legalized decision in the form of the decision of Orok Aiyl Okmotu	30 days
IV Instance	Court of first instance	The complaint is sent to the court of first instance if the complainant is not satisfied with the decision of Orok Aiyl Okmotu	Following the court procedures	Following the court procedures

6. Organizational responsibilities

The responsibility of the ARIS includes the following:

- a) Development of RAP in cooperation with the LSG and participation of PAPs;
- b) Implementation of RAP;
- c) Ensure reliability of PAP census and registry of their assets.

The RAP will be implemented after the WB approval. Public consultations will be held with PAPs and other stakeholders where the final RAP will be disclosed to all stakeholders of the process.

7. Control mechanisms

The ARIS Safeguards Specialist will follow up implementation of RAP throughout the course of construction. Monitoring mechanisms will be included in the format of monthly project progress report, including the indicators and the following information:

RAP implementation control mechanism:

Table 7.1

№	Monitoring indicator	Number and narrative information
1	Complaints and proposals received from the farmers	
2	Pending complaints	
3	Execution of leveling works on the farmers' lands by the contractor following the construction schedule developed by the contractor before the launch of construction and approved by the ARIS	
4	Payment of compensations for previous impact (Involuntary Resettlement) by the Municipality of Bishkek supported by acquittances.	

A separate file will be opened for this RAP and the following documents will be stored in it:

1. RAP including:
 - a) Minutes and lists of participants of all meetings with PAPs;
 - b) PAP census;
 - c) Social and economic profiles of PAPs;
 - d) Copy of the order of Orok Aiyl Okmotu on establishment of a commission for review of proposals and redress of grievances submitted by PAPs.
2. Log for registration of complaints and proposals presented in Tables 7.2 and 7.3.

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

Table 7.2

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

Log for registration of complaints by the III instance of the grievance redress order⁴ and court decisions

Table 7.3

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

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

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

⁴ This Log will be filled out if the PAP is not satisfied by the decision adopted on the complaint by the I and II instances.

8. Annexes

1. Routing plan of water mains.
2. Minutes and lists of participants of explanatory consultations held on August 22 and 30, and September 4 and 11, 2012.
3. Appeal to the Mayor's Office of Bishkek, dated September 5, 2012 Ref. №12-1031.
4. Inquiry №1-12-1030 made by the ARIS on September 5, 2012 to Sokuluk Raion Department of Land Management and Registration of Rights to Immovable Property.
5. Reply of Sokuluk Raion Department of State Registry to the inquiry made by the ARIS.
6. Copy of the Order of Orok Aiyl Okmotu on establishment of a Grievance Redress Commission.
7. Charts of Social and Economic Profiles of PAPs.
8. Opinion of the Sokuluk Raion Department for Land Management and Registration of Rights to Immovable Property about granting right for a land parcel for laying water mains in new route.
9. Guarantee letter from Sokuluk Raion administration on payment of compensations.
10. PAP acquittances of compensation.

ANNEX 1
Routing plan of water mains



