

Second Rural Water Supply and Sanitation Project

**Resettlement Action Plan for Subproject for Rehabilitation of Water Supply
System of Koochu Village**

Taldy-Suu Aiyl Okrug, Tyup Raion, Yssyk-Kul Oblast

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1. Introduction

Access to safe and reliable drinking water supply is still very erratic in rural Kyrgyzstan, and it necessitates urgent improvements. The Government of the Kyrgyz Republic has identified reliable and well-functioning basic infrastructure services as a priority for sustainable national development. The Government and Parliament have focused on the rural water and sanitation sector and sought World Bank and other donor's support for investment in the sector.

A first investment (Rural Water Supply and Sanitation Project) was approved by the World Bank in 2002 and closed in 2008, and a second investment, which would build on the first Rural Water Supply and Sanitation Project (RWSSP), was approved in April 2009. When the Rural Water Supply and Sanitation Project (2002-2008) closed, it was assessed to have improved access to drinking water for 350 thousands residents of rural areas of the three Northern regions of Issyk Kul, Naryn and Talas. In May 2009 the representatives of the Kyrgyz Republic and of the International Association for Development (IDA) signed an agreement for financing of «the Second Rural Water Supply and Sanitation Project» (RWSSP-2) (the Grant № H462-KG, the Credit № 4560 KG), to rehabilitate water schemes in the same regions. The RWSSP-2 implementation period is from 2009 to 2013. The RWSSP-2 aims to:

- Improve the access to drinking water for participating communities;
- Improve sanitary and hygiene practices in rural areas at the individual, household and institutional levels.

The project consists of four components:

Component A: Water Supply Infrastructure and Equipment

Component B: Sanitation and Hygiene Promotion Program

Component C: Institutional Development

Component D: Project Management

Component A. Water Supply Infrastructure and Equipment

This component provides finances to local communities to rehabilitate or expand the existing rural water supply systems. This component will also finance (a) refurbishment or construction of demonstration sanitation facilities in schools and medical posts and (b) equipment for maintaining the water supply systems, (c) development of detailed design documents and exercise of technical supervision over implementation of subprojects.

The following subprojects will be implemented under the RWSSP-2:

- i. 3 subprojects for rehabilitation of RWSSP-1 outputs (in Korumdu, Termir-Kashat and Chelpek villages);
- ii. Rectification (limited repair works) of 26 subprojects of RWSSP-1;
- iii. Implementation of 6 new subprojects in 6 villages: Tugol Say (Naryn Oblast), Uch – Emchek (Talas Oblast), Jele-Dobo, Ak Kochkor, Koochy and Baltabay (Yssyk Kul Oblast).
- iv. Construction and demonstration of sustainable sanitation and hygiene facilities in medical institutions and schools in selected villages covered by RWSSP-1 and RWSSP-2 (budget approximates to USD 0.33 million).

Component B: Sanitation and Hygiene Promotion Program

This component focuses on improving the living standards, the environment and the public health through arrangement of safe and reliable water supply and sanitation systems in the

village by rendering technical assistance, including construction of sanitary facilities (rehabilitation of demo sanitary facilities in schools and medical institutions is included in the component A as part of works for creation of infrastructure) and delivery of trainings on sanitation and hygiene for the population.

The component provides for promoting sanitation and hygiene education among the population through organizations of Initiative Groups consisting of members of Rural Health Committees (RHC), representatives of schools and village activities and conducting trainings with their involvement among the population using an interactive facilitation method engaging the community “Joint Change of Hygiene and Sanitation”.

Component C: Institutional Development

This Project component finances consulting services meant to assist the Government to ensure sustainability of water supply programs in rural areas, including support in (a) approving and implementation of the Sector Strategy developed under the previous project; (b) development or revision of the legislation to ensure collaborative work between the CDWUUs and local self-governments, including development and institutionalization of new agreements between the Aiyl Okmotu and CDWUUs; (c) training and assistance for CDWUUs to build on the experience and tools developed under RWSSP, including ensuring that gender, voice, and choice in participatory processes are taken into account; (d) strengthen the project Management Information System by adding a GIS interface and consolidating a country-wide database on village-level water supply and sanitation.

Component D: Project Management

The component finances the following: limited equipment and vehicles, operating costs (staff salaries, in-country travel, and mandatory employer contributions to the Social Fund of the Kyrgyz Republic) and training associated with project implementation; monitoring and evaluation activities, including regular impact surveys/assessments and annual audits.

2. Project description

Subproject “Rehabilitation of Rural Water Supply System in Koochu village” targets at improvement of the accessibility to potable water among the residents of Koochu village, Taldy-Suu Aiyl Aimak, Tyup raion, Issyk-Kul oblast. The village population is 2 000; the number of households is 357.

Following the bidding under Subproject “Rehabilitation of a water supply system in Koochu village”, the Contract No. IDA-RWSSP-CW-2011-8 was awarded to the Consortium Enesai Ltd and AleksStroi Ltd. The contract amount is KGS 26 652 144,95. Subproject implementation period is June 26, 2012 to October 26, 2013.

By the time of preparation of the Resettlement Actions Plan, the works on rehabilitation of a water supply system in Ak-Kochkor village (Master Plan of the subproject, see **Annex 1**) had been in progress.

Major Project Activities:

Subproject includes completion of works on (1) rehabilitation of 2 new reservoirs $V= 100 \text{ m}^3$ each at the upper area of the village; (2) construction of a new water intake, including a new well drilling with installation of a transformer substation, located at the northern east are of the village between Kaidiev and Baasyz streets; (3) laying of a new water line (1075 m) and distribution networks, 1512 m total length; assumed extension of the distribution networks is by 5 000 m (at the stage of agreement with the Design Institute) due to the fact that some streets

were not included in the primary project (4) rehabilitation of the existing distribution networks, 4880 m total length.

- (1) Under construction of 2 new reservoirs (2*100 m³) no impact is expected on private property; no impact on the residents was registered as construction of the reservoirs will be performed on the municipal land not used by individuals for any activity;
- (2) Under construction of a new water intake no impact is expected on private property; no impact on the residents was registered as construction of a new water intake will be performed on the municipal land not used by individuals for any activity;
- (3) Village business activity is impacted during construction of a new water line and distribution networks as the new water line and distribution network goes through tree plantation (willows) used as a green fencing around the water intake.
- (4) No impact on village business activity was registered during rehabilitation of the existing distribution networks as the works include replacement old pipes by the new ones which doesn't affect residents' interests.

1. At the water line area -well 27 (rehabilitation), there is 1 PAP.

3. Involuntary Resettlement under the Subproject

This Resettlement Action Plan (RAP) was prepared based on the Resettlement Policy Framework developed under the RWSSP-2, consistent with the World Bank Policy on Involuntary Resettlement OP 4.12.

Upon implementation of the Subproject on rehabilitation of Rural Water Supply System in Koochu village the trees, used as a green fencing around the water intake, were impacted:

1. Along the water line at the area of Well 27 (rehabilitation) trees (willow) belonging to Isaev K. were rooted out.

4. Legal Framework

4.1 The World Bank Policy on Involuntary Resettlement OP 4.12

The RWSSP-2 triggered the World Bank Operational Policy 4.12 on Involuntary Resettlement as some works may require temporary or permanent land acquisition. Project activities include construction of rural water supply facilities, including laying of pipes to delivery water to public standpipes or individual connections. The routes of pipelines may pass across fields, therefore temporary land acquisition will be required with subsequent rehabilitation it to the initial state. Pumping stations are usually installed on state owned land, however, in some cases, if no such land is available or usable, construction of a water intake with a pumping station may require permanent acquisition of public land.

Development of relevant impact mitigation measures and compensation for impact of land acquisition triggered by the Project activities will be carried out in line with the Resettlement Policy Framework (RPF) developed specifically for RWSSP-2.

The RPF identifies the possible impacts from project activities, describes the range of potential impacts (temporary and permanent) to land use/access and structures, and specifies the

compensation and resettlement assistance/procedures for the same. Where there is a gap between national and World Bank procedures, the latter will prevail for all activities financed under this project.

The RPF is intended as a practical tool to guide the preparation of Resettlement Action Plans (RAPs) for each subproject associated with resettlement impacts based on the guidelines and procedures highlighted in the RPF document.

The basic objectives of the RPF are to: (i) guide ARIS, national and local self government 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 of subproject RAPs.

The RPF includes measures to ensure that PAPs are (i) informed about their options and rights pertaining to resettlement; (ii) consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives; and (iii) provided prompt and effective compensation at full replacement cost 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 ground levelling, demolition, and in any case, before an impact occurs;
- Compensation is to be paid at full replacement cost to PAPs, without deductions for depreciation or any other purpose.

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

4.2. Relevant legislation of the Kyrgyz Republic

The Kyrgyz Republic's Land Code (1999) regulates all matters of land ownership. It provides for ten cases where a private owner relinquishes rights to land (Article 62), which in turn can be split into four categories.

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

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

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

Voluntary transfers and expropriation for state or public purposes are the methods that are relevant to situations arising from sub-projects supported via ARIS, since the other types of expropriation are based on problems of the land-owner which have no relations to any ARIS sub-project. In practice, when there is need to utilize land that is privately owned for a sub-project benefiting the community, ARIS should at all times seek to implement such sub-projects on Government land or land owned by the village but which is not being used by any group. When this is not possible and private land is used, or some persons suffer any restrictions in access or resources, then appropriate compensation as per this RPF will be given.

Expropriation as per Kyrgyz legislation is very difficult and not practiced. Seeking involuntary resettlement through expropriation for state or public purposes under Kyrgyz law is not practical. Article 68 of the Land Code outlines the procedure for expropriation of land. The procedures call for a voluntary agreement between the public entity and the private owner of land whereby the former pays the later financial compensation for the land, which may include the provision of another land parcel. In the event that there is no agreement, the state must go to court to force the owner to provide the desired land parcel. The private owner must be fully compensated for the market value of all of the financial interests in the given land parcel.

This procedure has never been carried out, and practitioners note that implementing legislation is needed to clarify procedural issues such as appraisal of land values, compensation, demonstration of public/state needs, and other matters. There has been a lack of public investment into infrastructure in settled areas that would have require the exercise of eminent domain in post-independence Kyrgyzstan. It would seem to be likely that there have been small cases where de facto land was taken, but these did not occur in accordance with the Land Code's provision. There are not many recorded cases of private citizens challenging in court a taking of land from them (except for enterprise land sales, discussed below). It should further be noted that only an 'authorized entity' can initiate expropriation, which means either a state or municipal entity or an entity specially designated by the state. A Community Driven Water User Union would not be such an entity.

The major distinctions between the existing legislation in Kyrgyzstan and OP 4.12 is the fact that Kyrgyz law does not make any provisions to assist or compensate illegal users of publicly owned land who may be required to move in order for a sub-project to be realized. Furthermore, it does

not take into consideration the possibility that leaseholders working on publicly owned land may have made investments in that land which will also require compensation.

4.3. Kyrgyz Republic Land Code and the World Bank Policy on Involuntary Resettlement OP 4.12.

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

Table - Comparison of Kyrgyz Republic and WB Policy

| Provisions of Kyrgyz Republic's Land Code | WB's Policy on Involuntary Resettlement |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Compensation for acquired land only for titled landowners, those with formal land use shares, or holders of customary rights. | Lack of formal title to land will not bar PAPs from entitlements, those people without legal title to land and/or structures occupied or used by them are entitled to various options of resettlement assistance, provided they cultivated/occupied the land before the eligibility cut-off date. |
| Consultation with PAPs or communities in respect of land or asset confiscation not required. | PAPs are to be fully informed and consulted on compensation, entitlements and resettlement options incl. relocation sites. Includes consultation, participation, information dissemination campaigns, and opportunities to participate in monitoring based on the nature and scale of impacts. Resettlement plans to be developed and prepared in consultation with PAPs and other stakeholders. Grievance redress mechanisms are to be established. Requirement for gender specific consultation and information disclosure. |
| Land compensation is at replacement rates through provision of land for land or in cash. Normative land prices are established through coefficients. No reference as to whether there are deductions. | Land for land as a priority, with replacement land to be acceptable to PAPs and to be of same size and productive capacity. If suitable land cannot be found, compensation in cash, or a combination of land and cash, at current market value without deduction of the costs of any transaction (administrative charges, taxes, registration or titling costs), or depreciation. |
| Compensation for other assets (structures, crops and trees and business income) is at replacement cost. No provision for severe impacts or vulnerable PAPs. Does not provide for transportation and transition expenses/costs. | The amount of cash or kind needed to replace an asset in its existing condition, at current market price without deduction of the costs of any transaction (administrative charges, taxes, registration or titling costs), depreciation or for any material salvaged. Includes provision of transfer or relocation allowances. |
| At infrastructure planning stage, proposals for acquisition of agricultural or high-yielding land discouraged when other land is available. | Any land acquisition and resettlement is to be avoided, or if it cannot be avoided, it should be minimized by exploring all viable options. |

| | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| No provision for income/livelihood disruption. | Requires compensation for disruption of livelihoods and loss of income as a result of land acquisition for project purposes. |
| Compensation for temporary land acquisition limited to compensation at Government rates for standing crop and rebuilding of any affected legal structures. | Compensation for temporary land acquisition for standing crop, all structures regardless of legal status at replacement cost or re-construction of replacement structure as well as compensation for any disruption in access that may affect income (e.g. for shops) or livelihood (e.g. access to schools). |

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

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

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

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

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

In case of disparity of the laws of the Kyrgyz Republic with the requirements of the policy of the WB on involuntary resettlement (OP 4.12), the principles and procedures of OP 4.12 should be applied.

5. Eligibility

According to the WB involuntary resettlement policy OP 4.12, the following individuals are entitled to compensation:

- (a) Those who have formal rights to land including customary/communal land, traditional and religious rights recognized under Kyrgyz Republic Law.
- (b) Those who do not have formal legal rights to land at the time the project or census commences but have a claim to such land or assets provided that such claims are recognized under the laws of Kyrgyz Republic or become recognized through a process identified in the RPF/ RAP.

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

Those covered under a) and b) above are to be provided compensation for land they lose, and other assistance in accordance with the policy. Persons covered under c) above are to be provided with resettlement assistance in lieu of compensation for the land they occupy or use, and other assistance, as necessary, to achieve the objectives set out in this policy, if they occupy or use the project area prior to a cut-off date established by the Project in close consultation with potential PAP, local community leaders and relevant local government bodies, and are acceptable to the 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.

Therefore, it is clear that all affected persons irrespective of their status or whether they have formal titles, legal rights or not, are they squatters or not, or encroached land otherwise, all of them are eligible for some kind of assistance if they occupied the land before the entitlement cut-off date

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

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.

The **entitlement cut-off date** refers to the time when the census of affected persons and their property in the area is carried out. Persons who encroach the area after the cut-off date are not eligible for compensation or any form of resettlement assistance. PAPs, whose right for land ownership and use prior to the cut-off can be demonstrated, remain entitled to assistance whether they were registered in census or not.

The cut-off date under the SP “Rehabilitation of rural water supply system in Baltabai village” is **October 4, 2012** when the general meeting of the village was held. At this meeting, ARIS Safeguards Specialist specified measures and procedures of RPF and explained principles RAP preparation. The Census Commission was established at this meeting. Sydykov K. (Chairperson

of CDWUU) was designated as an Authorized Project Representative (APP); and the beginning of census was announced (see Minutes of the Meeting, **Annex 2**)

The Matrix below demonstrates eligibility for compensation and/or assistance in elimination of adverse consequences/losses for various types of assets and RAP categories under the Project.

In accordance with RPF, Entitlement Matrix: Eligible PAPs, Assets and Compensation Guidelines, looks as follows:

| Project Impact | PAP Category | Asset Affected | Compensation Guide |
|----------------------------------------------------------------------------------|--------------------------------------------------------|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Permanent acquisition of land for works such as construction of pumping station. | Land owner | Land | Replacement land of equivalent market value as priority option within 3 km radius. Failing availability of land, cash compensation at market rate. If over 10% of land is acquired, an additional 5% of replacement value will be paid (increasing to 10% if over 20%) as a severe impact subsidy. If the remainder of the plot is not economically viable the entire plot will be purchased. |
| Permanent acquisition of land for works such as construction of pumping station | Land renter or share-cropper | Land | In addition to land owner compensation. Re- imbursement of rent for remainder of contract period, plus 3 months of rent/share-cropping benefit as disturbance allowance. |
| Permanent acquisition of land for works such as construction of pumping station | Informal user/occupier | Land | In addition to land owner compensation. Compensation equal to 2 months of rent/share- cropping benefit as disturbance allowance. |
| Permanent acquisition of land for works such as construction of pumping station | Owner | Crops | In addition to land compensation, will be allowed to take standing crop and cash compensation for 2 seasons or annual crop yield whichever higher at highest market rate. |
| Permanent acquisition of land for works such as construction of pumping station | Tenant farmer, share-cropper or informal user/occupier | Crops | In addition to land compensation, allowed to take standing crop and cash compensation for 2 seasons or annual crop yield whichever higher at highest market rate. Repay, |
| Fruit tree owner | Owner | Fruit tree | Price of a sapling and cash compensation for the value of a mature tree |

| | | | |
|--------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | | harvest multiplied by number of years it will take for the sapling to reach maturity. |
| Fruit tree renter | Renter | Fruit tree produce | Cash compensation for the value of a mature tree harvest multiplied by the number of years remaining on the rental agreement. |
| Permanent acquisition of legal structure. | Owner of structure | Any structure including house, fence, or sanitation structure etc.. | Replacement structure or Cash compensation at replacement value of a new structure plus full compensation for all fees needed to make replacement new structure legal. |
| Permanent acquisition of illegal structure | Owner of structure | Any structure including house, fence, or sanitation structure etc. | Replacement structure or Cash compensation at replacement cost |
| Vulnerable people | Identified on the basis of social payments (disability payments, pensioners, widows, female-headed households, and impoverished households) and only if project renders them vulnerable | Residential and commercial assets | In addition to compensation for assets lost, all labour costs associated with any re-construction of structures or assets will be paid in full. If any additional impacts are identified, a lump-sum equivalent to one year of total social assistance payments could be paid. |

6. PAP Census

Following consultations and village meetings, the commission comprised of AO Head, CDWUU Chairperson, Aiyl Kenesh with participation of ARIS Safeguard Specialist, has conducted a socio-economic census of affected parties (see the Results in **Annex 3**). On-site census identified 1 affected household:

Willow:

| № | Name of PAP | Number of willow | Owner`s status |
|----------|--------------------|-------------------------|-----------------------|
| 1 | Isaev K. | 4 | landowner |

7. Compensation for trees

Compensation for trees - willow

Compensation for trees - willow (firewood) is calculated for 5 years, because time needed to grow again is 5 year.

Compensation for willow (firewood)

Compensation for willow is calculated by the following formula:

$$I=A*U*H*P *Z*T$$

Where:

I – compensation amount for willow

A – total number of trees

U – length of tree stem

H – width of trees stem

P – height of tree stem

Z – cost per m3 in KGS

T – time needed to grow again

Calculation of compensation for willow (firewood)

| № | Name of PAP | Total number of trees (pcs) (A) | Length (m) (U) | Width (m) (H) | Height (m) (P) | Cost per m3 (Z) | Time needed to grow | Compensation amount (KGS) (I) |
|----------|--------------------|----------------------------------------|-----------------------|----------------------|-----------------------|------------------------|----------------------------|--------------------------------------|
|----------|--------------------|----------------------------------------|-----------------------|----------------------|-----------------------|------------------------|----------------------------|--------------------------------------|

| | | | | | | | | | |
|-------|------------------------------------|---|---|------|------|-----|--------------|------|------|
| | | | | | | | again (T) | | |
| 1 | Isaev K. | 4 | 5 | 0,15 | 0,15 | 800 | 5 | 1800 | |
| Total | Compensation for willow (firewood) | | | | | | | | 1800 |

Calculations of Compensation for PAP is attached as **Annex 4**.

All the losses and impacts caused by project activity will be compensated for the account of the project. Heads of all the households were familiarized with project impact levels, compensation amounts and payment procedures. Each Head received a copy of calculation act for compensation signed by all commission members (see calculations in **Annex 4**). The acts describe in details the calculation and amount of compensation for crop loss.

8. Grievance Redress Procedures

In the course of preparation and implementation of RAP some grievance and grievances may occur towards the process of resettlement, compensation amount, assistance and further activities. Therefore, the following grievance redress mechanism has been prepared:

RAPs will be informed about their rights and procedures during meetings and consultations. They will also receive a copy of RAP providing detailed description of the procedures for handling grievances.

Process of grievance redress:

1. **First step.** Verbal contact with an authorized project representative. The authorized representative under this project will be Sydykov K., the Chairperson of CDWUU. Verbal grievance should be registered in the Grievance Log. Each grievance should be assigned with an individual identification number. Progress of grievance redress should be reflected in the Log; and all the registered activities should be completed. The Grievance Log should also name the individuals responsible for redressing of each individual grievance/grievance. The ones should register the dates of the following events:
 - date the complaint was reported
 - date the Grievance Log was uploaded onto the project database;
 - date information on proposed corrective action sent to complainant (if appropriate);
 - the date the complaint was closed out; and
 - the date response was sent to complainant.

If a grievance is not redressed within 5 days, the grievance should be considered at the further level. Grievance redress or its transfer to the further level should be registered in the Log.

2. **Second step.** If a grieved person doesn't receive a grievance redress within 5 days, the grievance should be filed in writing to the ARIS, addressing Ibraimova Elmira Sultanovna, the Executive Director of the ARIS at the address given below. The grievance letter should be signed and dated by the grieved person.

Address:

ARIS Head Office

102, Bokonbaev st.

720040

Bishkek

Kyrgyz Republic

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.

3. Jumaliev Kanybek, the ARIS Safeguards Specialist (office phone: 0 (312) 30-18-05 add. 175, mobile: 0 (555) 01-04-85, e-mail: kjumaliev@aris.kg) and authorized project representative should provide consultations to the grieved person within 14 days after receipt of the grievance. If the grievance pertains to assets appraisal, a few appraisals can take place until the sides reach consensus. The appraisal can be carried out by other independent appraisers. The authorized project representative and ARIS Specialist will provide assistance to the grieved person thorough all the stages to facilitate grievance redress and ensure effectiveness of grievance consideration.
4. If a grieved person doesn't consider his/her grievance redressed after the response, s/he applies to the relevant commission. Grievance Redress Commission (Commission) was established by Ail Okmotu under the Order # 30 dated September 4, 2012 (See copy of the Order in **Annex 5**) comprising the following representatives:

| № | Name | Position | Telephone |
|----------|------------------------------|----------------------------|------------------|
| 1 | Sagynbaev D.N. | Head of Aiyil Okmotu | |
| 2 | Kachaganov D.J. | Chairperson of Ayil Kenesh | |
| 3 | Sydykov K. | Chairperson of CDWUU | |
| 4 | Omukeev T.A. | Koochu village elder | |
| 5 | Jumaliev Kanybek Biyalievich | ARIS Safeguards Specialist | (0 555) 01 04 85 |

Decisions made by the Commission and agreed with all the sides should be legalized in terms of decision of Aiyil Okmotu.

5. In case of objections occurred against Commission decision on grievance redress, RAP can apply to the Court.

9. Consultations with PAP

October 4, 2012, the first meeting of the v. Koochu was held in Ail Okmotu building. The meeting attendees included head of Ayil Okmotu, deputies of ail kenesh, chairperson of CDWUU, and residents of v. Koochu. At the meeting, the ARIS Safeguards specialist explained RFP goals and procedures, and RAP preparation principles. At the same meeting, APP was assigned – Sydykov K. (CDWUU chairperson), and the beginning of census was announced.

Upon being prepared the RAP will be submitted to WB for NO and review to ensure observance of the WB OP 4.12. RAP after being approved by WB, will be published on WB Info-shop, ARIS web-site, and distributed among Ayil Okmotu and all stakeholders.

On ARIS web-site the RAP will be available in three languages: English, Russian and Kyrgyz.

10. Responsible Agency

Following preparation, RAP will be sent to the World Bank for No Objection RAP should be implemented after WB approval only. The ARIS will be responsible for RAP implementation, affected persons census, RAP preparation in co-operation with local authorities and participation of affected persons. RAP implementation can start after the Bank's no objection only.

Following WB's approval for the RAP, second village meeting was held, where the RAP was shared and submitted to Aiyil Okmotu, PAP (1) and CDWUU (translated to the Kyrgyz Language). Consultations were provided on assessment methods, compensation payments, possible assistance and terms (Minutes of the village meeting, **Annex 7**).

11. Budget

Compensation amount for crop loss calculated in accordance with the RAP will be allocated out of project funds. The total compensation amount is KGS 1800.

12. Monitoring and evaluation

ARIS being an agency responsible for implementation of the RAP, will conduct monitoring of the RAP implementation.

The ARIS Safeguard specialist in charge for RAP monitoring and implementation, will do the following activities:

- I. For each RAP an individual file shall be kept and include following documents:
 1. RAP
 2. Minutes of first meeting
 3. PAP census
 4. Calculations of compensations
 5. Copies of orders on establishing a compensation commission
 6. Copies of orders on establishing a grievance redress commission
 7. Minutes of second meeting
 8. Financial documents confirming payment of compensations
 9. Written PAP confirmation of receipt of compensation
 10. Written PAP confirmation of lack of grievances and complaints

The documents listed will be collected as far as relevant activities are implemented.

II. For each RAP an individual grievance registration log will be kept and include following information:

First grievance consideration:

| № | Full name | Address | Telephone | Grievance content | Date of grievance receipt by APP | Date of grievance receipt by ARIS | Response to grievance | Date of response | Is PAP satisfied (yes/no) |
|----------|------------------|----------------|------------------|--------------------------|-----------------------------------------|------------------------------------------|------------------------------|-------------------------|----------------------------------|
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |

Re-consideration of grievance (if PAP is not satisfied with grievance results)

| № | Duplicative grievance content | Date of grievance receipt by commission | Decision of the commission on grievance | Date of receipt of PAP response | Is PAP satisfied (yes/no) | Date of reference to a court | Court decision | Date of court decision |
|----------|--------------------------------------|------------------------------------------------|------------------------------------------------|----------------------------------------|----------------------------------|-------------------------------------|-----------------------|-------------------------------|
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

The log will be filled as grievances come and actions on grievances response are undertaken.

III. PAP data base will be prepared and include following information:

| № | Full name | Address | Telephone | Losses incurred by PAP | Unit of loss measurement | Quantity of losses | Cost per unit | Compensation amount | Date of receipt of compensation by PAP | Is PAP satisfied (yes/no) | Census data (*in separate table) |
|----------|------------------|----------------|------------------|-------------------------------|---------------------------------|---------------------------|----------------------|----------------------------|-----------------------------------------------|----------------------------------|-----------------------------------------|
| 1 | | | | | | | | | | | |
| 2 | | | | | | | | | | | |
| 3 | | | | | | | | | | | |
| 4 | | | | | | | | | | | |
| 5 | | | | | | | | | | | |
| 6 | | | | | | | | | | | |
| 7 | | | | | | | | | | | |
| 8 | | | | | | | | | | | |
| 9 | | | | | | | | | | | |

Census information:

| № | Full name | Number of people in household | Children under 13 y.o. | People over 60 y.o. | Students | Place of employment or study | Source of income | Funds for transport to place of employment or study | Comments |
|----------|------------------|--------------------------------------|-------------------------------|----------------------------|-----------------|-------------------------------------|-------------------------|------------------------------------------------------------|-----------------|
| 1 | | | | | | | | | |
| 2 | | | | | | | | | |
| 3 | | | | | | | | | |
| 4 | | | | | | | | | |
| 5 | | | | | | | | | |
| 6 | | | | | | | | | |
| 7 | | | | | | | | | |
| 8 | | | | | | | | | |
| 9 | | | | | | | | | |

Information will be collected and entered in database as activities are undertaken.

- IV. Information on RPF implementation under the project will be collected on a quarterly basis. For this, ARIS Safeguard specialist will monitor following indicators to be reflected in quarterly project progress reports. Information shall be collected from monthly reports of technical supervision engineers, and during field visits of the safeguard specialist.

| No. | Indicators |
|------------|-----------------------------------------------------------------------------------------------------|
| 1 | Number of activities requiring preparation of RAP |
| 2 | Number of households and individuals physically or economically resettled by each of the activities |
| 3 | Period from design completion to payment compensation to affected persons |
| 4 | Terms of compensation compared to beginning of physical works |
| 5 | Compensation amount paid to each affected household in money terms or type of compensation in kind |
| 6 | Number of grieved persons |
| 7 | Number of non-redressed grievances |

- II. After 6 months upon subproject completion, PAP re-census will be conducted to determine impact of RAP on PAP.
- III. Upon project completion an independent consultant will be employed who shall check, on a random basis, compliance of completed subprojects with RPF requirements.

KYRGYZ REPUBLIC
ISSYK-KUL OBLAST
TYUP RAION
TALDY-SUU AIYL OKRUG'S AIYL OKMOTU

No.31

SEPTEMBER 4, 2012

Based on the fact that water mains under Second Rural Water Supply and Sanitation works in Koochu Village cross private lands,

Establish a committee to calculate damages and compensations of following members:

1. Kachaganov D.J., Chairman of ayil kenesh;
2. Sagynbaev D.N., Chairman of ayil okrug;
3. Jumaliev K., ARIS Specialist
4. Sydykov K., Chairman of CDWUU
5. Abdyrazakov I., Chairman of elderman court

Head of Taldy-Suu AO

D.N. Sagynbaev

KYRGYZ REPUBLIC
ISSYK-KUL OBLAST
TYUP RAION
TALDY-SUU AIYL OKRUG'S AIYL OKMOTU

No.30

SEPTEMBER 4, 2012

Based on the fact that water mains under Second Rural Water Supply and Sanitation works in Koochu Village cross private lands,

Establish grievance committee to deal with damages composed of following members:

1. Kachaganov D.J., Chairman of ayil kenesh;
2. Sagynbaev D.N., Chairman of ayil okrug;
3. Jumaliev K., ARIS Specialist
4. Omukeev T.A. Head of AO;
5. Sydykov K., Chairman of CDWUU

Head of Taldy-Suu AO

D.N. Sagynbaev

| № | Name of PAP | willow | Amount |
|--------------|--------------------------------|-----------------|--------|
| 1 | Isaev K. | trees (willow) | 1800 |
| TOTAL | Compensation for willow | | 1800 |

| | | |
|--------------|-------------------------------------------|------|
| TOTAL | Compensation for willow and poplar | 3600 |
|--------------|-------------------------------------------|------|

Detailed calculation of compensation for willow (firewood)

$$I=A*U*H*P*Z*T$$

| № | Name of PAP | Total number of trees (pcs) (A) | Length (m) (U) | Width (m) (H) | Height (m) (P) | Cost/m3 (Z) | Time needed to grow again (T) | Compensation amount (KGS) (I) |
|-------|------------------------------------|---------------------------------|----------------|---------------|----------------|-------------|-------------------------------|-------------------------------|
| 1 | Isaev K. | 4 | 5 | 0.15 | 0.15 | 800 | 5 | 1800 |
| TOTAL | Compensation for willow (firewood) | | | | | | | 1800 |

Annex 2. Social and Economic Profile of Affected Households

| Household No | Head of household | Number of household members | Number of children younger than 13 | Number of persons older than 60 | Number of students | Income source | Place of work or study and distance | Transportation cost to get to the place of work/study | Comments |
|--------------|-------------------|-----------------------------|------------------------------------|---------------------------------|--------------------|---------------|-------------------------------------|-------------------------------------------------------|----------|
| 1 | Isaev K. | 10 | 3 | 2 | --- | agriculture | farmer | | |

**Issyk-Kul Oblast,
Tyup Raion,
Taldy-Suu Aiyl Aimak,
Koochu Village**

Minutes of the Village Meeting (RWSSP-2)

Place: School

Number of participants _____40_____, including men_____31_____, women_____9_____
(List of participants attached)

Agenda

1. Information on progress of Rural Water Supply and Sanitation Project –II
2. Information for residents of the village about Resettlement Policy Framework under the RWSSP-2.
3. Presentation of information on findings of social and economic survey of PAPs.

Decisions adopted at the meeting:

1. Take into consideration the information on the progress of the Second Rural Water Supply and Sanitation Project.
2. Take into consideration the information provided by the Safeguards Specialist responsible for observance of Resettlement Policy Framework under the Second Rural Water Supply and Sanitation Project.
Set deadline for submission of claims by the Project Affected Persons (PAPs) on July 1, 2014
3. Take into consideration the findings on social and economic survey and appoint Sydykov K., the Chairman of CDWUU, to be the Project Liaison Officer (PLO).

Chairman of the meeting:

[signature]

Sagybaev D.

Secretary of the meeting:

[signature]

Kurmanakunova A.A.

Date:

October 4, 2012

{Stamp of Koochu Aiyl Okmotu}

List of participants of the village meeting

**Issyk-Kul Oblast,
Tyup Raion,
Taldy-Suu Aiyl Aimak,
Koochu Village
Date: October 4, 2012**

| № | Participant's full name¹ | Title | Signature |
|----------|--------------------------------------------|-------------------|------------------|
| 1. | Sambaev T. | Local resident | |
| 2. | Akirova B. | Local resident | |
| 3. | Sasieva A. | Local resident | |
| 4. | Sydykov K. | Chairman of CDWUU | |
| 5. | Mukamerov N. | Local resident | |
| 6. | Otorbaev E. | Local resident | |
| 7. | Abykeev E. | Local resident | |
| 8. | Ashyrova B. | Local resident | |
| 9. | Mamytov B | Local resident | |
| 10. | Jumanov R. | Local resident | |
| 11. | Namazova K. | Local resident | |
| 12. | Esengulova V. | Local resident | |
| 13. | Dubanaev U. | Local resident | |
| 14. | Akbukaeva G. | Local resident | |
| 15. | Jumanov E | Local resident | |
| 16. | Kerimkulova A. | Local resident | |
| 17. | Jumanov M. | Local resident | |
| 18. | Shymykaev A. | Local resident | |
| 19. | Kurmanalieva I. | Local resident | |
| 20. | Sydykov K. | Local resident | |
| 21. | Kasenova R. | Local resident | |
| 22. | Januzakov R. | Local resident | |
| 23. | Duyshenbekova M. | Local resident | |
| 24. | Ibraeva T. | Local resident | |
| 25. | Jamakeev U. | Local resident | |
| 26. | Takyrbashev T. | Local resident | |
| 27. | Takyrbashov B. | Local resident | |
| 28. | Takyrbashov E. | Local resident | |
| 29. | Taygashkaeva N. | Local resident | |
| 30. | Atakoziev T. | Local resident | |
| 31. | Sadaybekova S. | Local resident | |
| 32. | Shamyrganov S. | Local resident | |

¹ Original is the document in Cyrillic (scanned).