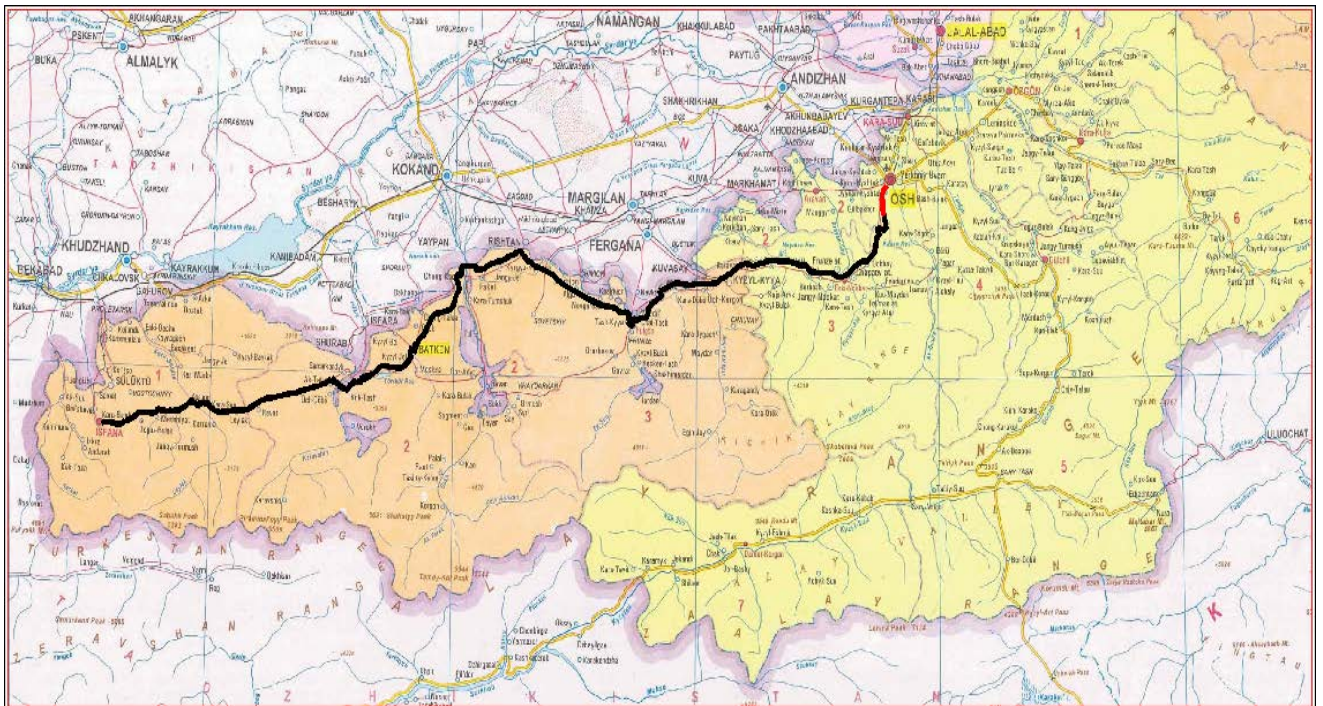




**KYRGYZ REPUBLIC
MINISTRY OF TRANSPORT AND COMMUNICATION**

**REHABILITATION OF 180 KM OF THE
OSH-BATKEN-ISFANA ROAD (PHASE 1)**

SECTION: KM 9+886.70 – KM 27+966



UPDATE OF DRAFT DETAILED DESIGN

**SHORT RESETTLEMENT ACTION PLAN FOR NOOKAT PASS ROAD SECTION:
FINAL DRAFT**

DECEMBER 2011



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SHORT RESETTLEMENT ACTION PLAN FOR NOOKAT PASS ROAD PROJECT

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ABBREVIATIONS

| | | |
|----------------|---|--|
| ADB | - | Asian Development Bank |
| CSP | - | Country Strategy and Program |
| DP | - | Displaced Person |
| EIA | - | Environmental Impact Assessment |
| EMP | - | Environmental Management Plan |
| EIRR | - | Economic Internal Rate of Return |
| FSU | - | Former Soviet Union |
| GDP | - | Gross Domestic Product |
| GRC | - | Grievance Redress Committee |
| Ha | - | Hectare |
| HH | - | Household |
| Hr | - | Hour |
| IBRD | - | International Bank for Reconstruction and Development (World Bank) |
| IMF | - | International Monetary Fund |
| m | - | Metre |
| m ² | - | Square meter |
| MoTC | - | Ministry of Transport and Communications |
| NRRP | - | National Road Rehabilitation Project |
| NGO | - | Non-Governmental Organization |
| PAHH | - | Project Affected Households |
| PAP | - | Project Affected Person |
| PMU | - | Project Management Unit |
| PPTA | - | Project Preparatory Technical Assistance |
| RAP | - | Resettlement Action Plan |
| ROW | - | Right-of-Way |
| SES | - | Socioeconomic Survey |
| TOR | - | Terms of Reference |
| USD | - | United States Dollar |
| WB | - | World Bank |

SUMMARY

In updating the detailed design recommendation of 2009, the Design Consultant (Kocks) considered three alternative alignments. The primary consideration in selecting the final alternative is minimization of impacts in terms of loss of land and other assets by communities and households along the Nookat Pass Project Road Section as well as cost and yet still meeting the required design criteria. Alignment Alternative 1 was recommended on the basis of which a detailed social and resettlement impact assessment was undertaken. Alternative 1 is found to have no permanent impacts on potentially affected population especially on the critical section of the Nookat Pass Peak, where a number of households renting kiosks from two landowners and engaged in business operation close to the edge of the road on both side are most likely to be affected. While no permanent impact (i.e., loss of land, structures and livelihood) temporary impacts due to loss of income from business operation of kiosk operators is anticipated and therefore, the World Bank's Operational Policy 4.12 (Involuntary Resettlement) is triggered and effective.

The result of scoping survey indicates that less than 200 persons or business will be affected hence, the need to prepare a Short Resettlement Action Plan in line with World Bank OP 4.12 to ensure that the Project Affected Persons (PAPs) are adequately compensated or provided assistance. Accordingly a Short RAP is prepared for the Alignment Alternative 1 to identify the specific temporary impacts on the group of households along the concerned section of the Project road and recommend the appropriate mitigating measures. The outcome of the investigation, findings and recommendations is the subject of this Report.

A socioeconomic profile of the Project area as well as the affected persons and households and the category and scope of temporary impacts as well as mitigating measures to be undertaken are detailed in the Report.

Cash compensation to kiosk operators will be provided to cover temporary loss of income during the period of construction.

Aside from the cash compensation to mitigate temporary loss of income, no additional cost is entailed in carrying out the social mitigating measures, as these would be part of the responsibilities to be incorporated in the contracts of the Civil Work Contractor and the Construction Supervision Consultant the implementation of which, would be regularly monitored by the Project Implementation Unit of the Client.

A participation/consultation program, grievance redress mechanism and Project monitoring and evaluation system are also recommended as part of the institutional measures to ensure that in case other issues and problems arise during construction period, there is a procedure and system as well as responsible institution/persons responsible to address concerns.

I INTRODUCTION

A Contract Agreement for Consultancy Services dated November 2011 was executed between the Ministry of Transport and Communications (MoTC) of Kyrgyz Republic as the Client and Kocks Consult GmbH of Germany as Consultant for:

“Additional services for detailed design update of Nookat Pass road section, including determination of alignment alternatives, preparation of cost estimates, bidding documents, Resettlement Action Plan and Environmental Management Plan”.

The main task of the Consultant is to assist the Investment Projects Implementation Group of the Ministry of Transport and Communications of the Kyrgyz Republic in the preparation and updating of detailed design, preparation of tender documents and assistance in procurement.

The Project will provide detailed drawings, specifications, bill of quantities, cost estimate and any other information relevant to the assignment taking into consideration environmental and social matters associated with the rehabilitation of the concerned road section. The Consultant should design the rehabilitation of the roads trying to minimize its costs while respecting both norms and rules in force in Kyrgyzstan.

The acquisition of private land must be avoided as much as possible and if land acquisition is unavoidable, its size and impact on the livelihood of the affected population must be minimized. In line with the intent of the TOR for the Project to mitigate social impact, the Consultant will carry out a social screening to determine the existence of local population who could be negatively affected by the Project and develop a Resettlement Action Plan (RAP) to address the impact, including those that result from land acquisition. Assessment of initial impacts will be considered as input in finalizing the alignment with the aim to minimize or avoid the negative impacts on the local population.

The technical designs will be updated based on existing documents particularly the updated feasibility study for the road from Osh to Isfana in the Kyrgyz Republic (May 2009) carried out by Finnroad and the related draft detailed design (July 2009) also carried out by Finnroad. The engineering design covering the section from km 9+886.70 to km 27+966 of the Osh-Batken-Isfana Road is the subject of the Study.

The project will not involve land acquisition because civil works will be carried out on the existing right of way (ROW). Vendors along the ROW of the road corridor will be displaced or disrupted temporarily. This will result in temporary involuntary displacement and disturbance of access to means of livelihoods, therefore, triggering the World Bank's Operational Policy 4.12 (Involuntary Resettlement). The scoping survey indicates that less than 200 persons and/or business will be affected, hence, the need to prepare this short Resettlement Action Plan in accordance with the WB OP 4.12 to ensure that the Project Affected Persons are adequately compensated or provided assistance.

Result of the social scoping and the proposed mitigating measures (short RAP) on temporary impacts is the focus of this Report.

II BACKGROUND AND OBJECTIVES OF THE ASSESSMENT

1. Project Background

The Osh-Batken-Isfana road with its total length of 360 km runs along the southern border of Fergana Valley, basically across the territory of Batken oblast parallel to the state border of Uzbekistan and Tajikistan. This road is a continuation of Bishkek-Osh road and connects the southwestern region of the republic with Osh city. The given corridor is also a continuation of Osh-Sary-Tash-Irkeshtam road and it provides the shortest exit from the western oblasts of Uzbekistan and northern part of Tajikistan to the border with PRC.

For the purpose of rehabilitation of Osh-Batken-Isfana Road section, World Bank allocated funds under the National Road Rehabilitation (Osh-Batken-Isfana) Project (NRRP) in the Kyrgyz Republic (Credit 4658-KG and Grant H520-KG; and Credit 4826 -KG and Grant H619-KG) in 2009. The first additional financing (AF1) for the project was approved by the Board of Directors in September 2010. The objective of AF1 was to repair and rehabilitation of road infrastructure in and around the Osh and Jalal-Abad cities, creating, thus, temporary jobs. Currently under this project, funds are allocated for the Additional funding 2.

The activities proposed to be financed under this AF2 (Credit 4975-KG and Grant H711-KG) will expand the project activities, provided by the original Credit / Grant through: (i) rehabilitation of an additional section of the Osh-Batken-Isfana Road Corridor which is in dire need of repair; (ii) road asset management improvement; and (iii) project management and implementation support. This would extend capital repair and road rehabilitation activities, financed under the original Credit/Grant, including a section of the road corridor in Nookat region in the Osh Oblast (Nookat Pass) and will provide technical assistance to improve road asset management. The proposed activities will improve road infrastructure, reduce travel time, lower vehicle operating costs, and provide reliable access to social services and economic activities for the population (in particular living along the road corridor in Batken and Osh oblasts), as well as to provide support for the improvement of road network management in the country.

2. Nookat Pass Section

The 18 km long Nookat Pass is part of the 358 km Osh – Batken - Isfana road corridor and starts at about km10 south of Osh (road km10) and continues in the southwest direction to approximately km28 of the road corridor. The road section connects two districts and forms parts of the international corridor to Tajikistan and Uzbekistan.

The road elevations of the design section from km 9+886.70 to km 27+966 vary from 1099 m to 1453 m. The relief can be described in general as low mountainous, characterized by dry ravines and hollows.

Current condition of the road section shows the following: thickness of the asphalt pavement consists of fine-grained and coarse-grained asphalt layers with a total thickness varying from 100 mm to 220 mm. Because of shortage of bitumen in the asphalt concrete surface its porosity is increased. The surface shows severe deficiencies like cracks, patches and potholes.

Located at km23+820 with an elevation of approximately 1,453m the Nookat Pass Peak is the highest point in the 18km design road section. The section from km22+550 to km25+550 has a longitudinal slope of up to about 8% and the

horizontal alignment features a number of radii the smallest being located just in front of the peak point (see **Figure 1** below).



Figure 1: Aerial photograph of Nookat Pass peak with buildings

Except for a section (approximately 150 m) along the peak point of the Nookat Pass, in the rest of the 18 km of Project road, there are likely no persons or households, assets (private or communal), or archeological, historical or ecologically important site affected by the planned rehabilitation/reconstruction. Both sides of the road are generally free of structures and various encumbrances. However, at peak point on both sides in front of the road section, a number of buildings comprising kiosks and some permanent buildings are located at various distances to the road edge. A general view of the existing situation with regard to land use is shown on the photographs in **Appendix 1**.

3. Objectives of the Short RAP

In line with the intent of the TOR for the Project to mitigate social impact, the Consultant carried out a social screening and investigation to determine the existence of local population who could be negatively affected by the Project and, if so, develop a RAP to address the impact, including those that result from land acquisition. Assessment of initial impacts will be considered as input in finalizing the alignment with the aim to minimize or avoid the negative impacts on the local population.

The social screening considers the potential benefit and negative impacts of the proposed rehabilitation and reconstruction of this road section. The following tasks were undertaken:

- Identification of local vulnerable and poverty groups and analyze their capacity to effectively engage and benefit from commercial developments along the project road section
- Consultation with local stakeholders on development of a strategy/plan for roadside businesses and mechanisms
- Conduct of consultations with communities adjacent to the road section, i.e., pedestrians who cross and traverse the road, to identify appropriate locations for pedestrian crossings to ensure safe, continued access for these pedestrians across
- Assessment of impact on affected persons of the road section based on detailed design, and assistance to MoTC to prepare a RAP as the case maybe and disclose it to affected persons prior to impacts, based on World Bank (WB) requirements.
- Preparation of baseline indicators to monitor and evaluate the social impacts of the section implementation and operations

The assessment involved different approaches and strategies, namely:

- Collection and Review of Existing Documents and Data
- Conduct of Social Screening
- Consultation and Information Dissemination, and
- Preparation of a Short Resettlement Action Plan to address the identified impacts.

III ROAD DESIGNED ELEMENTS AND POTENTIAL IMPACTS

1. Nookat Pass Final Engineering Design

A Report on “Study of Alignment Alternatives for Nookat Pass” was submitted last 2 December 2011 where Alternative Alignment 1 was recommended by the Consultant and approved in principle by the Client. Alternative 1 basically follows the existing alignment and the proposed improvement entails substantial reduction in number of vertical curves and requires the construction of new pavement structure instead of overlay. However no land acquisition or loss of existing kiosks will occur. But during construction period, kiosk operators will experience temporary loss of income. Accordingly, a short RAP is prepared to mitigate the temporary impacts.

2. Profiles and Drawings showing the Proposed Alignment

Alignment Alternative 1 mainly keeps the vertical alignment proposed in the existing draft design of 2009. Only the number of vertical curves was substantially reduced to rectify the longitudinal profile based on the proposal to construct a new pavement structure instead of using an overlay. However this alternative is focused to make as much as possible use of the existing roadway to minimize construction cost. Between the sections (approximately (km23 + 650 – km23 + 800) the longitudinal slope is at the limit of 8% according to the SNIP for a category III road in mountainous terrain. The crest curve at the peak remains almost untouched and therefore resettlement can be avoided. A sketch (**Figure 2**) of the proposed profile is shown below:

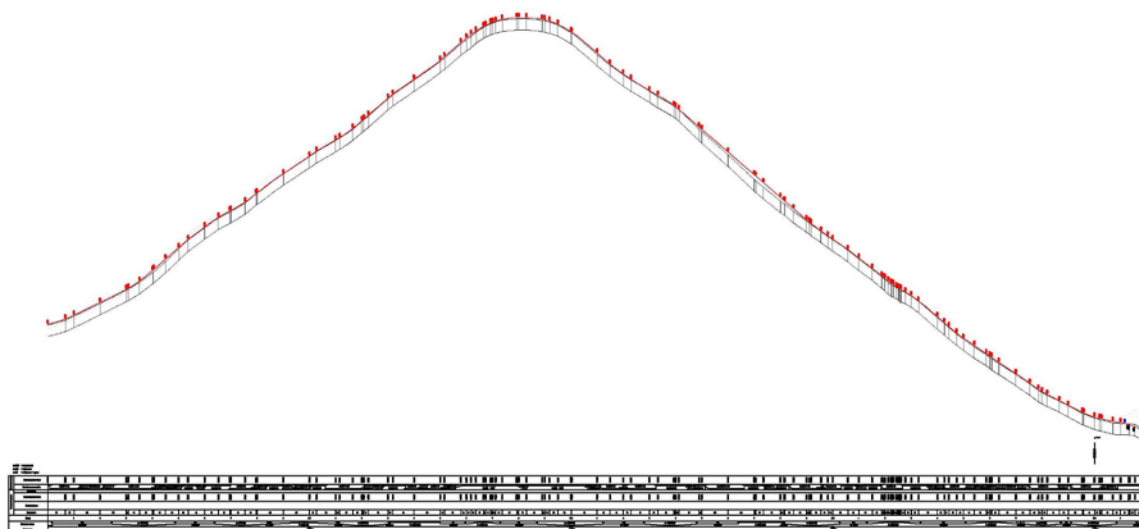


Figure 2: Proposed Profile for Alignment Alternative 1

3. Socioeconomic Condition of Project Areas and Project Impacts

3.1 Nookat Rayon and Osor Village

As part of the social impact assessment, background socioeconomic information on the areas (rayon and village) traversed by the alignment was collected. Findings are as follows:

The road corridor of which the Project section is part of connects two oblasts, which together comprises a population of just over 1.5 million (2007) and accounts for almost a third of the population of the country. Osh Oblast contains seven rayons and Batken Oblast contains three. Osh city, with a total population of 250,307, is the second most populated city in the republic. Around it is centered important concentrations of rural and urban settlements in the fertile Ferghana valley, which also spans the neighboring Uzbekistan. Both oblasts consist of sparsely populated mountainous areas with the populations concentrated in the valleys and foothills. The city of Osh has almost exactly equal numbers of Kyrgyz and Uzbek, and most of the remaining Uzbeks live in the surrounding rayons of Aravan (where Uzbeks outnumber Kyrgyz) and in Kara-Suu.

The concerned Project road alignment is directly within the Nookat Rayon of Osh Oblast. Selected socioeconomic data on Nookat Rayon and Osor village were collected. Nookat Rayon has a land area of approximately 4.4 thousand km² composed of 94,237 ha of cropland; 26 ha of garden land, 307 ha of land cultivated to hay; 28,867 ha of pasture, 23,759 ha of forestland and 5,611 ha of open area. Another 33,509 ha are composed of glacier, rocks/stones, lake/basin, and spaces for roads and through cuts as well as nursery garden. The rayon has 76 villages of which Osor village is the closest significant settlement located immediately after km28 of the concerned alignment.

As of 2011, the total population of the rayon is 238,100 composed of 51% male and 49% female¹. Total number of households is 75,000. In terms of the ethnic composition of the rayon population, 73.75% is composed of Kyrgyz followed by Uzbek (25.75%) and others (0.5%).

On the other hand, Osor village located immediately at the end of the Project road section coming from Osh is the major village closest to the Project road alignment. Osor village is composed of two hamlets (Syyly jer and Kairaku) and has a total area of 570 ha. In 2010, its total population composed of 401 households was 2,465 with 49.41% male and 50.59% female². All are of Kyrgyz ethnic background. Most of the business operators renting the kiosks at the Peak Point section, which are potentially affected if peak slope adjustment is undertaken, are regular residents of Osor village.

Of the total population of Nookat rayon, 48.5% is in the labor force of which 98.6% is employed while only 1.4% is reported to be unemployed.

Sources of income of the households of Nookat rayon and Osor village are shown in **Table 1**. Agriculture is the major source of livelihood and income of both the rayon and the village. Employment on the other hand provides 8.4% and 4% of the population of the rayon and village respectively of their other source of income; business meanwhile also constitutes as source of income for the village (15%) and only 1.1% for the rayon population.

Table 1: Sources of Income of households in Nookat Rayon and Osor Village

| Sources of Income | Nookat Rayon | Osor Village |
|-------------------|--------------|--------------|
| Agriculture | 90.5% | 80% |
| Business/trading | 1.1% | 15% |
| Employment | 8.4% | 4% |
| Remittance | - | - |
| Pension | - | - |
| Others | - | 1% |

Source: Rayon Data - Nookat Rayon Administration Report on Investment Potential of the Region 2011
 Osor Village - Osor Village Profile, ARIS 2010

There are various facilities within the rayon and the village as shown in **Table 2** below:

Table 2: Existing Facilities in Nookat Rayon and Osor Village

| Existing Facilities | Nookat Rayon | Osor Village |
|------------------------------------|--------------------|--------------|
| <i>Schools</i> | | |
| Elementary | 47 | 2 |
| Secondary | 109 | 2 |
| Higher Education | - | - |
| Vocational/Technical | 2 | - |
| <i>Health Facilities/Personnel</i> | | |
| Hospital | 2 | - |
| Village medical centers | 44 | 2 |
| Others (specify) | 23 | 10 |
| Doctors | 162 | - |
| Junior medical personnel | 862 | - |
| <i>Market/bazaars</i> | 2 (+3 cattle yard) | - |
| <i>Factories</i> | 2 | - |
| <i>Mosque</i> | 40-45 | 2 |
| # of vehicles by category | | |

¹ Source: Nookat Rayon Administration Report on Investment Potential of the Region, Nookat 2011.

² Source: Osor Village Profile, ARIS 2010.

| | | |
|--|-----------|-----------|
| Cars | - | - |
| Pick up/mini bus | - | 100 |
| Heavy vehicles | - | 8 |
| How much is average cost to travel from area to Osh? | 70-100som | 55-85 som |

Source: SES Survey, Design Consultant – December 2011.

The educational facility available at the village level is only up to secondary level; at rayon level, aside from educational facilities up to secondary level, there are a few vocational/technical schools. No higher educational institution is available however.

Aside from the lower level educational facility at the village level, 2 medical facilities and 2 mosques are also available. At the rayon level, more facilities are available as shown in Table 2 above.

Data on poverty rates in the Project area (based on a 2007 survey for an ADB financed study³) showed the proportion of the population along the Project road corridor falling on or below the “poverty line”(792 som/person/month including the extremely poor with incomes <697 som/person/month⁴). From the data provided in that socio-economic survey, households can be identified as belonging to one of four income groups as follows:

Poor - this group includes those people who earn incomes that fall below the poverty line. These people in general operate with very small cash incomes over and above subsistence activities. While household members work incomes to the household are irregular and the seasonality of production and/or income would mean that these people would require a greater degree of support (than families in the transitional category) to meet the minimum consumption budget.

Vulnerable - this group includes those who have moved above the official poverty line (and earn between 793 and 1,400 som/person/month) but still remain vulnerable to shocks and are less able to withstand either natural disaster or economic trauma than the non-poor. These people have relatively low disposable income and particularly those between ten and fifteen per cent above the poverty line still have trouble meeting the minimum basic needs of their households.

Non-Poor - this group includes households with people who earn between 1,401 and 2,200 som/person/month. This income category captures those who are non-poor and whose disposable income is relatively at high level, the household income from the public sector or agriculture is often supplemented by small business or trade. Some households in this category have savings and many have household items and appliances that cater beyond basic needs; and

Better off - households in this category include those with members earning more than 2,201 som/person/month and are considered to be more than non-poor i.e. they are comparatively wealthy, have high levels of disposable income, most have savings, and all earn more than the average income in their area. Usually for households in this category agriculture is not the main source of income, and they have members who are engaged in regular salaried work in either government or the private sector.

³ Volume 4 - Social Impact Assessment: National Roads Rehabilitation Project (NRRP), Kyrgyz Republic, (Osh-Isfana) Phase 1 – Updated Feasibility Study Report (May 2009)

⁴ This poverty threshold is based on national standard of Kyrgyz Republic.

The poverty rates in the area including the Project Section as determined in the 2007 survey undertaken by the PPTA Consultant is generally consistent and comparable with the rates reported in the ADB CSP (2001-2006) as shown in **Table 3** below.

Table 3: Poverty Rates – Osh/Batken and Jala Abad Oblasts

| Area | 2007 SES Survey (%)* | | ADB CSP (%) ** |
|--------------|----------------------|------------|----------------|
| | Poor | Vulnerable | |
| Batken - Osh | 59 | 25 | 52 |
| Jalal Abad | 44 | 21 | 55 |

* 2007 SES = PPTA Socio-economic Beneficiary Survey (2007)

** CS&P = ADB's Country Strategy & Program 2004-2006

3.2 Potential Project Impacts

As mentioned, it is along the 150 m stretch between km23 + 500 – km23 + 800 where likely impact will be significant if substantial changes to the alignment is pursued. On both sides of this section of the alignment there are structures (mostly kiosks, which are operated by renters engaged in selling assorted commodities mostly to commuters and transport vehicle drivers along the Project road. In case of reduction of the longitudinal slope to 6%, land acquisition will need to be undertaken and the existing structures constructed therein will be affected. It will also result in the loss of businesses and income of renter households dependent primarily for their source of living on these businesses.

The land on both sides of this road section is owned by two individuals, one of which owns about 2.5 ha while the other owns approximately 0.5 ha. If the alternative pursued requires the reduction of slope gradient to 6% approximately 2,000 m² of land on both sides of the road will have to be acquired. Also around 12 structures (the ones closest to the edge of the roads will be affected. These structures are mostly kiosks rented by 6 individuals (run by mostly female members of households) operating businesses by selling assorted food and household commodities. Two landowners who are also the kiosk owners derive rental income on a monthly basis. Pursuance of Alternative Alignment 1 will not affect any of the land on both sides of the road. But during construction if the kiosks renters stop their business operation, they may also experience temporary loss of rental income.

IV LAND ACQUISITION AND RESETTLEMENT FRAMEWORK

1. World Bank Guidelines and Procedures

The primary objective of the WB policy (OP 4.12 on Involuntary Resettlement) is to study all options to minimize or avoid involuntary resettlement. Where resettlement is inevitable, there must be a plan for compensation and support to restore living conditions of displaced peoples (DPs) to the same or better level as before the Project implementation. This policy is applied when land acquisition causes loss of residence and all or part of productive assets; or the loss of access to production and income-generating sources.

Necessary measures to achieve the best resettlement results include:

- Consultation with DPs on feasible measures for compensation and preparation of RAP

- Proposal of options for DPs for resettlement and the restoration of their livelihood
- Participation of DPs in planning and selecting the options
- Full compensation of replacement costs for damages caused by the Project
- Resettlement locations should have the same necessary infrastructure and services as DPs' former residences
- Providing allowances, support, vocational training and income support to facilitate the relocation and restoration of their livelihood.
- Identification of and special assistance for vulnerable groups (i.e., women-headed households, households of ethnic minority, poor (below national poverty thresholds) households, etc.)
- Setting up institutional and organizational structures to help the process of compensation and resettlement including a grievance and redress mechanism.

2. Kyrgyz Republic Land Acquisition and Compensation Guidelines

2.1 Land Ownership

Following the Republic's independence from the USSR, land reform has changed the status of land tenure in rural areas. State owned collective farms reverted to a system of "village governments", called ayl okmotus, and it is at this level that reforms have taken place. Three quarters of the land from collective farms was divided among households with initial 49-year use rights, later extended to 99 years. In 1998, following a public referendum, the law was altered so that land became privately owned with a five-year moratorium on sale. The remaining 25% of the land from collective farms was leased out by the ayl okmotus to individuals or farm entities. This provides the source for land funds from which compensation for land acquisition is carried out. Pastoral land remains the property of the state, and is leased out to shepherds.

Until land privatization measures were taken (see above), compulsory acquisition practices rarely affected households as, when land was required for state purposes, it could be found in the inventory of publicly owned land. However, as the proportion of privately owned and separately delineated land increases, land acquisition and resettlement issues became more crucial.

2.2 Government Resettlement and Compensation Policies

In 1997 the government of the Kyrgyz Republic published a Regulation on Procedures for Indemnification of Losses Inflicted to Land Owners and Land Users by Withdrawal or Temporary Occupation of Land Parcels, and of Losses Incurred by Agricultural and Forestry Industry due to Withdrawal of Lands for Non-Agricultural Purposes.

This Regulation states that losses inflicted on landowners and land users, including lessees, must be indemnified in full (including the lost profit) by those institutions from whom the withdrawn land is allocated, where:

- (i) the land was withdrawn or temporarily occupied;
- (ii) their rights were restricted in connection with the establishment of roads and other objects;

(iii) Disputes over indemnification shall be resolved by courts or state arbitration bodies. Items that can be indemnified are listed in the Regulation. These include:

- value of living houses;
- value of unfinished buildings and constructions;
- value of fruit, berry and forest crops, protective planting and other grown (planted) perennial plants;
- value of unfinished production (land preparation, fertilization, planting, care of crops, and other costs), based on the actual cost of these works;
- value of the harvest of agricultural crops (lost profit), if withdrawal of lands takes place prior to harvest;
- value of reconstruction or new construction and damaged irrigation and other losses pertaining to withdrawal of land parcels or temporary occupation thereof.

Costs of indemnification shall be provided for in the estimate of the project for which the loss occurs. These will include value of unfinished production and lost profit. Local Councils of People's Deputies form evaluation commissions to determine losses.

Indemnification should take place no later than three months from withdrawal of the asset or one month from construction of the project.

The Land Code of the Kyrgyz Republic (1999) says little on the subject of compensation measures in the event of compulsory acquisition. It simply states that if a land plot is withdrawn for state or public needs, another land plot may be allocated to the land owner/user, subject to his consent, and the value of the right to it shall be credited to the redemption price.

Two new Acts, which are designed to strengthen the 1999 Land Code, describe procedures of land acquisition (these were not available at the time of research).

The government published a decree for approving the cost defining procedure for agricultural land, a task assigned to the State Agency for Registration of Rights for Property, in cases of auction sales, or compensation of losses and damages while acquiring land for state and public needs. The same agency has set normative land prices using decreasing adjustment coefficients depending on the qualitative condition of a land patch, water provision, remoteness from the centre of maintenance and terrain slopes.

2.3 Resettlement and Compensation Measures in Practice

(i) Measures for Project Compensation

During interviews with government officials in Bishkek and with officials at the Rayon and Oblast level in the project area, the survey team learnt the following:

- where possible, the government will ensure projects are designed to avoid resettlement, relocation and loss of other assets;

- where possible, the Design Institute intends to avoid any destruction of houses on the existing roads;
- decisions on compensation issues are dealt with at the Rayon and ayl okmotu level. Where alignment is already known, resettlement and compensation decisions have already been taken;
- the “project” is expected to include a budget for compensation issues;
- a land fund exists (taken from the 25% of land withheld after distribution of collective farms), from which compensatory land will be given.

People’s Deputies form the evaluation commission to determine losses. Indemnification should take place no later than three months from withdrawal of the asset or one month from construction of the project.

The Land Code of the Kyrgyz Republic (1999) says little on the subject of compensation measures in the event of compulsory acquisition. It simply states that if a land plot is withdrawn for state or public needs, another land plot may be allocated to the land owner/user, subject to his consent, and the value of the right to it shall be credited to the redemption price.

The government published a decree for approving the cost defining procedure for agricultural land, a task assigned to the State Agency for Registration of Rights for Property, in cases of auction sales, or compensation of losses and damages while acquiring land for state and public needs. The same agency has set normative land prices using decreasing adjustment coefficients depending on the qualitative condition of a land patch, water provision, remoteness from the centre of maintenance and terrain slopes.

V ASSESSMENT OF IMPACTS

Alignment Alternative 1 basically follows the existing alignment and the proposed improvement entails substantial reduction in the number of vertical curves and the construction of new pavement structure instead of using overlay. The longitudinal slope is at the limit of 8% according to the SNIP for a category III road in mountainous terrain. The crest curve at the peak where the only settlement in this road section is located (km23 + 650 – km23 + 800) and where the limit of the 8% slope (which still complies with SNIP standard for mountainous terrain) will remain almost untouched and therefore relocation can be avoided.

With the pursuance of Alignment Alternative 1, the scope of impact is as follows: a total of ten households made up of kiosk renters will only be temporarily affected. The design for this alignment will not require the removal of the existing structures along the road. No additional land acquisition for the road right of way is required. Temporary impact will occur during construction period.

Temporary impact is in the form of disruption of business operation and/or reduction in the revenue due to obstructed access. Additionally, the business operators/residents in these structures may be disturbed during construction by the noise and dust generated and possible peace and order/security problems from construction workers. The 10 household renters are going to be affected.

Proposed mitigation measures will include cash compensation for renters for the period of business disruption. Additional mitigation measures for temporary impacts

maybe minimal, which will involve ensuring access to the kiosks by commuters/customers, provision of measures to address concerns of dust and noise as well as ensure smooth and safe traffic flow during construction. Potential peace and order problems will be avoided as part of the safety measures of the Project. The civil work contract will stipulate conditions that will address these concerns and the Contractors will be responsible for ensuring the implementation of measures to be monitored by the implementing agency during the construction period.

1. Category and Types of Impacts

The recommended designed alignment will not have significant impact on the section where the settlement and structures are located.

1.1 Permanent –

No permanent impact is anticipated as a result of pursuing this alignment.

1.2 Temporary –

If Alignment Alternative 1 is pursued, the scope of impact is as follows: a total of 10 households composed of kiosk renters will experience temporary loss of income during the road construction period. No removal of the existing structures alongside the road is required. No additional land acquisition for the road right of way is required as well.

On average, a kiosk operator earns approximately 400 som per day of net profit. However, some operators take a break during the winter season and set up shop again at the start of spring season⁵. Those identified as affected during the period of construction will be the actual recipients of cash compensation.

It is anticipated that actual construction work for the concerned section (approximately 200m) of the road will last about a month. However, given the construction approach and method it may actually take about three months. Accordingly, the anticipated duration of disruption of business is three months. Mitigating measure will involve cash compensation for temporary income loss. This will be based on a three-month duration of business operation stoppage.

Mitigation measures for other temporary impacts will involve ensuring access to the kiosks, provision of measures to address concerns of dust and noise as well as ensure smooth and safe traffic flow during construction. Safety measures will involve not only ensuring safety concerns of the construction workers but also households/residents in the area. The civil work contract will stipulate conditions that will address these concerns and the Contractors will be responsible for ensuring the implementation of measures to be monitored by the implementing agency during the construction period.

2. Potentially Affected Persons/Households

2.1 Land Renters

⁵ During the conduct of census and inventory of losses, only six kiosk renters were identified. However, from the record of the PIU-MOT, it has been noted that around 10 kiosk renter operate a vending business along the Nookat Pass Peak point.

There are two land renters along both sides of the road in the Nookat Pass peak point.

Based on Resolution # 450 dated 14.04.1998 of Nookat Rayon State Administration, one landowner, a resident of T. Zulpued village, was issued permission for temporary use of approximately 2.5 ha of land on both sides of the Nookat Pass Peak. On 12.08.1998, Nookat's Rayon court based on State Act Series of No. 358 transferred into private ownership the said land to this land use applicant. But the said court decision was not registered in the State Registration Department. Accordingly, only rental agreement was executed between the Rayon and concerned individual. Annual fee on per hectare basis is levied for the use of the land.

The other landowner, also a resident of T. Zulpuev village was granted permission to use 0.50 ha of land along the right side of Nookat Pass Peak coming from Osh for the purpose of landscaping. Similar to the situation of the aforementioned person, the said decision was not registered with State Registration Department and the current arrangement with the Rayon is on a rental basis.

Alignment Alternative 1 will not entail land acquisition and no land parcels will be taken from these two landowners. However, on these parcels of lands, various structures (kiosks) have been constructed by these landowners and leased out to various renters on a monthly fee basis. The latter utilized them for commercial activities such as selling various commodities to truckers and commuters.

There will be no temporary loss of income by the land renters as the monthly rental for the use of the kiosks will continue to be paid by the kiosks renters as these are also used as place of temporary residence by those directly managing the business operation.

2.2 Kiosks Renters

The renters of kiosks engaged in selling assorted commodities to road commuters and truckers. During the construction period, their business operation will be disrupted and they will experience temporary loss of income. They are the APs of this short RAP.

3. Socio-Economic Profile of Affected Households (Renters)

From Dec 3-7, 2011, the Social Safeguard Consultant/Resettlement Team conducted a survey (see **Appendix 2** for the SES questionnaire) of six⁶ potentially affected households (renters) engaged in merchandizing/vending business along the Nookat Pass Peak. The survey result shows the following:

(i) Household Size

Household Size: Average household size in the project area is 4.5. Families in the project area are mostly nuclear families with two generations (parents and children) living in a household. The traditional family with three generations (grandparents, parents and children) is not very common in the Project affected wards.

⁶ At the time of the scoping survey, there were only six kiosk operators engaged in vending activity in the area. However, based on the initial interview and scoping undertaken by PMU-MOT staff, there are 10 renters but some take a break during the winter season. Accordingly, the PMU had made arrangement that during the period of construction the actual number operating in the area will receive compensation for income lost during the period of disruption.

Number of Household Heads by Gender: Of the 6 households, 4 are male headed. Female to male ratio in the household is 52:48.

(ii) Household Income and Expenditure

Occupation and Employment: The occupation and source of income of all of the surveyed households is from business and trading operation. They operate the business through selling various merchandise (food stuff, drinks, household items) to customers (mostly truck driver and commuters). Business is normally run on a 24/7 basis and for most operators, all year round.

Table 4: Manner by which business is operated by the PAHH

| Type of Operation | Household by type of Business Operation | | | | | | | | | | | |
|-------------------|---|---|-----|---|-----|---|-----|---|-----|---|-----|---|
| | HH1 | | HH2 | | HH3 | | HH4 | | HH5 | | HH6 | |
| HH members run | YES | | NO | | YES | | YES | | YES | | YES | |
| Hired Staff | NO | | YES | | NO | | NO | | NO | | NO | |
| Registered | NO | | NO | | NO | | NO | | NO | | YES | |
| Number of Staff | M | F | M | F | M | F | M | F | M | F | M | F |
| | 1 | 1 | 1 | 1 | 4 | 1 | - | 3 | 1 | 1 | 2 | 3 |

As shown in **Table 4** above, household members themselves generally manage the business operation except in one household where hired staff is responsible also responsible for running the day-to-day operation. All household members (except for small children) help in the operation. Except for one, the business is generally not registered. For most households, this is the major and only source of income of the household.

Income: According to the survey result, the average monthly revenue of the households from their business operation ranges from 30,000-100,000 som per month. Profit on the other hand ranges from 5,000-23,000 som per month. After deducting all expenditures from income most of the households are still not able to or only have minimal monthly savings (see **Table 5**).

Table 5: Monthly Revenue and Profit of Business Operation of PAHH

| Category of Earning | Average Amount per month (som/month) | | | | | |
|---------------------|--------------------------------------|--------|--------|--------|--------|---------|
| | HH1 | HH2 | HH3 | HH4 | HH5 | HH6 |
| Revenue | 45,000 | 62,000 | 30,000 | 90,000 | 61,500 | 103,700 |
| Profit | 8,000 | 12,000 | 5,000 | 8,000 | 7,300 | 23,000 |

Some households supplement their income by raising livestock but for most the number of animals raised is negligible (one household has a cow, another has 2 sheep while another has 5 goats; other 2 households have no livestock at all). Only one household (HH6) raised 15 sheep and more than 50 chicken.

Ownership of Consumer Goods: The survey showed that, in general, ownership of consumer goods among the six households is significant. All six households own a television set and a refrigerator while two have a car. All households are connected to electricity and have access to safe water and have their own toilet facility. Electric power is generally used for cooking by all; in addition most also use wood while one uses gas.

All households are more than five kilometers away from various services such as hospitals and pharmacy, market, higher educational and other communal facilities. Thus the Project road is significant in terms of usage to access these services.

(iii) House and Land Ownership Status

As already indicated, all of the renters do not own the land and structure where they do their business although some of them have certificate of permanent residency in the area.

(iv) Household Poverty Level

Based on the data provided in a study (*Volume 4 - Social Impact Assessment: National Roads Rehabilitation Project (NRRP), Kyrgyz Republic, (Osh-Isfana) Phase 1 – Updated Feasibility Study Report (May 2009)*) the proportion of households in the Project area (Batken and Osh areas) who are considered poor (those who fall on or below the “poverty line”(792 som/person/month including the extremely poor with incomes <697 som/person/month) is 59%.

Table 6 shows the household net income and the average income per person per month. Based on these data and when compared to the poverty threshold, none of the six households are considered poor or extremely poor based on Kyrgyz national standard. Two households though can be considered vulnerable (those with average income per capita of between 793 and 1,400 som/person/month).

Table 6: Net Income and Average Per Capita Income per month – Project Affected Households

| Category | Values | | | | | |
|---------------------------|--------|--------|-------|-------|-------|--------|
| | HH1 | HH2 | HH3 | HH4 | HH5 | HH5 |
| Net Income/mo | 8,000 | 12,000 | 5,000 | 8,000 | 7,300 | 23,000 |
| # HH members | 4 | 2 | 5 | 6 | 4 | 6 |
| Ave. Income per capita/mo | 2,000 | 6,000 | 1,000 | 1,333 | 1,825 | 3,833 |

4. Potentially Affected Assets

Following Alternative Alignment 1, impact on assets will be as follows:

4.1 Land: The land on both sides of the Peak Point section (approx.150 m) is owned by two individuals who are residents of village T. Zulpuev. The land (approx. 0.50 ha) on the left side of the road coming from Osh is Mr. Irai’s, while on the other side (approx. 2.5 ha) is owned by Mr. Nurbek. However with the pursuance of Alternative Alignment 1, there will be **no need to acquire any portion of these lands.**

4.2 Structures – There are 12 structures (kiosks) located close to the edge of the road. Some are movable while some are fixed. They vary in terms of dimensions and materials used. These **structures are not likely to be affected** with the pursuance of Alternative Alignment 1 is.

4.3 Trees – There are several fruit- and non-fruit bearing trees grown along the left side of the concerned section coming from Osh. Cutting down these trees will be avoided although they are close to the edge of the proposed road embankment. An inventory of these trees (category/type, number and sizes as well as ownership) has been undertaken as shown in **Table 7** below. These trees are located on the edge of the road adjacent to the parcel of land (land user of 0.5ha) and were planted by the former. In case, they are affected the compensation and/or replacement measure are included in the Environmental Monitoring Plan (EMP) as part of the Contractor responsibility.

Table 7: Type, Category and Number of Trees that maybe affected

| Type of Trees | Quantity | Remarks |
|---------------|----------|---------------------------------------|
| Timber | 6 | Less than 5 yrs old; relatively young |
| Nut | 2 | Newly planted; about 1.5-2.0 m high |
| Apricot | 2 | Newly planted; about 1.5-2.0 m high |
| Total | 10 | |

Source: SES Survey, Design Consultant December 2011.

5. Affected Business/ Income-generating Activities

On both sides of the road along the Nookat Peak Point, there are 12 kiosks which are rented out used either as store for vending assorted household and food items and/or place of temporary residence by renters/operators of the business.

The renters operate their trading/vending business by selling assorted commodities (food stuff, drinks, and household items) earning revenue between 2,000-4,000 som a day per 24/7 operation and generating a profit of about 300-400 som per day. This amount is barely able to support a household of 5-7 members. Most of the affected households depend solely on the business for their source of income and the loss of such business will have a tremendous impact on their subsistence.

Temporary loss and/or reduction in the income maybe experienced by the kiosk renters engaged in vending business along the road. A survey of their business and income was undertaken as possible basis for the mitigating measures to be instituted.

VI MITIGATING MEASURES

1. Minimization of Impacts

The first principle of the Project Resettlement Policy Framework, as agreed with the WB, is to avoid or minimize the impacts of resettlement and land acquisition. If this is not feasible, it is necessary to apply mitigation measures including compensation at replacement cost and other assistance to households affected by the Project.

In accordance with the agreed principles of the Project's implementation and policy framework, land acquisition and resettlement should be minimized. The design consultant (KOCKS Consult), the PMU and other concerned departments and agencies have made efforts to reduce and/or limit the impacts of land acquisition in the design stage and in the finalization of the Project investment reports.

1.1 Measures To Minimize Impacts

Along with positive impacts on socio-economic development and social lives, the Project may also cause negative impacts to households affected by land acquisition and site clearance, and in the area through which the Project passes. Identifying the negative impacts of land acquisition and site clearance, and proposing mitigation measures, is essential to eliminate or reduce negative impacts and the following measures are applied:

- In the finalization stage of the route and detailed design, appropriate technical designs and construction plans have been made to avoid the settlements along the Nookat peak point. If negative impacts on properties are unavoidable, adequate compensation plans will be made to at least cover or restore any damages.

- In the early stages of the Project's design, activities for disseminating information about the Project, site clearance and mitigating measures have been widely propagated to gain people's participation and support. Generally speaking, people support the Project because of the opportunity for development in rural residential areas.

The updated detailed design undertook the determination of three alignment alternatives for the Nookat Pass and gives a recommendation for the most appropriate alignment taking into account technical and economic aspects as well as environmental and social impact of each alternative.

Comparison of the scope of potential social impacts of the three alternatives was undertaken. Assessment and site reconnaissance were carried out through walk-through, key informant survey, and various investigations, which involved among others the following:

- Determination of magnitude of land-take as per requirement of the various alternative alignments,
- Census of the number of affected households/persons,
- Count of structures that will be affected,
- Determination of impact on the business and other income generating activities,
- Census of crops and trees that will be lost,
- Determination of impact on access of the community to various amenities.

The Social Specialist of the Design Consultant undertook an assessment during the first week of December 2011. Based on the findings of the social and technical assessment, Alignment Alternative 1 was the option with the least impact and least cost. Accordingly this was the alternative recommended and pursued. The detailed report of the alternative alignment investigation is discussed in the Consultant's Report "*Study of Alignment Alternatives for Nookat Pass. Update of Detailed Design, Rehabilitation of 180 km of the Ish-Batken-Isfana Road (Phase 1) Section: Km 9+886.70 – Km 27+966*".

2. Measures to Address Temporary Loss of Income

Temporary impact will be in the form of disruption of business operation and/or reduction in the revenue due to obstructed access with the prospective customer no longer willing to stop by the kiosks due to inconvenience as well as perception that now the food commodities and other items sold are unhygienic due to dust.

Temporary loss of income due to disruption in business operation will be mitigated through cash compensation for the duration of the business disruption. A formula to estimate loss will be agreed with the affected renters and kiosk owners and PIU-MOT based on the following principles:

- (i) Average daily net income per business operator x number of affected operators x total number of days of disruption = Total amount allocated for loss of income by kiosk renter.

The said formula is going to be used to estimate the budgetary requirement for the cash compensation payment.

Mitigation measures for temporary impacts maybe minimal, which will involve ensuring access to the kiosks by commuters/customers, provision of measures to address concerns of dust and noise as well as ensure smooth and safe traffic flow during construction. Potential peace and order problems must be avoided as part of the safety measures of the Project. The civil work contract will stipulate conditions that will address these concerns and the Contractors will be responsible for ensuring the implementation of measures to be monitored by the implementing agency during the construction period.

3. Measure to Address Loss of Trees

The preparation of the EMP also involves collection of data on land use particularly along the roadsides and will provide an inventory of the number, type and classification of trees affected as well as ownership. The 10 units of trees located along the Nookat Pass Peak Point will not be affected. But incase during construction these are affected, the Civil Work Contractor will be responsible for instituting the measures to be stipulated in the EMP.

3.1 Measure to Address related environmental concerns

The EMP will include the following measures:

A traffic plan during the period of construction will be required of the Contractor to ensure accessibility and minimize disruption and inconvenience to commuters and residents along the road section. A general traffic management system will be coordinated with the local authorities especially in term of provision of notices and signage to inform the public of schedule of construction activities.

For noise and dust, the Contractor will be required to prepare detailed plan indicating measures to address potential problems. Potential peace and order problems will be considered in the safety management plan required of the Contractor, which will be part of the EMP measures to be regularly monitored.

VII INSTITUTIONAL ARRANGEMENT AND RESPONSIBILITIES

1. Institutional Arrangement

The agency primarily responsible for carrying out the resettlement and compensation measures as described in this document is the Project Management Unit under the guidance and supervision of the Ministry of Transport and Communication. To assist the PMU staff will be the local authorities of the District of Osh and Nookat Rayon, the Construction Supervision Consultant and the Contractor.

2. Responsibilities

Since the number of PAPs is very small and scope of impact is temporary, it is anticipated that the implementation of the short RAP is going to be quite simple.

MOTC – It is the agency responsible for overall coordination and supervision of the various activities of the project including the successful implementation of this short RAP. It will ensure the allocation of adequate funding support to enable the satisfactory compensation of all PAPs.

PMU – It is the organization directly responsible for the day-to-day supervision and monitoring of the Project and will mainly be responsible for carrying out the activities related to compensation of PAPs including the evaluation of the impact of the mitigating measure to protect the quality of life and living standard of the PAPs.

Local Government Unit – Concerned officials of Osh District and Nookat Rayon provide support to the PMU in community liaison and conduct of consultation and information dissemination.

Grievance Redress Committee – This is composed of members from the PMU, NGO and affected community. The committee is responsible for addressing complaints and grievance arising from the implementation of RAP and related Project activities. It will ensure the satisfactory resolution of complaints and problems emanating from project and RAP implementation.

Contractor – During construction and RAP implementation, the Contractor will be responsible for addressing and resolving social and environmental concerns and issues as indicated in the EMP. A regular report will be submitted to the PMU on what and how these concerns were resolved.

Construction Supervision Consultant – provides technical assistance to the PMU in the effective implementation of the RAP measures. Regular progress report will be prepared and submitted to all concerns accordingly.

Institutional capacity and commitment to RAP: The PMU over the past years have built up its capacity to implement social assessment and mitigating measures and has a social unit with two able staff directly responsible for compensation and resettlement planning and implementation. The unit is supported by a community liaison and information staff as well as technical personnel in its field operation.

The PMU has taken the lead in ensuring the preparation of this short RAP and will be mainly responsible for ensuring the compensation of all PAPs including those that will be identified during the start of the construction period. It already has made provision for the budgetary requirement of this RAP.

VIII CONSULTATION, INFORMATION DISSEMINATION AND PARTICIPATION

A community consultation process will be part of the resettlement and compensation planning, allowing for a fairer negotiation for compensation or acceptable alternatives. Facilitating and supporting community responses can help communities understand project design needs and priorities and to participate in discussion of alternative alignments more easily. It is a process that allows for a two-way flow of information. Affected households are informed of the background situation relating to their potential loss, the project objectives, and their compensation and resettlement options. In turn, affected households will state their perceived preferences and grievances relating to compensation and resettlement, and how these preferences address their needs and demands. Poorer or more vulnerable households, who may chose to remain silent before official channels for fear of increasing their loss, will be encouraged to speak more readily within informal participatory dialogue sessions. Project designers must incorporate all information received from these dialogue sessions into project plans so that the final output addresses the needs and demands of the affected households in the most appropriate manner.

The structure of the ayl okmotu and the Councils of Peoples Deputies can be used as entry-points through which to reach community groups of affected households' representatives. A plan of action detailing the procedures that will be employed to facilitate community dialogues will have to be developed, and this will be approved by the project consultants, the Ministry of Transport and Communications, and rayon and ayl okmotu official representatives before implementation.

For the project, consultation/participation activities had been undertaken to in assessing potential impacts. This activity will be continued during the construction stage with the Contractor and Consultant working in tandem to ensure that community issues and concerns are addressed and mitigating measures are responsive to the need of the community.

IX GRIEVANCE REDRESS MECHANISM

A formal mechanism to resolve issues, which cannot be resolved through the informal system, will be established to include system and procedure on how and who will officially address them. This will also specify the procedure to be followed to communicate and relay the concern to appropriate authority and indicate the mechanism by which decision is reached and communicated to the respondent.

Accordingly, the formal Grievance Redress Mechanism that the project will follow is proposed herein:

Problems of community members and other stakeholders related to social, environmental, health and safety emanating from the civil work activities that cannot be resolved informally will be referred to the Grievance and Redress Committee for resolution. This committee is established to respond and provide solutions to these concerns in a timely and unbiased way.

The Committee is composed of three members: PIU-MOTC Representative as chairperson and Community Representative and local NGO Representative as members.

The complainants will normally voice their concerns to the project site office or the contractor. In order to facilitate the handling of individual grievances, the local people and authorities will be notified that all grievances not resolved informally should be channeled to the Grievance Redress Committee (GRC). The representative of the community to this Committee shall be responsible in assisting the complainant in documenting his/her grievance to be properly communicated to the Committee. The Committee members will decide on the complaint en banc a week at most after the complaint had been formally submitted to the committee for resolution. If the problem is not resolved at the Committee level, the complainant has the option to bring the complaint to the civil court for resolution. The Committee will help the complainant in forwarding the case to the appropriate authorities for resolution. All cases should be properly documented including the action and decision made therein, a summary of which will be made available to the WB on request.

X MONITORING AND EVALUATION

A monitoring and evaluation system will be established to ensure that the Project is generally in compliance with the provision of the social safeguard measures. The project needs to monitor and evaluate the resettlement and compensation process in order to ensure that the measures taken have impacted positively on the affected households, or at least that they are no worse off than they would be without the project.

A monitoring and evaluation program will be ongoing during and after implementation of resettlement and compensation measures. It will assess the extent to which compensation and resettlement measures were followed, the extent to which compensation was assessed and disbursed according to the entitlement agreed upon, and the extent to which affected households have been able to restore their income.

During construction the Supervision Consultant would be responsible for monitoring and evaluating the compensation and resettlement aspects of the project. Before start of civil work activities, baseline information on the PAPs will be collected in addition to the set of impacts that need to be mitigated and measures required therein. A follow up monitoring will be undertaken a few months before the final stage of construction to further monitor measures to mitigate impacts and assess the potential benefit derived from Project implementation.

Monitoring and Evaluating Indicators

A series of indicators maybe used, against which to assess the impact of the compensation and resettlement measures on the affected households. Some key indicators to be used may include the ones indicated on **Table 10** below:

Table 8: Sample Monitoring Indicators on Set of Impacts on PAHs

| Impact | Indicators |
|--|---|
| Assets or losses of affected households accurately assessed. | Inventory of assets lost per Affected Household. |
| Public consultation with affected households ensures their participation in resettlement and compensation decisions. | Public consultations held with affected households. Affected households accurately informed of the scope of their loss and their options for compensation and resettlement. Public consultations include representation from all categories of affected persons, whose perceptions on resettlement and compensation measures are heard. |
| Decisions on compensation and resettlement measures appropriate for scale of loss of assets | Evaluation commissions make decisions on resettlement and compensation according to the Regulation on Procedure of Indemnification of losses Inflicted to Land Owners and Land Users (see Appendix 1). Compensation and Resettlement decisions match the losses of assets assessed in socio-economic survey of affected households. |
| Income generation and restoration activities appropriately compensate loss of income from project | Income status of affected households improved |

XI BUDGET

Cash compensation estimated based on the formula discussed earlier is as follows:

A total of KG360,000 som (USD7,725.32) is required to cover the income loss of approximately 10 households for a period of three months during construction. The PMU-MOTC will provide the funding for this RAP.

Table 9: Budget Estimate for the Cash Compensation

| Income Lost | No of Days | No of APs | Total Amount* | |
|--------------------|------------|------------|----------------|-----------------|
| | | | KG som | USD |
| 1. Renter | | | | |
| 400 som/day | 90 days | 10 renters | 360,000 | 7,725.32 |
| Grand total | | | 360,000 | 7,725.32 |

* USD1=46.6som

As mitigating measures proposed for the temporary impacts are to be incorporated in the EMP where cost for implementation will be part of the Civil Work Contractor's responsibility, the fund allocation for temporary impacts would be part of this. Consultation and monitoring/evaluation cost will be incorporated in the budget of the Civil Work Contractor as well as the Construction Supervision Consultant.

XII CONCLUSION AND RECOMMENDATION

It is anticipated that the pursuance of Alternative Alignment 1 will have no impact in terms land acquisition and structure loss. Temporary loss in income of kiosk renters will occur and mitigation measures will involve some cash compensation for the duration of income loss. Other temporary impacts related to environmental and safety concerns may also be experienced. However the mitigating measures for these impacts will be incorporated in the EMP .

In case of complaints and grievance by affected party, a grievance redress mechanism will be establish to respond to problems and issues. A monitoring and evaluation system will likewise be set up to ensure that measures are properly implemented and that PAPs are satisfied with the Project responses.

REFERENCES

1. Engineering Report. Consulting Services for National Road Rehabilitation (Osh-Batken-Isfana) Development of Detailed Designs and related documentation for 180 km of the Osh-Batken-Isfana Road, Section km 9+886.70 – km 27+966. Ministry of Transport and Communications, Kyrgyz Republic, December 2011.
2. Study of Alignment Alternatives for Nookat Pass. Update of Detailed Design, Rehabilitation of 180 km of the Ish-Batken-Isfana Road (Phase 1) Section: Km 9+886.70 – Km 27+966. Ministry of Transport and Communications, Kyrgyz Republic. November 2011.
3. Social Impact Assessment. Vol. 4, National Roads Rehabilitation Project (NRRP), (Osh-Isfana) Phase 1 – Consultancy Services for Updating of Feasibility Studies, Detailed Technical Designs, Bidding Documents and Procurement Assistance for the road from Osh to Isfana in the Kyrgyz Republic. Ministry of Transport and Communications, Kyrgyz Republic, May 2009.

APPENDIX 1: PHOTOGRAPHS OF CONDITION OF NOOKAT PASS PEAK





APPENDIX 2: SES QUESTIONNAIRES

**SOCIO ECONOMIC SURVEY AND CONSULTATION FOR ECONOMIC RESTORATION.
RESETTLEMENT**

Nookat Pass Project

Date of survey:

1. GENERAL INFORMATION ABOUT HOUSEHOLD

- Name of household head: _____ Gender: _____
- Home address: Village/hamletSettlement:.....
- Rayon..... Oblast.....
- Contact number: _____
- Location of Household along the Section Alignment: approx km: ____left or right of road from Osh to Batken.

Other information

- Physical condition of household members:
 - 1. All members are Normal []
 - 2. Having Disabled person(s) [] How many: []
- Poor family as defined by Kyrgyz national poverty line: YES [] NO []

B. SOCIOECONOMIC SURVEY (SES)

1. Household Composition (including the household head)

| No. | Full name | Sex 1=Male 2=female | Relationship with household head 0=household head 1=Husband/wife 2=Father/mother 3=Son/daughter 4=Son/daughter In-law 5=Grandchild 6=Nephew/niece 7=Others | Age | National group 1= Kyrgyz 2=Russian 3= Uzbek 4= Kyrgyz 5= others | Primary Occupation 1= Employed Governmental 2= Employed Private Sector 3= Employed agriculture 4 = Employed service 5=Business/trading 6= Farming 7=Retired 7=Jobless (just count for persons in working age) 8=student 9. Other (Specify) | Education level (from 7 years old above) 0=None 1=Primary 2=Secondary 3=High school 4=University and higher |
|-----|-----------|---------------------------|--|-----|--|--|--|
| 1 | | | | | | | |
| 2 | | | | | | | |
| 3 | | | | | | | |
| 4 | | | | | | | |
| 5 | | | | | | | |
| 6 | | | | | | | |
| 7 | | | | | | | |

2. Legal status of residency

- Have certificate of permanent residency
- Registered as long-term temporary resident
- Having none of above
- Occupied illegally
- Rent from others (not the owner of house/structure)

3. Land Ownership

3.1 Own land? YES ___; NO ___

3.2 Type/Category of land: Residential ___; Commercial ___; Agricultural ___

3.3 Landholding Size: Residential ___ (sqm); Commercial ___ (sqm); Agricultural ___ ha

3.4 Land Tenure Status: With title ___; Leased/Rented ___; Collective ___; Others ___

4. Ownership of Livestock

| Type | Number |
|--------|--------|
| Cow | |
| Sheep | |
| Goats | |
| Horses | |

| | |
|---------|--|
| Donkey | |
| Chicken | |
| Other | |
| | |

5. Living condition

5.1 Average monthly household income of HH: som

- Source of Income:
 1. From agricultural activity..... som _____
 2. From business/trading operation..... som _____
 3. From salary - employment..... som _____
 4. From other sources (e.g., remittances)..... som _____
 5. From State pensions
- TOTAL som _____

5.2 Average monthly household expenditure

- Average monthly household expenditure som
- Annual Income - expenditure balance in general:
 3. No saving (income just enough for expenditures) []
 4. Could save money (income more than expenditures) []
 5. Income less than expenditures []

5.3 Household amenities and consumer goods' ownership

- Electricity Yes: [] No []
- Fresh water:
 1. Running water []
 2. Dug/drilled well []
 3. Other sources []
- Sanitation:
 1. WC with disintegrative basin []
 2. WC without disintegrative basin or no WC []
- Solid waste/garbage collection []

- Car [] Quantity:
- Motorcycle [] Quantity:
- Television [] Quantity:
- Refrigerator [] Quantity:
- Using energy for cooking:
 1. Power []
 2. Gas []
 3. Wood []
 4. Others []

5.4 Obtained loans

- From bank..... som
- Purpose of loan from the Banks.....
- From other organizations..... som
- Purpose of loan
- From individualsom
- Purpose of loan.....

5.5 Access to public facilities and community health

| Facilities /social service | 1.Yes | 2.No | 1= less than 1 km | 2= from 1 to 2 km | 3= from 2 to 05 km | 4= more than 5 km |
|--------------------------------------|-------|------|-------------------|-------------------|--------------------|-------------------|
| a. Health services | | | | | | |
| 1. Settlement Medical station | | | | | | |
| 2. Rayon Hospital/General clinic | | | | | | |
| 3. Private medical station | | | | | | |
| 4. Pharmacy | | | | | | |
| b. Market | | | | | | |
| c. Kindergarten and Schools | | | | | | |
| 5. Kindergarten | | | | | | |
| 6. Primary school | | | | | | |
| 7. Secondary school | | | | | | |
| 8. High school | | | | | | |
| 9.College/Vocational training School | | | | | | |
| d. Other Community facilities | | | | | | |
| 10. Communal house | | | | | | |
| Mosque/church... | | | | | | |
| 11. Sport centre, stadium | | | | | | |

C. TYPE OF LOSS EXPERIENCED BY THE HOUSEHOLD

1. Will experience loss of land? YES ___ NO ___

If YES, what time of land will be lost?

2. Will experience loss of structure? YES ___ NO ___

If YES, what type of structure lost?

Location of affected structures: (One household may have several structures and assets on different positions). In this case, please mark all of sites that household will be affected).

- 1. Road row []
- 2. Others (Specify) []

3. Will experience loss of business and income opportunities? YES ___ NO ___

D. FOR AFFECTED BUSINESS

1. Is the business run by your household affected by the Project? YES ___ NO ___

Is the impact permanent ___; temporary ___

2. Is business is affected, what type of business

- ___ small kiosk/stall selling various items (fruits, vegetables, drinks, HH items, etc.)
- ___ food vending/restaurant/eatery
- ___ mechanical/repair shop
- ___ Others: specify _____

3. How many people (including from your households) work in the business? ___ male; ___ female
4. How many are non-household members? ___ Male; ___ female
5. Do people working for the business earn wages? ___ YES; ___ NO
6. If YES, total average monthly income that is paid? _____ som/mo (for all those working for the business)
7. What is the average monthly earning of the business? _____ total revenue; _____ total profit
8. Number of hours//day business operates? _____ Number of days per week business is operating? _____
9. Is the business registered? ___ YES; ___ NO

E. QUESTIONS FOR CONSULTATION

1. If you have to move, what resettlement/compensation options would you prefer?
2. What income restoration assistance would you require?

Acknowledged By:

Surveyor

Householders or
Representative of
household

Compensation
Committee

PMU