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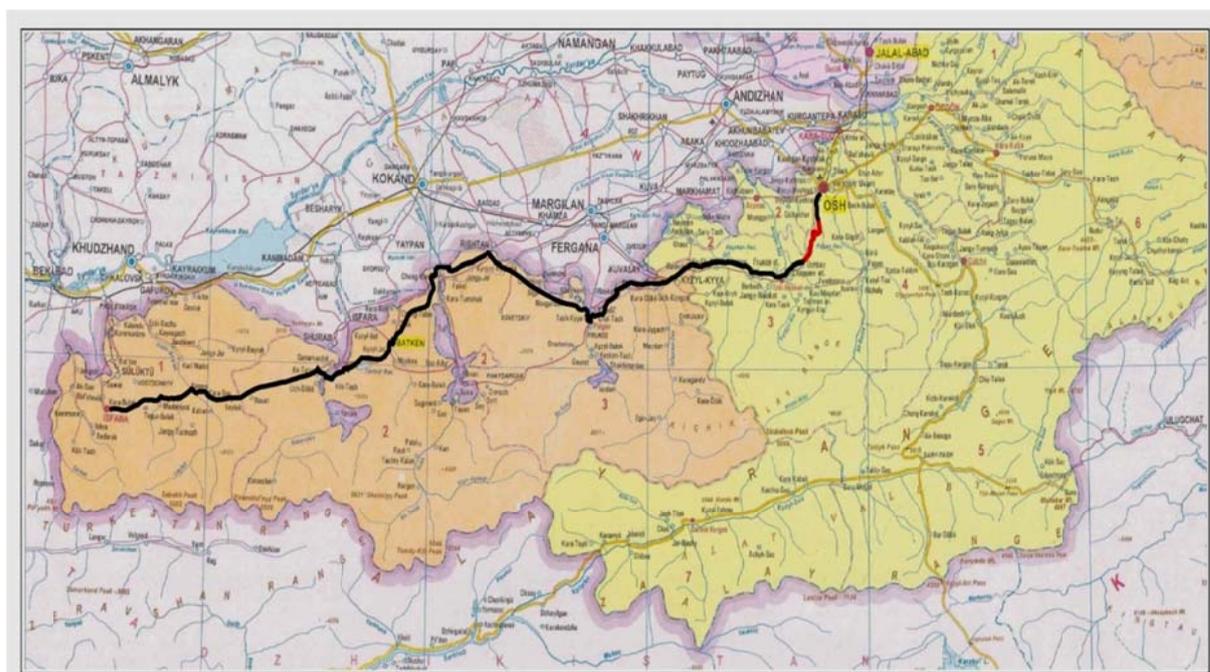
By the Order of the Minister of Transport
and Communications of the Kyrgyz Republic

55 dtd. “ 11 ” March 2013



**KYRGYZ REPUBLIC
MINISTRY OF TRANSPORT AND COMMUNICATIONS**

**REHABILITATION OF THE 180 KM OF THE
OSH–BATKEN–ISFANA ROAD (PHASE 1)
SECTION: KM 9+886.70 – KM 27+966**



UPDATE OF DRAFT DETAILED DESIGN

**FINAL DRAFT ABBREVIATED RESETTLEMENT
ACTION PLAN (RAP) - NOOKAT PASS**

APRIL 2013

FINAL DRAFT ABBREVIATED RESETTLEMENT ACTION PLAN (RAP) - NOOKAT PASS

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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
IBRD	-	International Bank for Reconstruction and Development (World Bank)
IMF	-	International Monetary Fund
MoTC	-	Ministry of Transport and Communications
NRRP	-	National Road Rehabilitation Project
NGO	-	Non-Governmental Organization
IPIG	-	Investment Projects Implementation Group
OSI RD-	-	Osh – Sarytash – Irkeshtam Road Department
PPTA	-	Project Preparatory Technical Assistance
RAP	-	Resettlement Action Plan
RMD	-	Road Maintenance Department
RS	-	Road Safety
TOR	-	Terms of Reference
FS	-	Feasibility Study
USD	-	United States Dollar
WB	-	World Bank

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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. A Scheduled Design was recommended on the basis of which a detailed social and resettlement impact assessment was undertaken. The Scheduled Design 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 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 an Abbreviated RAP is prepared for the Scheduled Design 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. RAP preparation is guided by the existing Resettlement Policy Framework (RPF) for the Project. 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 other mitigating measures (dust, noise, temporary access and the like) as these are provided for in the Environmental Management Plan (EMP) and 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 Projects Implementation Group 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. In case, additional impacts are noted during construction, update of the abbreviated RAP will be undertaken.

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 Abbreviated 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 (Abbreviated 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).

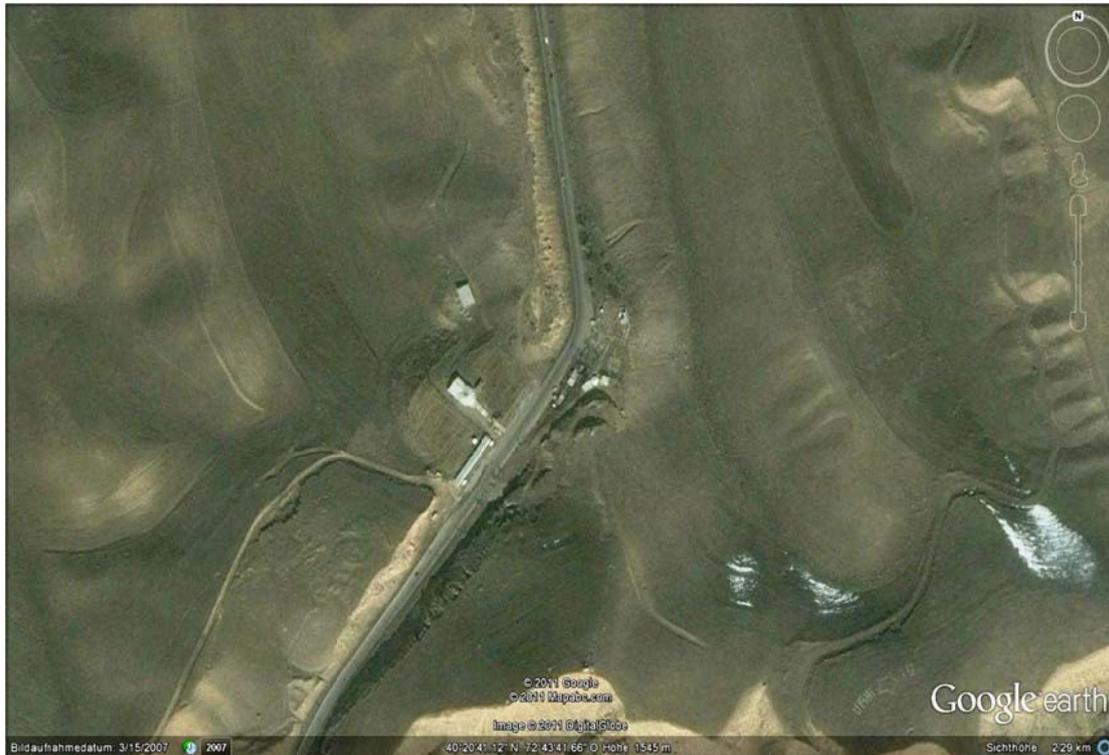


Figure 1: Aerial photograph of Nookat Pass peak with buildings

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 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 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 Abbreviated 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 would 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
- Agreement and approval with local public administration, ayil okmotu (local authority) and land leaseholders the deadline for registration of business entity-traders on Nookat pass. The deadline was set as December 31, 2011. Starting this date and further no person except working traders might either rent kiosk or open their own point of sales on pass peak till project completion.

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 the Abbreviated 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 the Scheduled Design was recommended by the Consultant and approved in principle by the Client. The Scheduled Design 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, an abbreviated RAP is prepared to mitigate the temporary impacts.

2. Profiles and Drawings showing the Proposed Alignment

The Scheduled Design 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 alignment 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:

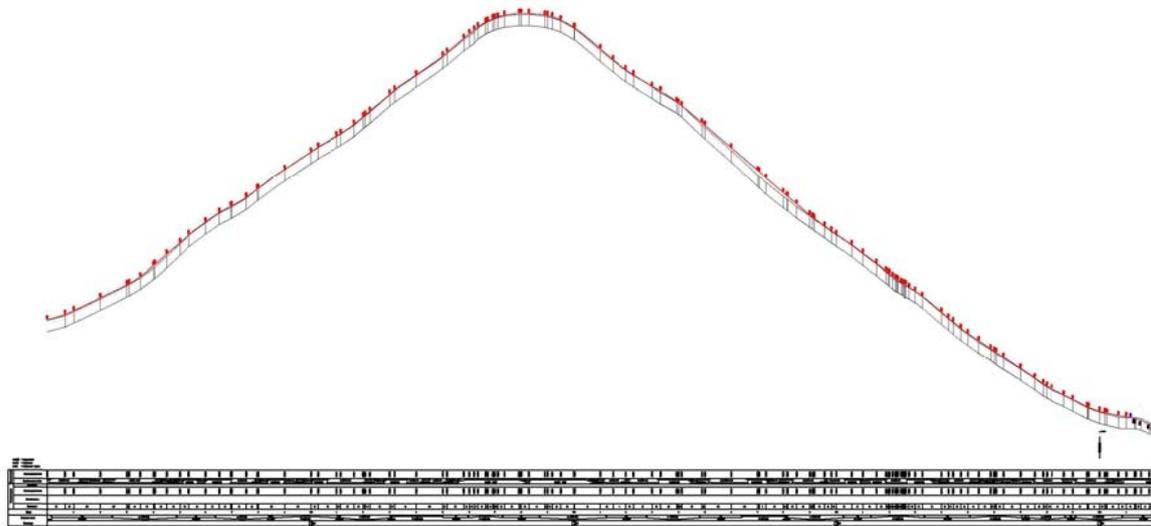


Figure 2: Proposed Profile for the Scheduled Design 1

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 Project road section 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 section. Osor village is composed of two hamlets (Sylyly 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
<i># of vehicles by category</i>		
Cars	-	-
Pick up/mini bus	-	100

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

²Source: Osor Village Profile, ARIS 2010.

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.

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.

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

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

Table 3: Poverty Rates – Osh/Batken and Jalal 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, roadside business entities (stallmen - kiosk operators) at the Nookat pass peak along the road fall under the impact of the project. 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. Existing temporary 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. There are 12 structures (the ones closest to the edge of the roads) that will be affected. These structures are mostly kiosks rented by 7 individuals (run by mostly female members of households) operating businesses by selling assorted food and household commodities. One land renter, Mr. Myrzamatov Nurbek, who is also a kiosks owner, is deriving rental income on a monthly basis. The second land renter, Mr. Satarov Iray, his kiosks are not leased out since his family members are working there. Pursuance of 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 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. The regional state administration has formed a working commission to determine losses. Each business entity shall receive the advance payment compensation (part of the compensatory amount) at the rate of a monthly disruption period 10-12 days prior to commencement of construction works at the peak of the pass. The balance shall be paid upon completion of construction works at the considered road stretch. Just before starting the construction works at the considered road section, each roadside business entity (kiosk operators) shall receive a written notification about commencement of construction works indicating the date to start the count of disruption days. This period shall be deemed the actual disruption period.

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 center 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” shall 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.

V ASSESSMENT OF IMPACTS

The Scheduled Project 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 the Scheduled Project, the scope of impact is as follows: a total of seven households made up of kiosk renters will only be temporarily affected. The design for this Scheduled Project 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 will be disturbed during construction by the noise and dust generated and possible peace and order/security problems from construction workers. The 7 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.

No other impacts were identified.

1. Category and Types of Impacts

The recommended design 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 Scheduled Project.

1.2 Temporary –

The scope of impact is as follows: a total of 7 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. During survey, end 2011 9 kiosk operators worked on a pass. However, based on State Tax Service information (ref.No. 14-2-7/1585 of January 15, 2013) from January 2013 two out of nine renters stopped business activities (Maksytova Kunduz and Mamatbakirova Jazgul). Only 6 households were surveyed, the other was not available for interview as he normally does not operate during winter season (the time of the preparation of the RAP).

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 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.

However, if the construction period goes beyond the schedule indicated due to delays, the PMU had made arrangement that affected kiosk operators will received compensation for income lost during the actual period of disruption.

2. Affected Persons/Households

2.1 Land Renters

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, Mr. Myrzamatov Nurbek, 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, Mr. Satarov Iray, 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

⁵During the conduct of census and inventory of losses, only six kiosk renters were identified.

mentioned person, the said decision was not registered with State Registration Department and the current arrangement with the Rayon is on a rental basis.

The adopted design 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 lessors 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. However, the roadside business entities (kiosk operators) will stay and live in their permanent dwelling area – in Osor village (Zulpuevskiy rural district / ayl okmotu) and in Ak-Chabuu, Baiysh and Kumaydan villages (Keneshskiy rural district / ayl okmotu) during the disruption period.

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. According to the State Tax Inspection KR 7 kiosk operators who has business patent are working on a pass by January 1, 2013. Two kiosk operators decided do not rent kiosks and stopped business which is proved by official letter.

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

From Dec 3-7, 2011, the Social Safeguard Consultant/Resettlement Team conducted a survey (see **Appendix 3** 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.

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

⁶At 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 9 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 received compensation for income lost during the period of disruption.

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 that holds two (2) kiosks (a daughter and a daughter-in-law of Satarov Iray). All household members (except for small children) help in the operation. All 7 kiosk operators (roadside business entities) have patents – the right for doing business (retail trade). Stamps confirming their monthly installments for these patents are available too. 5 kiosk operators (roadside business entities) have lease contracts with the lessor – Myrzamatov N. Two kiosk operators do not have lease contracts as they are the members of one family – Satarov Iray's. 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, 5 kiosk operators do not own the land and structure where they do their business although some of them have certificate of permanent residency in the area. Two kiosk operators (family members of Satarov I.) own the land and the structures at the peak of the pass

(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). No other vulnerability factors of surveyed families are detected.

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 the Scheduled Design, impact on assets will be as follows:

4.1 Land: The land on both sides of the Peak Point section (approx.150 m) is rented 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. Satarov Irai’s, while on the other side (approx. 2.5 ha) is owned by Mr. Myrzamatov Nurbek. However with the pursuance of the Scheduled Design, 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 the Scheduled Design is.

At the same time, vibration impacts on physical state of immovable structures can be possible in the course of construction works. The contractor and the consultant will make a special inspection of these permanent structures with respect to their actual state. It is necessary to enable fair investigation of possible claims for impact on the state of immovable structures caused by construction equipment. This issue together with possible compensation measures will be considered beyond this RAP.

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 tenant farmers. 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 7 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 will be 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.

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 dealing with roadside trading and will have to suspend their activities. Identifying the negative impacts of reluctant business disruption 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 recover the amount of lost profits during actual disruption.
- 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 one alternative for the Nookat Pass and gives a recommendation for this alignment talking into account technical and economic aspects as well as environmental and social impact.

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 utility services as well as on sections having cultural importance and environmentally sensitive areas.
- 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 1 was the option with the least impact and least cost. Accordingly this was the alignment 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 will be 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 in case 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 ENTITLEMENT MATRIX AND COMPENSATION MEASURES

Under the WB safeguard policies, the basic criterion for eligibility is to be adversely affected (physically or economically) by the project. In practice, the compensation entitlement of different classes of PAP will vary, for example, those with no legal title or claim to and property will only be compensated for loss of assets and not land.

Based on the result of the assessment undertaken, the following PAPs had been identified and are entitled to compensation or at least rehabilitation provisions under the Project:

- Renters of kiosks who sell food and other items to commuters
- Pedestrians who cross the road
- Transport/vehicle drivers
- Residents along the Nookat Pass

Compensation entitlement will include provisions for temporary loss of income due to suspension of business operation during road construction, the environmental disturbance due to noise, dust and other temporary impacts, and the potential disturbance due to disruption in the flow of traffic, difficulty of crossing to the other side of the road due to construction activities. Table shows the entitlement matrix for these impacts.

Table 8: Entitlement Matrix

	Type of Loss	Application	Entitled Person ⁷	Compensation Measures	Policy Basis	Responsible Agency
1	Temporary loss of income	Business operation	Kiosk operators	Kiosk operators who will experience loss of income due to business disruption will be compensated for such income loss. This will be based on a daily average profit per day for duration of at least three-month of business operation stoppage.	Kyrgyz law does not specify compensation measure for temporary loss of income. However, the WB policy guideline will be followed in this case.	IPIG
	Temporary Loss of access	Pedestrian crossing	Business operators and commuters along the Nookat Pass Section	Mitigation measures will include provision of temporary pedestrian crossing along this section	Based on WB policy guidelines	Contractor
2	Environmental Disturbance		Residents within the Nookat Pass Section	Mitigation measures have been included in the EMP.		Contractor
3	Loss of trees, crops	Standing crops, trees	Owner/cultivator,	No loss of standing crops or trees anticipated under the project but in case during construction some trees will be affected they will be duly compensated	Kyrgyz guideline on estimating and compensating loss	Contractor, city council

If the construction period goes beyond the period indicated due to delays, the PMU had made arrangement that affected kiosk operators will received compensation for income lost during the actual period of disruption.

VIII 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 Investment Projects Implementation Group under the guidance and supervision of the Ministry of Transport and Communications. To assist the IPIG 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.

IPIG – 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

⁷ Identified during cut-off date

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 IPIG in community liaison and conduct of consultation and information dissemination.

Grievance Redress Committee – This is composed of members from the MoTC IPIG, NGO, the authorized ombudsman for Osh oblast (area) and local executive authorities. 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 IPIG on what and how these concerns were resolved.

Construction Supervision Consultant – provides technical assistance to the IPIG 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 IPIG over the past years have built up its capacity to implement social assessment and mitigating measures and has a social unit with four 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 IPIG 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.

IX 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 have stated 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 have incorporated 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.#

As soon as the abbreviated RAP gets WB approval, it will be posted in the website of the WB in Kyrgyzstan and on the IPIG web-site; one page summary of the salient points (project background and objectives; potential impacts including environment, land acquisition and resettlement, mitigation measures for adverse impact; implementation schedule and activities and consultation and participation activities) of the RAP will be prepared in Russian and Kyrgyz and posted in places within the affected village and the town including Osh City for public information and dissemination and will be handed over to 7 kiosk operators personally.

The RAP will be disclosed (in hard copy, in local language) to PAPs 10-12 days prior to the issuance of compensation as well as through the website: www.piumotc.kg

The reserves of the ayl okmotu and local councils (kenesh) have also been used as entry-points to reach community groups of affected households' representatives. A plan of action detailing the procedures that will be employed to facilitate community dialogues have been 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 implementation, consultation/participation activities had been undertaken to in assessing potential impacts in 2011-2012. The meetings were held with participation of IPIG, MOTC KR, Rayon public administration, rayon tax services units, architecture and construction, environmental protection, state registration service representatives as well as all 7 kiosk operators worked earlier. Booklets have been delivered to participants and short presentation about the project objectives prepared by the IPIG has been shown during public consultations. 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. IPIG keeps all documents including minutes of meeting and photos.

First public consultations were conducted in Nookat town on August 26, 2011 under the chairmanship of the IPIG coordinator S. Sarbagyshev and the Head of Nookat rayon (region) Saliev K. They were held in the building of Nookat Regional State Administration. Questions asked during these consultations concerned road safety; the need in bypass route near Nookat town due to increase of traffic flow and mudslides at the planned section; construction of sidewalks, mud drains, culverts, etc. Answers to issues exercising were received during these meetings. Almost all participants expressed their desire to start the reconstruction of the section as soon as possible and pointed out the positive aspects of the proposed project.

Second public hearings were held in Osor village (Zulpuevskiy aiyl okmotu) on February 29, 2012 under the chairmanship of the regional IPIG coordinator A. Begaliev involving local executive authorities and all 7 kiosk operators located on the peak of the Nookat pass (photos are attached in the **Appendix 2**). Points of interest regarding the possible impacts on commercial kiosks during construction works were discussed in details. Other discussed issues concerned information sharing, compensation costs including disruption of trading at the peak of the pass for the construction period, title documents. Attendants were aware of the GRC during the project implementation that allows prompt identification and resolution of problems occurring as work proceeds. It [GRC] will consider all claims of people affected by the project. Generally, it can be stated that participants of public hearings conducted for the Nookat pass section approved in concert the road reconstruction project.

X 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 Redress Group for resolution. The GRG will be established after approval of the Abbreviated Resettlement Plan by the MoTC and the WB to resolve these issues promptly and fairly.

The group will be composed of representatives from MoTC, OSI RD (Osh city), RMD, local councils, local NGO, as well as the representative of the Ombudsman for Osh oblast. The GRG will have four grievance redress levels – local, regional, central and national. If the issue is not resolved at the local level within 15 days, it is submitted for consideration at the regional (oblast) level. Next, if the issue does not fall within the competence of the regional level, it is delivered to the central level, i.e. to the MOTC. If the claim is not resolved at the central level within 15 days, the claimer can submit his/her claim for consideration at the level of international organizations, including donors financing a particular project (national).

The complainants will normally voice their concerns at the project site office to the local authorized person responsible for consideration of claims in due time. In order to facilitate the handling of individual grievances, the local people and authorities will be notified that all grievances not resolved should be channeled to the Grievance Redress Group (GRG). The representative of the community to this Group shall be responsible in assisting the complainant in documenting his/her grievance to be properly communicated to the Group.

XI 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 information on the set of impacts to be mitigated and measures undertaken will be collected.

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 9** below:

Table 9: Monitoring Indicators on Set of Impacts on PAHs

Monitoring Indicators	Basis for Indicators	Progress Indicators
Budget and Timeframe	<ul style="list-style-type: none"> • Have all land acquisition and resettlement staff been appointed and mobilized for the field and office work on time? • Have resettlement activities been completed according to the agreed timeframe? • Are funds for resettlement being allocated to the resettlement agencies on time? • Have IPIG received the scheduled funds? • Have funds been disbursed to the affected families according to the RAP? • Has all ROW required been acquired in time for project implementation? 	<ul style="list-style-type: none"> • Number/category of staff hired/mobilized for RAP implementation • Amount/Time that RAP budget was released • Number of PAPs who agreed on compensation rates and entitlements
Delivery of PAP Entitlements	<ul style="list-style-type: none"> • Have all PAPs received complete entitlements according to numbers and categories of loss set out in the entitlements matrix? • Have all PAPs received complete payments on time? • Are PAPs able to access the other side of the road safely? 	<ul style="list-style-type: none"> • Number of ha of plots acquired as ROW for the Road Section • Number of PAPs paid their compensation • Amount of compensation for land disbursed over time period • Number of community members (M/F) hired by Contractor as worker/labourer
Consultation, Grievance and Special Issues	<ul style="list-style-type: none"> • Have consultations taken place as scheduled? • Have resettlement brochure and announcement been delivered and notices posted? • How many PAPs know their entitlements? How many know if they have been received? • Has any PAP used the grievance redress procedures? What were the outcomes? • Have conflicts been resolved? 	<ul style="list-style-type: none"> • Has the Grievance and Redress Mechanism been set up? • Number of complaints received for resolution • Number of complaints amicably resolved and provided solution

XII BUDGET

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

A total of KG 252,000 som (USD 5,208.93 as per National Bank KR rate (USD 1 = KSom 48.3784) by April 25, 2013) is required to cover the income loss of 7 households for a period of three months during construction. The IPIG-MOTC will provide the funding for this RAP.

Table 10: 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	7 renters	252,000	5 208,93
Grand total			252,000	5 208,93

* USD 1 = 48.3784 som (as per National Bank KR rate by 25.04.2013)

Thus, seven (7) citizens of Kyrgyz Republic/roadside business entities are subject to have compensation for income loss as shown in Table 11.

Table 11: List of persons/roadside business entities on Nookat pass having compensation for lost income

No.	Name.	Address and place of residence	Passport details
1	Akimova Topanisa	44, Payazov Ysma str, Osor village, Zulpuev ayil okmotu, Nookat rayon	A 2146277 issued on 21.08.2002 by MIA 50-40
2	Osmonalieva Oxana Abibillaevna	Koshara, Osor village, Zulpuev ayil okmotu, Nookat rayon	AN 0970660 issued on 26.08.2008 by MIA 50-40
3	Joldoshova Dilbar Topchubaevna	Bayishvillage, Kenesh ayil okmotu, Nookat rayon	A 2082508 issued on 12.11.2002 by MIA 50-40
4	Joldoshova Kumushay Ysakovna	Akchabuu village, Kenesh ayil okmotu, Nookat rayon	AN 1266447 issued on 24.04.2009 by MIA 50-40
5	Askarov Muhamedaly Burkanbekovich	Kyzyl-Asker str, Kumaydan village, Kenesh ayil okmotu, Nookat rayon	A 2828265 issued on 28.05.2003 by MIA 50-40
6	Kozubaeva Guluipa Samievna	Kyrkol str, Zulpuev ayil okmotu, Nookat rayon	A 2476919 issued on 10.12.2002 by MIA 50-40
7	Myrzamatova Erkayim Ergeshevna	Kyrkol str, Zulpuev ayil okmotu, Nookat rayon	A 2787509 issued on 05.01.2013 by MIA 50-40

During construction works, the roadside business entities will get compensation as KSoms 400 per day for the period to be considered as idle time. The first advance payment for the period of one month of disruption will be paid to each roadside business entity 10-12 days prior to starting the construction works at the peak of the Nookat pass. The remaining part of the compensation amount will be paid in additional one month advances if works continue beyond the initial one month period.

Placement of kiosks along right of way will be done following road construction works in accordance with the national legislation requirements which is under competence of Road Safety Unit, Internal Affairs Department on Nookat rayon and Road Maintenance Unit No. 21, MOTC KR.

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 is incorporated in the budget of the Civil Work Contractor as well as the Construction Supervision Consultant.

XIII CONCLUSION AND RECOMMENDATION

It is anticipated that the pursuance of this impact project 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 established 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: PUBLIC HEARINGS

August 26, 2011 / Nookat town





February 29, 2012 / Osor village (Zulpuevskiy aiyl okmotu)







APPENDIX 3: SES Questionnaire

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	Relationship with household head	Age	National group	Primary Occupation	Education level (from 7 years old above)
		1=Male 2=female	0=household head 1=Husband/wife 2=Father/mother 3=Son/daughter 4=Son/daughter In-law 5=Grandchild 6=Nephew/niece 7=Others		1= Kyrgyz 2=Russian 3= Uzbek 4= Kyrgyz 5= others	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)	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