Kyrgyz Republic

Community Development and Investment Agency (ARIS)

National Community Initiatives Project

(P180909)

Resettlement Policy Framework (RPF)

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Glossary

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

Environmental and Social Standards (ESSs)	ESSs set out the requirements relating to the identification and assessment of environmental and social risks and impacts associated with projects supported by the World Bank through Investment Project Financing. ESSs establish the standards that the project should meet through the project life cycle.
Project affected persons (PAPs)	**PAPs** mean **persons** who are impacted by involuntary resettlement as defined below: (a) Who have formal legal rights to land or assets; (b) Who do not have formal legal rights to land or assets, but have a claim to land or assets that is recognized or recognizable under national law; or (c) Who have no recognizable legal right or claim to the land or assets they occupy or use.
Involuntary resettlement	Project-related land acquisition or restrictions on land use which may cause physical displacement (relocation, loss of residential land or loss of shelter), economic displacement (loss of land, assets or access to assets, including those that lead to loss of income sources or other means of livelihood), or both.
Land acquisition	**Land acquisition** refers to all methods of obtaining land for project purposes, which may include outright purchase, expropriation of property and acquisition of access rights, such as easements or rights of way. Land acquisition may also include: (a) acquisition of unoccupied or unutilized land whether or not the landholder relies upon such land for income or livelihood purposes; (b) repossession of public land that is used or occupied by individuals or households; and (c) project impacts that result in land being submerged or otherwise rendered unusable or inaccessible. "Land" includes anything growing on or permanently affixed to land, such as crops, buildings and other improvements, and appurtenant water bodies.
Restrictions on land use	**Restrictions on land use** refers to limitations or prohibitions on the use of agricultural, residential, commercial or other land that are directly introduced and put into effect as part of the project. These may include restrictions on access to legally designated parks and protected areas, restrictions on access to other common property resources, and restrictions on land use within utility easements or safety zones.
Livelihood	**Livelihood** refers to the full range of means that individuals, families and communities utilize to make a living, such as wage-based income, agriculture, fishing, foraging, other natural resource-based livelihoods, petty trade and bartering.

Cut-off date	**Cut-off date** is the date by which PAPs and their affected assets, as relevant, have been identified and new entrants to the site cannot make claims to compensation or resettlement assistance. Persons whose ownership, use of occupancy prior to the cut-off date can be demonstrated remain eligible for assistance, regardless of their identification in the census.
Compensation	**Compensation** means the payment in kind, cash or other assets given in exchange for the taking of land, loss of other types of assets (including fixed assets) or loss of livelihoods resulting from project activities.
Census	**Census** is a complete count of the population affected by a project activity including collation of demographic and property information. This will identify and determine the number of PAPs and the nature and levels of impact.
Resettlement Action Plan (RAP)	**Resettlement Action Plan (RAP)** is a resettlement instrument (document) to be prepared when subproject locations are identified. RAPs contain specific and legally binding requirements to be abided by to resettle and compensate the affected party before implementation of the project activities causing adverse impacts.
Resettlement Assistance	**Resettlement Assistance** means the measures to ensure that project affected persons who may require to be physically relocated are provided with assistance such as moving allowances, residential housing or rentals whichever is feasible and as required, for ease of resettlement during relocation.
Resettlement Policy Framework (RPF)	Instrument to be used throughout project implementation. The RPF sets out the resettlement objectives and principles, organizational arrangements. and funding mechanisms for any resettlement, that may be necessary during project implementation. The RPF guides the preparation of RAPs of individual sub projects in order to meet the needs of the people who may be affected by the project.
Replacement cost	Method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement. Where functioning markets exist, replacement cost is the market value as established through independent and competent real estate valuation, plus transaction costs. Where functioning markets do not exist, replacement cost may be determined through alternative means, such as calculation of output value for land or productive assets, or the undepreciated value of replacement materials and labor for construction of structures or other fixed assets, transportation costs, plus all transaction costs associated with asset replacement.

A. Introduction

This Resettlement Policy Framework (RPF) is prepared for the National Community Initiatives Project (NCIP) in accordance with the requirements of the World Bank's Environmental and Social Framework (ESF). Its fundamental purpose is to establish terms of agreement between the Community Development and Investment Agency (ARIS) and the World Bank (WB) regarding the principles and procedures to be used in subsequent preparation of the Resettlement Action Plan (RAP) or RAPs. The WB approval of an RAP (or RAPs) is required before project authorities invite bids for any contracts in which works are expected to involve physical or economic displacement as a result of land acquisition or restrictions on access or use of natural resources.

The RPF is intended to avoid or minimize any adverse impacts associated with physical or economic displacement, and to ensure arrangements are in place to mitigate any adverse impacts that may occur. ARIS hereby agrees to apply the policies, procedures, and standards included in ESS5 on Land acquisition, Restriction on Land Use and Involuntary Resettlement (ESS5) of the WB ESF if obtaining any sites for project use would cause economic displacement or physical displacement.

This RPF is intended to utilize the existing legal and policy framework of the Kyrgyz Republic, incorporating any additional measures necessary to achieve compliance with the principles and standards of the ESS5.

B. Project Objectives and Description

The development objective of the Project is to improve access to climate-resilient socio-economic infrastructure and increase economic opportunities for women and youth in target communities.

Project Concept. The proposed NCIP builds on a series of CDD operations (Village Investment and CASA-1000 Community Support projects) in Kyrgyz Republic. It will be implemented in 40 rayons (districts) across seven oblasts (regions)— Naryn, Issyk-Kul, Chui, Talas, Batken, Osh and Jalal-Abad. It will scale up, standardize, and deepen impact of CDD operations by: (i) providing a national platform covering all 40 districts (to date, different projects separately covered northern and southern regions); (ii) increasing average size of infrastructure sub-grants to target sub-districts; (iii) expanding livelihoods support, including support to women and youth, and better linking livelihood activities with opportunities created by social infrastructure investments (e.g., helping women with children who can now attend kindergarten use time to pursue income-generating opportunities); (iv) further integrating climate considerations into community mobilization, local planning, infrastructure investments, and livelihood activities; (v) streamlining project processes and institutional arrangements; and (vi) embedding participatory approaches into Local self-governments (LSGs). While NCIP will provide a national platform across all 40 districts, this initial operation will cover only one Aiyl Aimak (sub-district) per district (i.e., 40 out of 452 AAs). The target 40 AAs will be selected based on criteria including poverty, budget subsidies, remoteness, and population. Each targeted AA will receive social mobilization, capacity building, and social infrastructure investments under Component 1, plus a subset of the targeted AAs will also receive Component 2 livelihoods activities targeting women and youth. Given limited funds and in order to strengthen incentives, Component 2 livelihood support will be provided to AAs based in part on their Component 1 implementation performance. The project's components are described below.

Project components:

Component 1: Village infrastructure Investments and institution strengthening. This component will provide subgrants to 40 AAs to finance local-level, climate-resilient, socio-economic infrastructure that address priorities identified through a participatory village needs assessment and decision-making process as defined in the Project Operations Manual (POM). This component will finance public goods, community mobilization and capacity building support for community members and LSG staff. Selected activities aim to institutionalize CDD mechanisms in local development processes. Based on its modular design, these activities could readily be scaled up to an additional set of AAs.

Subcomponent 1a: Socio-economic infrastructure investments. This subcomponent will contribute to the infrastructure aspects of the PDO. It will provide subgrants for social infrastructure investments to 40 selected AAs (sub-districts), one per district across the country. Priority social infrastructure and services projects will be selected through the participatory decision-making process established in Subcomponent 1b.

Subcomponent 1b: Mobilization and institution strengthening of communities and local self-governments. This subcomponent will finance mobilization and capacity building activities to ensure that : (i) communities, particularly women, youth, and the vulnerable, are actively engaged in selecting poverty-focused project interventions; (ii) subcomponent 1a investments are among top priorities of communities; (iii) increasing awareness of climate change risks and adaptation strategies contributes to selection of climate-smart SEDP investments; (iv) climate change ambassadors are trained to become community focal points for climate change; and (v) LSGs, and associated working groups will use participatory, transparent approaches to identify, implement and monitor local development projects. Support to be provided will be detailed in the POM.

Component 2: Local economic development and **livelihood opportunities for women and youth.** This component will support local economic development to improve the economic well-being and the quality of life for the targeted community with special focus on women and youth. 15 AAs out of the original 40 will be competitively selected to receive livelihood grants, based on the quality of their Cycle 2 social mobilization process and sustainability of business plans for livelihoods investments. If more funding is available, this component can be quickly expanded to more AAs as market assessments and sustainable business plans will be ready.

Component 3: Project Management. This component will finance project management and implementation of project-associated activities. It will finance the incremental operating costs and other eligible expenses associated with project implementation including coordination and supervision of implementation activities. ARIS will also be responsible for preparing annual work plans and budgets for Ministry of Finance (MoF) approval, respectively, hiring of external auditors, and ensuring that the project maintains strong focus on gender inclusion and citizen engagement. It will support independent audits, monitoring and evaluation (M&E) (including baseline, midline, and endline surveys with gender-disaggregated data), and quality assurance to ensure compliance with best procurement and financial management (FM) practices. This component will also support Environmental and Social (E&S) Framework (ESF) compliance, including stakeholder consultation, a robust GRM, and site-specific assessments and plans.

Component 4: Contingent Emergency Response Component (CERC). The CERC would be implemented in accordance with the Bank's Policy on Investment Project Financing, Projects in Situations of Urgent Need of Assistance or Capacity Constraints. The conditions for the activation of the IDA CERC and how they have been met are: CERC Activation Request needs to be submitted to the WB by the Cabinet of Ministers; Eligible Emergency - the Bank's CERC guidance note, dated October 16, 2017, on how to establish, activate, and provide implementation support for Project-specific CERCs in IPF operations, states that CERC is eligible when there is an "official declaration of emergency or equivalent as agreed with the WB (for example, a statement of facts from a designated authority of the Borrower or action by a third party)"; approval of the CERC Operations Manual. The WB needs to approve the CERC Operations Manual before implementation starts.

Preparation of a site-specific RAP is not technically feasible at the time the RPF is prepared as it's not possible to figure out the exact extent and scope of potential land acquisition, land use restrictions, or loss of assets/income. The subprojects will be selected and the design solutions for Components 1 and 2 will be prepared during the implementation phase, following a demand-driven process. Identification of areas for rehabilitation and construction activities is not possible in the project preparation phase. The detailed impacts will be understood during the detailed design and estimates documentation (DDE) development phase.

C. Objective and Key Principles

The RPF aims to describe principles and procedures to ensure that persons adversely affected by the Project receive adequate counseling on project activities and compensation or assistance that will, at a minimum, restore living standards to pre-project levels.

The RPF provides policies and procedures to identify the requirements of the ESS5, to assess potential expected risks and impacts, to identify detailed steps to develop appropriate mitigation measures, including mitigation and compensation for project-induced impacts.

The main objectives of the RPF are to:

i. provide guidelines to ARIS, authorized agencies at the national level, and LSGs in properly identifying, compensating, and restoring the livelihoods of Project Affected Persons (PAPs);
ii. serve as a binding document to ensure the payment of compensation and assistance to PAPs, and;
iii. provide guidance in the preparation, updating, implementation and monitoring of RAPs for subprojects.

The RPF is based on the following principles:

i. Involuntary resettlement should be avoided or at least minimized.
ii. PAPs should be assisted appropriately in their efforts to improve or at least restore income and living standards.
iii. PAPs are fully informed and counseled about compensation options. A grievance mechanism by which PAPs can pursue grievances will be established and operated in a responsive manner.
iv. Lack of formal legal title/land ownership is not a barrier to compensation or alternative forms of rehabilitation assistance.
v. Special attention is given to vulnerable groups such as ethnic minorities, poor and female-headed households, elderly households, etc. They are provided with appropriate assistance to help them adapt to the changes associated with the project.
vi. Land acquisition and resettlement is understood and implemented as part of the project, where the full cost of compensation is included in the total project costs and benefits.
vii. Compensation/rehabilitation assistance will be paid up to the time of relocation and up to the time of vertical alignment, demolition and, in any case, before impacts occur.
viii. Compensation shall be paid to the PAP at full replacement cost without deduction for depreciation or any other purpose.
ix. Land donation is acceptable only if conducted in a wholly voluntary manner and appropriately documented[1].

It should also be noted that no changes in the RPF entitlement matrix, eligibility criteria, compensation rates or other entitlements to assistance can be made without prior authorization from the WB. Any RAPs prepared on the basis of the RPF are also subject to prior approval by the WB

[1] Any land or asset donation for project use will be consistent with these principles: (a) the potential donor is informed that refusal is an option, and that right of refusal is specified in the donation document the donor will sign; (b) donation occurs without coercion, manipulation, or other pressure on the part of public or traditional authorities; (c) the donor may negotiate for some form of payment, partial use rights, or alternative benefits as a condition for donation; (d) donation of land is unacceptable unless provision is made to mitigate any significant impacts on incomes or living standards of those involved; (e) donation of land cannot occur if it were to necessitate any household relocation; (f) for community or collective land, donation can only occur with the consent of individuals directly using or occupying the land; (g) the land to be donated is free of encumbrances or encroachment by others who may be adversely affected; (h) any donated land that is not used for its agreed purpose by the project is returned to the donor in a timely manner; and (i) each instance of land donation is documented, including a statement identifying the land or assets donated and terms of donation, which is signed by each owner or user. Persons donating land or assets for project use may use the project grievance mechanism to raise complaints regarding any aspect of the donation process.

D. Legal and Regulatory Framework

This section of the RPF provides an overview of the principles/legislative framework and procedures for land acquisition in the Kyrgyz Republic, as well as the WB ESS5. Each activity selected under the project will be screened, categorized and assessed in accordance with the WB ESF and ESS5 and Kyrgyz Republic legislation, and will be reviewed and approved by the WB, as appropriate.

The legal and policy principles of the project are based on national laws and legislative acts related to land acquisition and compensation policies in the Kyrgyz Republic and WB ESS5.

Legal Framework on Land Acquisition in the Kyrgyz Republic. The following laws and regulations regulate land/real estate ownership rights, as well as rules and procedures for obtaining state ownership of privately owned land based on the necessary public needs caused by the Project activities.

Article 15 of the Constitution of the Kyrgyz Republic (May 5, 2021)[2] provides the following:
The Kyrgyz Republic recognizes diversity of ownership forms and guarantees the equal legal protection to private, state, municipal and other types of ownership.
Ownership is inviolable, and no one can be dispossessed of property arbitrarily. Property can be acquired by the state against the person's (party's) will only on the basis of a court ruling. The right of succession is guaranteed.

Property can be acquired by the state against the person's (party's) will only on the basis of a court ruling and through legally established procedure.

Acquisition of property for the public purposes, as defined in the national laws, can be carried out only through court ruling and with fair and prior payment of compensation for the affected property, as well as for other costs incurred as a result of acquisition.

Civil Code (May 8, 1996, No.15)[3]

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

- expenses that the person whose right has been violated has made or will have to make to restore the violated right, loss or damage to his property (real damage), as well as
- unearned income that the person would have received under normal conditions of civil turnover if his or her right had not been violated (lost profit).

If a party that violated the right received profits, a party whose rights were violated shall be entitled to demand compensation for lost profit in the amount not less than such profits as well as for other losses (article 14, clause 2). In regard the compensation for losses caused by the state agencies and local self-government, article 15 states that the losses incurred on a citizen or legal entity as a consequence of illegal actions (or inactivity) of state agencies, bodies of local self-government or officials of these bodies, including issuance by a state body of an act that does not comply with legislation, are subject to compensation by the state, as well as local self-government authorities in the cases foreseen under the law.

Land Code (June 2, 1999 No. 45) [4]

Article 68 of the Land Code (LC) defines withdrawal of land plot for state and public needs and provides that the right to the land and associated structures can be terminated, among others, when land is needed for state

[2] http://cbd.minjust.gov.kg/act/view/ru-ru/112215
[3] http://cbd.minjust.gov.kg/act/view/ru-ru/4?cl=ru-ru
[4] http://cbd.minjust.gov.kg/act/view/ru-ru/112189?cl=ru-ru

or public purposes (article 66, clause 1). The acquisition of the land for state and public needs can be affected only after payment of the value of the right to the land plot and compensation for losses (article 66, clause 4).

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

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

Law on State Registration of Rights of Immovable Properties and Associated Transactions (December 22, 1998 No.153)[5]

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

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

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

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

Law on Grievances (March 4, 2007, No.67)[6]

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

Law on Valuation Activities (December 22, 2021, No. 155)[7]

This Law regulates the legal framework and relations arising when carrying out appraisal activities in the Kyrgyz Republic (article 1). The presence of a qualification certificate for an independent valuator is a prerequisite for her/him to carry out valuation activities. A prerequisite for a valuation organization to carry out valuation activities is the registration of a valuation organization as a legal entity in accordance with the procedure

[5] http://cbd.minjust.gov.kg/act/view/ru-ru/160
[6] http://cbd.minjust.gov.kg/act/view/ru-ru/202100
[7] https://cbd.minjust.gov.kg/112334/edition/1268519/ru

established by law, whose main activity is valuation activity, and which has on its staff at least two valuators with a qualification certificate (articles 3 and 24).

Regulation on Assets Valuation in KR.

- The valuation of the assets is carried out based on the Temporary rules for the valuators and valuation companies (Government Resolution, as of 21 August 2003, No 537)[8];
- Valuation standards for the valuators (Government Resolution, 03 April 2006, No 217) and other provisions of national legislation.[9]

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

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

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

E. Preparing a Resettlement Action Plan

All projects causing physical or economic displacement through land acquisition or project-related restrictions on resource access or use are required to prepare a RAP for the WB approval. Responsibility for preparation and implementation of the RAP (or RAPs) rests with the ARIS. As necessary, ARIS will exercise its authority to coordinate actions with LSGs and any other involved agencies, jurisdictions, or project contractors to promote timely and effective planning and implementation.

RAP preparation begins once the physical footprint of a proposed investment has been determined, establishing that a particular site (or sites) must be acquired for project use. The ARIS initially screens proposed sites to identify current usage and tenurial arrangements and identifies the site (or sites) that will minimize physical and economic displacement. The ARIS subsequently carries out, or causes to be carried out, a census survey to identify and enumerate all PAPs on the selected site (or sites) and to inventory and valuate land and other assets that are to be acquired for project use.

Each RAP is based on the principles, planning procedures, and implementation arrangements established in this RPF and normally includes the following contents:

a) Description of the project (with appropriate maps and illustrations), including explanation for the necessity of acquiring particular sites for project use and efforts undertaken to avoid or minimize the amount of land acquisition or other potential impacts deemed necessary
b) Results of a census survey of PAPs and inventory and valuation of affected land and assets
c) Description of any project-related restrictions on resource use or access

[8] http://cbd.minjust.gov.kg/act/view/ru-ru/6710
[9] http://cbd.minjust.gov.kg/act/view/ru-ru/99527

d) Description of tenure arrangements, including collective, communal, or customary use or ownership claims
e) Review of relevant laws and regulations pertaining to acquisition, compensation, and other assistance to PAPs, and identification of gap-filling measures needed to achieve ESS5 requirements
f) Description of land and asset valuation procedures and compensation standards for all categories of affected assets
g) Eligibility criteria for compensation and all other forms of assistance, including a cutoff date for eligibility
h) Organizational arrangements and responsibilities for RAP implementation
i) Implementation timetable
j) Estimated budget and financial contingency arrangements
k) Consultation and disclosure arrangements
l) Description of grievance mechanism
m) Arrangements for monitoring implementation progress.

The RAP should be complemented by a separate set of individual compensation files for each displaced household or persons. These files are to be handled confidentially to avoid any prejudice to PAPs.

The Project will not finance the subprojects/activities causing physical displacement.

F. Census survey

Census is a complete count of the population affected by a project activity including collation of demographic and property information. This will identify and determine the number of PAPs and the nature and levels of impact. Where land acquisition, livelihood impacts or restrictions on land use are unavoidable, ARIS, as part of the environmental and social assessment, conduct a census to identify the persons who will be affected by the project, to establish an inventory of land and assets to be affected, to determine who will be eligible for compensation and assistance. Based on the result of this survey the obtained information will be processed and reflected in the RAP.

G. Eligibility criteria and Cut-off date

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

Eligibility for compensation will be restricted to an established cut-off date for each subproject. Information regarding the cut-off date will be well documented and will be disseminated throughout the subproject area at regular intervals in written and (as appropriate) nonwritten forms and in relevant local languages. This will include posted warnings. PAPs who relocate to affected areas after cut-off date will not qualify for compensation. However, they will receive ample advance notice to dismantle any affected structures before the project implementation begins. Their dismantled structures will not be seized, and they will not face fines or sanctions.

Eligibility criteria for compensation and all other forms of assistance within the Project is summarized in the Entitlement Matrix developed in line with ESS5 (Annex 1).

H. Valuation of affected land and assets

The evaluation process of land and assets will involve a certified independent valuator or valuation company hired by the LSG in accordance with the national legislation. The valuation should be carried out when the census and detailed measurement survey (DMS) is conducted based on the approved detailed engineering design. DMS

involves the finalization and/or validation of the results of the inventory of possible losses, severity of impacts, and list of PAPs. The valuator/valuation company will visit the sites for physical verification, inventory, and assessment of each category of possible loss. The final cost of resettlement can be determined following completion of the DMS, and provided for information to the Project's social specialist and other stakeholders, with mandatory consultation of PAPs.

The calculation of the unit value will be based on the current market rate to match the replacement value of the land and lost assets in accordance with the Entitlement Matrix (Annex 1). If land-for-land compensation is not technically or socially feasible, compensation will be made in cash at full replacement cost at current market value. Compensation for any other affected assets (structures, crops and trees, and loss of business/income) will be made in cash or in kind at full replacement cost based on current market value. Where functioning markets do not exist, replacement cost may be determined through alternative means, such as calculation of output value for land or productive assets, or the undepreciated value of replacement material and labor for construction of structures or other fixed assets, plus transaction costs. The valuation method for determining replacement cost should be documented and included in the RAP. Transaction costs include administrative charges, registration or title fees, and any similar costs associated with resettlement imposed on PAPs.

I. RAP budget and financing

It is not possible to estimate the exact number of people that may be affected as technical designs and details have not yet been developed. Therefore, it is not possible to provide an approximate budget for resettlement that may be associated with project implementation. However, when the sites are known and design is developed, after the completion of a site-specific survey with involvement of LSG, information on specific impacts, detailed and accurate budget for each RAP will be prepared by ARIS. Each RAP may include a detailed budget with costs for the following:

- Compensation costs for the affected land and assets;
- Transaction costs associated with resettlement include administrative charges, registration or title fees and any similar costs imposed on PAPs.

Compensation payments, including transaction costs, will be covered by local self-government budget (municipalities).
ARIS will be the responsible agency for implementation of RAP, and administrative costs related to staff costs, training and capacity building, monitoring and evaluation will be covered by the project.

J. Organizational arrangements and responsibilities for RAP preparation and implementation

Development and implementation of RAP is based on the mechanisms described in this document and the responsibility of parties involved is given in Table 1 below.

Table 1. Steps for development and implementation of Resettlement Action Plan

STEPS	Activities	Responsible
STEP 1.	ARIS specialists will screen the subproject to identify the activities excluded from financing according to the Project exclusion list. If the subproject passes the Project exclusion list, with assistance from LSG, ARIS specialists will complete the environmental and social impact screening based on the design of the subproject. Based on the screening results, including potential adverse impacts and possible mitigation measures, if there is land acquisition or impacts on asset, the local authorities are notified about the potential preparation of RAP.	Project ESF Specialists, LSG

STEP 2.	a) If a subproject requires land acquisition or impacts on asset, the Project Specialists conduct a census of PAPs and an inventory of losses for further preparation of RAP. b) The LSG hires certified valuation company/specialist at their own expense, in accordance with the legislation to conduct evaluation of losses, assets etc. c) Independent valuator/company will conduct valuation considering the requirements of this RPF and document the results of valuation which will be shared with LSG and ARIS.	Project ESF Specialists, LSG, Independent valuator or valuation company
STEP 3.	The Project Specialists prepare draft RAP, which will include the results of inventory with estimated resettlement costs. This draft RAP will be provided to stakeholders during consultation process. The LSG organize consultations involving Project representatives, communities, PAPs and other stakeholders. The feedback provided during consultations will be considered and included in the RAP.	Project ESF Specialists, LSG
STEP 4.	The RAP will be finalized by ARIS, agreed upon with WB and subsequently approved by the LSG.	Project ESF Specialists, LSG
STEP 5.	LSG publishes the final RAP in local language and ARIS posts it on its corporate website without specifying personal details of PAPs. RAP will also be disclosed on the WB website in English.	Project ESF Specialists, LSG
STEP 6.	ARIS with LSG will conduct public consultations before RAP implementation and implement the RAP approved. LSG will submit to ARIS an official notification on implementation of mitigation measures (for which LSG is responsible) as per RAP approved.	Project ESF Specialists, LSG
STEP 7.	ARIS will prepare and submit the report on the implementation of RAP to the WB.	Project ESF Specialists
STEP 8.	Commencement of civil work in the subproject upon approval of the RAP implementation report by WB and WB No objection to start civil works	ARIS, Contractors

The distribution of responsibilities of all parties involved in the implementation of RAP(s) is summarized in Table 2.

Table 2. Roles and responsibilities during development and implementation of Resettlement Action Plan

Responsible party	Responsibilities
ARIS	• Conduct the environmental and social (E&S) impact screenings in the subprojects with involvement of local authorities; • Prepare RAP(s) in consultation with relevant stakeholders and PAPs as described in this RPF; • Obtain WB approval for the RAP(s) and publish them on the ARIS project website; • Organize approval of financing from LSG and payments for the implementation of RAPs; • Conduct public consultations before RAP(s) implementation; • Implement RAP(s) and prepare RAP implementation report to be submitted for WB approval; • Summarize issues related to resettlement in relation to project implementation to be sent to the WB in the form of regular progress reports; • Be open to comments from PAPs and local authorities regarding resettlement issues of project implementation. Meet with these groups during site visits as necessary; • Provide guidance to the construction contractor and construction supervision company on compliance with ESMP(s) and RAP(s) in conjunction with district and municipal structures; • Ensure that no civil works are commenced until WB No objection to start civil works in a specific subproject; • Coordinate and liaise with WB supervision missions regarding environmental and social aspects of project implementation; • Conduct regular monitoring activities to implement specific RAPs; • Ensure that Project Grievance Mechanism (GM) is accessible to PAPs and other interested parties; Address grievances related to resettlement in a timely and effective manner; • Manage the GM database and provide regular reports to WB on the number and content of complaints as part of progress reports.
Local self-government authorities	• Participate in E&S impact screening and preparation of RAP(s); • Organize the publication of final plans resettlement and organize public meetings with NGOs, community representatives, affected groups, etc.; • Facilitate the grievance resolution process at local level; • Facilitate community monitoring; • Payment of compensation as per the requirements of the RAP approved; • Allocation of land as per the requirements of the RAP approved.
Contracting companies	• Comply with the requirements of RAP(s), ESMPs; • Compensate or repair all damages incurred during construction (e.g., crop damage, infrastructure) as indicated in the RAP(s)/RPF and agreed to by the ARIS or Project representatives; • GM management at the Contractor level.
World Bank	• Review a site-specific RAP(s) and provide approval to ARIS; • Publish final RAP(s) on the official WB website; • Conduct implementation support and supervision missions to ensure that the Project complies with the WB ESS5.

K. Consultation and Disclosure Arrangements

The RAP will summarize results of measures taken to consult with PAPs regarding the subproject, its impacts, and proposed resettlement measures. It also will summarize the meetings held with PAPs (dates, locations, number of participants), including comments, questions, and concerns expressed by PAPs during these meetings as well as responses provided to them. ARIS discloses a draft RAP to the PAPs and the public after the WB review and solicits comments from PAPs regarding the proposed plan. Disclosure of the final RAP occurs following the consideration of comments received from PAPs and other stakeholders and following the WB approval.

The draft RPF along with the drafts of the Environmental and Social Management Framework (ESMF) and Stakeholder Engagement Plan (SEP) were published on the ARIS website (www.aris.kg). RPF details such as ESS5 Principles, Compensation Rights, GM were presented and discussed during public consultations between January 19-29, 2024. The minutes of public consultations are given in the SEP disclosed on ARIS website (https://www.aris.kg/projects/proektyprogrammy-aris/podgotovka-nacionalnogo-proekta-iniciativ-soobschestv). The final RPF in English and Russian will be posted on ARIS web page. In addition to the ESMF and SEP, the final version of the RPF will guide the ARIS, relevant government authorities, LSGs and other stakeholders of the Project to identify and mitigate the land acquisition and involuntary resettlement and land use restriction impacts during the Project implementation.

L. Grievance Mechanism

To ensure that PAPs can raise complaints regarding the land acquisition and involuntary resettlement process, calculation or payment of compensation, provision of assistance, or other relevant matters, the RAP provides for an accessible and responsive grievance mechanism. The RAP describes submission procedures, organizational arrangements, and responsive performance standards for handling grievances, and measures to be taken to inform PAPs or communities about grievance initiation and response standards. The Project GM does not preclude PAPs from pursuing other legal remedies available to them.

The ARIS keeps a record of all complaints referred to the GM, including a description of issues raised and the status or outcome of the review process.

Anyone can share their comments or suggestions regarding any aspect of the project using the Beneficiaries' Feedback Mechanism (BFM) of ARIS. In case the grievance/complaint is submitted at the project site, the filed specialist located at or assigned to the site of subproject implementation must immediately notify the BFM/GM officer about the comment or complaint received, respecting confidentiality measures. BFM/GM officer will forward it for registration, further review, and processing. Additionally, they must provide all necessary information and documentation related to the comment or complaint to ensure that the incident is fully and accurately investigated and appropriate action is effectively taken. They will provide a response in consultation with the appropriate project officers, ensuring that all responses are consistent with the POM. The complainant will be notified by phone or other BFM/GM channels that their comment or complaint has been received and the review process has been initiated. The notification will include:

- data of the executor (project specialist) to whom the comment was received;
- terms of execution (within 14 working days, exceptionally 30 calendar days from the date of registration of the comment);
- terms and course of actions are determined in accordance with the ARIS BFM/GM instruction on handling inquiries.

To facilitate an effective implementation of the Project, ARIS field staff assume full responsibility, including dissemination of information about the BFM/GM and receiving citizens' feedback. To enhance their professional skills in this area, ARIS BFM officer will provide them with special trainings on the implementation of the BFM. This will allow ARIS field staff to better master feedback methods and tools, ensuring more effective interaction with villagers during project implementation.

If the grievance pertains to sexual exploitation and abuse (SEA), sexual harassment (SH), or gender-based violence (GBV), it may be filed against any beneficiary of services provided by ARIS under the projects and any persons

associated with such beneficiaries (including ARIS staff and contractors). These complaints will be addressed promptly. If the facts are confirmed, all necessary reasonable and legal measures will be taken to prevent SEA, SH, and GBV, and to ensure fairness and protection of the rights of the victims. ARIS guarantees compliance with all applicable norms and standards in the process of handling complaints related to these types of violations.

Channels for providing feedback will be set up within the framework of the ARIS project implementation. Residents and beneficiaries can submit appeals at various stages of the project through the following communication channels:

- Helpline: Available 24/7, where calls will be recorded.
- WhatsApp: text messaging system for mobile devices that supports voice and video communication.
- Social Networks: Platforms such as Instagram, Facebook, and Telegram.
- ARIS Website: The official project website, accessible at www.aris.kg.
- On-site Working Meetings: Residents can share oral or written communications during face-to-face working meetings.
- ARIS Reception: Appeals can be submitted through incoming correspondence to the ARIS reception.
- E-mail: Residents and beneficiaries can also provide feedback through incoming correspondence via email.

M. Monitoring and Reporting

The environmental and social monitoring will be conducted by ARIS throughout the Project implementation to prevent negative project impacts and track the effectiveness of mitigation measures. ARIS will report to the WB on the Project compliance with RPF/RAP(s) as part of a semi-annual reports on the implementation of the Environmental and Social Commitment Plan (ESCP).

Regarding the monitoring and implementation of RAP, the status of implementation of the RAP will be reported to the WB periodically as established in the specific RAP. The implementation review evaluates the effectiveness of mitigation measures in achieving RAP and ESS5 objectives and recommends corrective measures to meet objectives not yet achieved. RAP implementation report shall be submitted to the WB and no civil works can be started until RAP implementation report approved by the WB.

The progress reports will provide a comprehensive overview of all project aspects, enhancing transparency and effectiveness. Resettlement concerns will receive equal attention alongside other considerations. The report will detail resettlement issues and challenges addressed by the project, along with the measures taken to mitigate them. Additionally, the BFM/GM report will encompass data on:

- Project's BFM/GM overview;
- Status and performance of BFM/GM within the reporting period;
- Results of consideration of grievances and measures taken to address them, including this related to resettlement (ESS5);
- Qualitative and quantitative data on the type of inquiries and corresponding responses provided, problems that remained unresolved;
- Level of satisfaction with the actions taken (response);
- Any corrective actions taken.

Annex 1. Entitlement Matrix

Project Impacts	PAP category	Affected asset	Entitlements to receive compensation
Permanent land acquisition	Landowner	Land	As the primary preference, a land plot with the same size and fertility as the withdrawn plot, suitable for PAPs, and located within a 5 km radius, will be offered as a replacement. If no land is available, cash compensation will be provided at the replacement cost. Additionally, the expenses for registration and re-registration of rights, as well as the costs for enhancing the quality and productivity of the land to a condition similar to the affected land, will be covered. If the remaining portion of the plot is no longer usable, the entire plot of land must be purchased. Compensation for improvements to the land plot, such as irrigation facilities, will be based on current market rates for equipment and materials, including labor costs. In the event of income loss, compensation will be equivalent to the actual wages received for a minimum of two months.
	Leaseholder	Land (Right to use land)	New lease or compensation for loss of right-to-use land depending on the period of the existing lease.
	Informal user	Land	Land compensation is not envisaged. Support aims to prevent a complete loss of livelihood, contingent on the specific conditions in each case. If there is a loss of income, compensation will be provided as given in relevant sections of this Entitlement Matrix. No deductions will be made for materials used that the PAP can return.
Permanent acquisition of structure/building	Owner of structure/building	Any structure, including fencing, etc.	Replacing the structure or receiving monetary compensation at the replacement cost (excluding depreciation), along with the entitlement to usable materials, is an option. It's not anticipated that there will be a loss of a residential building or structure requiring permanent physical relocation of households as project will not finance subprojects with physical relocation.
	Tenant	Any structure	New lease or compensation for loss of right-to-use structure depending on the period of the existing lease.
Restricting access to land and structures	All categories of PAPs	Access to the land and structures	Every effort will be made to ensure a lasting and secure access. After the completion of the project, the land will be fully restored to its original condition.

Loss of income	Business owner regardless of legal status	Temporary loss of business income due to project work	Cash compensation for the loss of income during the shop's downtime (closure) will be calculated based on the accounting data from the three preceding months of that particular business or an equivalent one. If the business income fluctuates seasonally, compensation will be determined using the income figures from the previous year or those of a comparable business. Some acceptable documents need to be presented. To mitigate the impact on the income source, every attempt will be made to facilitate temporary access to the shop.
		Permanent loss of business income due to project activity	Cash compensation of net profit for the period needed to restore business, but not more than annual net profit. Some acceptable official documents need to be presented. In the absence of income proof, or in cases where PAPs have paid tax based on a flat rate, they will receive compensation equal to 1 week to 12 months minimum national salary depending on time needed to restore business operation.
	Permanent workers or employees of the business impacted	Loss of income/wages	Compensation for lost wages equal to actual wage for 3 month or in case of absence of tax declaration, one-time minimum national salary in cash for 3 months. Some acceptable documents and/or confirmation of employment need to be presented.
Impact on crops	Leaseholder	Harvest	It is allowed to harvest or receive compensation in cash at the highest market value for the agricultural season or according to the rates of the Ministry of Agriculture of the Kyrgyz Republic, whichever is higher. For temporary land use where the cropping season is lost, compensation will be provided for the lost growing season based on the market value of the previous crop grown.
	Owner	Harvest	In addition to land compensation in case of permanent land acquisition, individuals will have the option to harvest or receive cash compensation at the highest market value for the agricultural season, or based on the rates established by the Ministry of Agriculture of the Kyrgyz Republic, whichever is greater. In cases of temporary land use resulting in the loss of a cropping season, compensation will be provided based on the market value of the previous crop grown.

	Informal land user	Harvest	It is allowed to harvest or receive compensation in cash at the highest market value for the agricultural season or according to the rates of the Ministry of Agriculture of the Kyrgyz Republic, whichever is higher.
Trees	Owner	Fruit tree	The expense of seedlings and monetary compensation equivalent to the value of the crop, multiplied by the number of years required for the young tree to reach maturity.
		Not fruit trees	Wood and seedlings or cash equal to the value of the wood.
	Tree users	Fruit tree	The cash value of the crop multiplied by the number of years the trees have been used for rental.
Loss of livelihoods	All categories of PAPs	All types of livelihoods	If there is a loss of employment, in addition to compensation according to this Entitlement Matrix, individuals will receive additional training and assistance in job search. Those affected will be registered, and support will be tailored to each case. Further development aid, such as access to community capacity building programs and business development programs as part of this Project.
Assistance to poor and vulnerable PAPs	Poor and vulnerable PAPs	Additional impacts on livelihoods due to vulnerability	Poor and vulnerable PAPs are entitled to tailored additional support measures to mitigate further negative impacts arising from the Project, including training, employment and other opportunities within the Project, contingent on the specific circumstances. Gender considerations will also be factored in. Vulnerable segments of the population comprise households with individuals with disabilities, households led by women reliant on wages below the minimum wage, and households categorized as vulnerable by local government leaders.
Temporary land allocation for Contractor's works	Landowner	Land	Land rent will be determined based on market tariffs and rates during the lease period. Additionally, the costs of any property damage caused by Contractor during project work will be fully compensated at replacement cost. Land plot will be restored to its original condition before returning to the owners.
Voluntary Land Donation	Landowner	Land/assets	Voluntary land donation from an individual will be carefully screened by ARIS and approved by the World Bank before accepting the donation. Land donation must not lead to individuals or households being in a worse condition than before the project started and they should benefit from the project.
Unforeseen impacts not considered in this Entitlement Matrix and arising	All PAPs	Any unforeseen impacts not considered in	Unforeseen impacts not considered in this Entitlement Matrix and arising during Project implementation, if any, to be assessed and due compensation should be provided, which shall be agreed upon with WB in accordance with the requirements of the WB ESF/ESS5.

during Project implementation.		this Entitlement Matrix	

The compensation package includes the transaction costs associated with resettlement (administrative charges, registration or title fees), transportation costs and any similar costs imposed on PAPs due to the Project impacts under WB ESS5.