

Social Due Diligence Report

October 2020

SOCIAL DUE DILIGENCE REPORT ON RELOCATION OF UTILITIES

Project number: 48401-007

**KGZ: CAREC Corridors 1 and 3 Connector Road
Section 2B, Epkin – Dyikan [Bashkuugandy] Road [km
89+500 – km 159+200]**

Prepared by Ministry of Transport and Road KR in consortium with Gentek Consult Ltd.

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THE KYRGYZ REPUBLIC



MINISTRY OF TRANSPORT AND ROADS

**KGZ: CAREC CORRIDORS 1 AND 3 CONNECTOR ROAD SECTION 2B,
EPKIN – DYIKAN [BASHKUUGANDY] ROAD [km 89+500 – km 159+200]**



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Bishkek

October 2020


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ABBREVIATIONS

ADB	–	Asian Development Bank
AH	–	Affected household
CAREC	–	Central Asia Regional Economic Cooperation
COI	–	Corridor of impact
DMS	–	Detailed Measurement Survey
DP	–	Displaced person
EA	–	Executing Agency
GRG	–	Grievance Redress Group
GRM	–	Grievance Redress Mechanism
IA	–	Implementing Agency
IEE	–	Initial Environmental Examination
IOL	–	Inventory of Loss
IPIG	–	Investment Project Implementation Group
LAR	–	Land Acquisition and Resettlement
LARP	-	Land Acquisition and Resettlement Plan
LPC	–	Local Point of Contact
MOF	–	Ministry of Finance
MOTR	–	Ministry of Transport and Roads
RMS	–	Road Management Services (MOTR unit at Oblast level)
RMD	–	Road Maintenance Department (lowest MOTR unit at Rayon level)
ROW	–	Right of Way
SDDR	-	Social Due Diligence Report
SES	–	Socio Economic Survey
SSMR		Semiannual Social Monitoring Report
TORs	–	Terms of Reference

CURRENCY EQUIVALENTS

(As on October 09, 2020)

USD 1 = KGS 79.6197

(<https://www1.oanda.com/currency/converter/>)

GLOSSARY

Ayil Aymak	Administrative and territorial unit consisting of one or several villages where the local community executes local governance according to the Constitution and Laws of the Kyrgyz Republic.
Displaced Persons (DP)	'In the context of involuntary resettlement, displaced persons are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.' (ADB SPS 2009)
Detailed Measurement Survey (DMS)	With the aid of the approved detailed engineering design, this activity involves the finalization and/or validation of the results of the inventory of losses (IOL), severity of impacts, and list of DPs. The final cost of resettlement can be determined following completion of the DMS.
Compensation	Payment in cash or in kind to replace losses of lands, housing, income and other assets caused by the Sub-Project. All compensation is based on the principle of replacement cost, which is the method of valuing assets to replace the loss at current market rates, plus any transaction costs such as administrative charges, taxes, registration and titling costs.
Cut-off Date	Means the date of issuance of the Government Decree No 182-p dated on 26 May, 2014, on suspension of all activities (constructions, reconstructions of any structures and allocation of land for any purpose) within 32 m from each side of the road. The DPs will be informed of the cut-off date, and any people who settle in the project area after the cut-off date will not be entitled to compensation and assistance under the project.
Entitlements	Refers to a range of measures comprising compensation, income restoration support, transfer assistance, income substitution, relocation support, etc. which are due to the DPs, depending on the type and severity of their losses, to restore their economic and social base.
Eligibility	Means any person who has settled in the Project area before the cut-off date that suffers from (i) loss of shelter, (ii) loss of assets or ability to access such assets, permanently or temporarily, or (iii) loss of income sources or livelihood, regardless of relocation will be entitled to compensation and/or assistance.
Income Restoration	This is the re-establishment of sources of income and livelihood of the affected households.
Income Restoration Program	A program designed with various activities that aim to support affected persons to recover their income / livelihood to pre-Sub-Project levels. The program is designed to address the specific needs of the affected persons based on the SE survey and consultations.
Inventory of Losses (IOL)	This is the process where all fixed assets (i.e., lands used for residence, commerce, agriculture; dwelling units; kiosks, stalls and shops; secondary structures, such as fences, gates, trees etc. with commercial value and sources of income and livelihood inside the Project right-of-way (Project area) are identified, measured, their owners identified, their exact location determined, and their replacement costs calculated. Additionally, the severity of impact to the affected assets and the severity of impact to the livelihood and productive capacity of DPs will be determined.
Land Acquisition	Refers to the process whereby an individual, household, firm or private institution is compelled by a public agency to alienate all or part of the land it owns or possesses to

	the ownership and possession of that agency for public purposes in return for compensation at replacement costs.
Rehabilitation	This refers to additional support provided to DPs losing productive assets, incomes, employment or sources of living, to supplement payment of compensation for acquired assets, in order to achieve, at a minimum, full restoration of living standards and quality of life.
Relocation	This is the physical relocation of an DP from her/his pre-Sub-Project place of residence and/or business.
Replacement cost	The calculation of full replacement cost will be based on the following elements: (i) fair market value; (ii) transaction costs; (iii) interest accrued, (iv) transitional and restoration costs; and (v) other applicable payments, if any.
Replacement Cost Study	This refers to the process involved in determining replacement costs of affected assets based on empirical data.
Resettlement	This includes all measures taken to mitigate all adverse impacts of a Sub-Project on DP property and/or livelihoods, including compensation, relocation (where relevant), and rehabilitation as needed.
Land Acquisition and Resettlement Plan (LARP)	This is a time-bound action plan with budget setting out compensation and resettlement strategies, objectives, entitlement, actions, responsibilities, monitoring and evaluation.
Severely Affected Household	This refers to affected households who will (i) lose 10% or more of their total productive land and/or assets, (ii) have to relocate; and/or (iii) lose 10% or more of their total income sources due to the Sub-Project.
Vulnerable Groups	These are distinct groups of people who might suffer disproportionately or face the risk of being further marginalized by the effects of resettlement and specifically include: (i) female headed households with dependents, (ii) disabled household heads, (iii) households falling under the generally accepted indicator for poverty, (iv) households children and the elderly who are landless and with no other means of support, and (v) landless households, (vi) indigenous people or ethnic minorities.

1. PROJECT STATUS

1. The Government of the Kyrgyz Republic has requested the Asian Development Bank (ADB) to identify, formulate, and prepare an ensuing loan and/or grant for the rehabilitation of CAREC Corridors 1 and 3 Connector Road. The whole corridor will be financed by different financing agencies.
2. To facilitate the project design and financing from international banking institutes, CAREC Corridors 1 and 3 Connector Road was divided into five (5) sections:

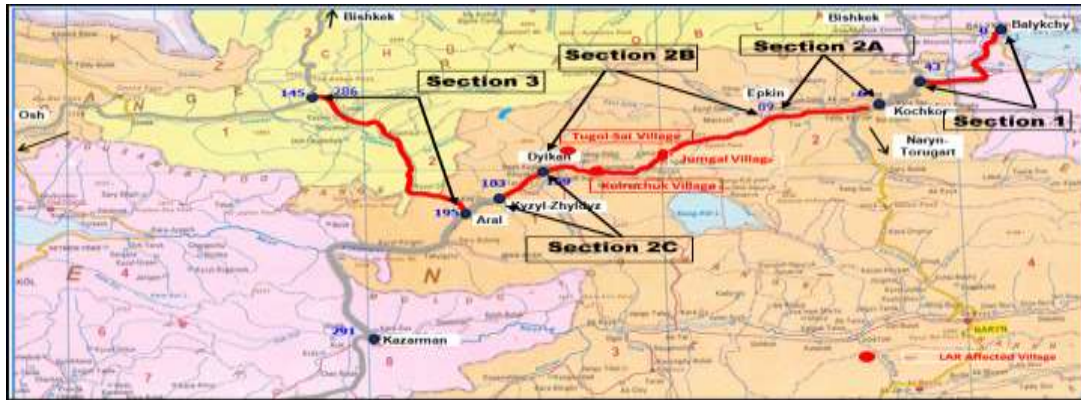
Table 1-1. CAREC Corridors 1 and 3 Connector Road Sections

Sections	Section length	Source of financing
Section 1	Balykchi (Km 0) to kilometer-post 43 (Km 43), approximately 43 kilometers (km).	ADB
Section 2A	Kochkor (Km 64) to Epkin (Km 89), approximately 25 km.	ADB
Section 2B	Epkin (Km 89,5) to Bashkuugandy (km 159,2), approximately 70 km.	ADB
Section 2C	Bashkuugandy (km 159,2) to Kyzyl-Zhyldyz (km 183), approximately 24km, where a Bypass Road is being envisioned to avoid the village of Chaek and part of Kyzyl-Zyldyz.	IsDB
Section 3	Aral (Km 195) to Too-Ashuu (km 286), approximately 91 km.	Source not defined

3. As initial part of the possible funding assistance, the ADB has engaged Kocks Consult GmbH, Germany, to prepare a Feasibility Study and Preliminary Design for the Sections 1, 2A and 2B. The consultancy scope also included an Initial Environmental Examination (IEE); and a social and poverty analysis and impact assessments, in accordance with ADB's Safeguard Policy Statement (SPS) 2009. Then, Japan Overseas Consultants was hired to finalize preliminary IEE and Land Acquisition and Resettlement Plan (LARP). With reference to the Contract Agreement for Consultancy Services for the engagement, one of the main tasks of the Japan Overseas Consultants was to update/upgrade the draft LARP in Feasibility Stage to the ready implementation LARP in accordance with Detailed Design for the project in accordance with the requirements of the Kyrgyz Republic legislations and ADB SPS 2009.

4. The Ministry of Transport and Roads of Kyrgyz Republic (MOTR) is Executing Agency (EA), Investment Project Implementation Group of MOTR (IPIG) - Implementing Agency, Supervision Consultant is Gentek Engineering and Consulting Ltd., Contractor – Todini Costruzioni Generali S.p.A. for this CAREC Corridors 1 and 3 Connector Road Project, Section 2B, Epkin – Dyikan [Bashkuugandy] Road [km 89+500 – km 159+200] (further – Project). The Project became effective on 23 May 2017.

Figure 1-1: Section Location Map CAREC Corridors 1 and 3 Connector Road (Section 2B)



5. The Project road Section 2B Epkin to Bashkuugandy is a 69,7 km east to west highway. Generally, this section follows the existing alignment up to Bashkuugandy (km 159). The entire of this section is within Naryn Oblast and it traverses small western part of Kochkor rayon (Kochkor, as the capital); while the most part is in Jumgal rayon (Chayek as the capital).

Preparation and Implementation of Land Acquisition and Resettlement Plan for the Project

6. The project is classified for Involuntary Resettlement as category B in accordance with requirements of ADB SPS 2009 and OM F1. The draft land acquisition and resettlement plan (LARP) was prepared in 2016 and updated in 2017 in accordance with the detailed design of the project. The LARP for Section 2B Epkin – Bashkuugandy of CAREC Corridors 1 and 3 Connector Road (km 89.5 – km 159.2) has been approved by ADB and the Kyrgyz Government, endorsed by the Governmental Ordinance №333 dated 10 September 2019¹, and disclosed on IPIG and ADB² websites.

7. To facilitate effective LARP implementation and the commencement of physical works, the Project road was divided into five sections, which do not involve any resettlement, and four sections, which involve involuntary resettlement. Currently, two sections (Kyzart pass and Kuiruchuk village) which involve involuntary resettlement handed over to the Contractor and for remaining two sections (Jumgal and Kuiruchuk villages) LARP Implementation (Compliance) Report is prepared and submitted to ADB review.

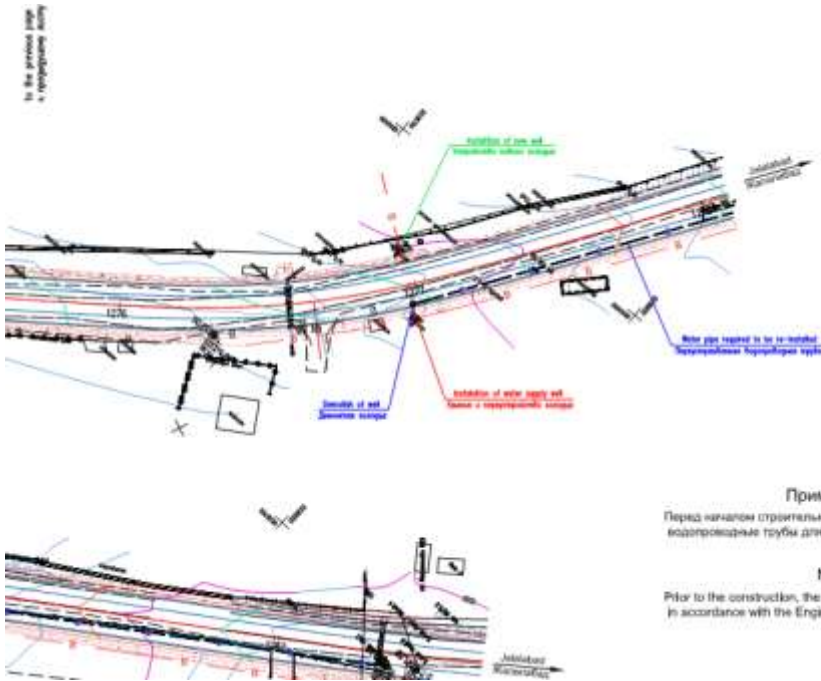
8. During LARP preparation and implementation all possible efforts have been made to minimize the resettlement impacts along the road section by changing the technical design. The technical and social safeguard teams worked together to minimize the impact where feasible. The Supervision Consultant reviewed each road section to identify locations where impact could be minimized. At some sections with significant impact, the alignment of the main carriageway was reoriented to minimize the impact. The same approach is adopted for the ongoing relocation of utilities which was not covered by LARP approved and implemented.

Objective and Scope of the Social Safeguards Due Diligence

9. The main objective of the social safeguards due diligence (SSDD) is to identify the Project impacts (if any) due to relocation of public utilities, including economically or/and physically displaced persons (DPs) and propose mitigation measures, if needed. This social safeguards due diligence report (SSDDR) complies with the relevant laws of the Kyrgyz Republic and the requirements of ADB SPS 2009. The DDR has been prepared to: (i) confirm the absence of LAR impacts or necessity of preparing LARP; (ii) define and mitigate any impacts caused by the relocation of public utilities and (ii) ensure overall compliance with the ADB SPS 2009 requirements.

¹ <http://cbd.minjust.gov.kg/act/view/ru-ru/217587>

² <https://www.adb.org/sites/default/files/project-documents/48401/48401-007-rp-en.pdf>

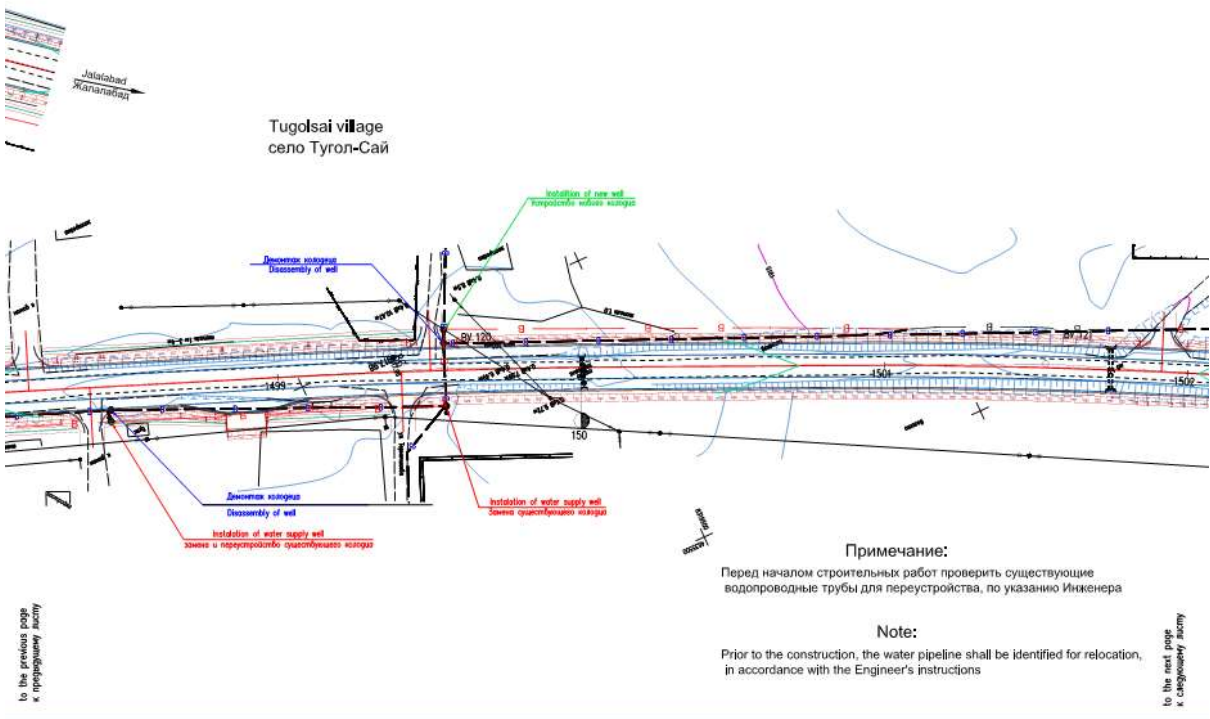


Примечание:
 Перед началом строительных работ проверить существующие водопроводные трубы для переустройства, по указанию Инженера

Note:
 Prior to the construction, the water pipeline shall be identified for relocation, in accordance with the Engineer's instructions

Figure 2-2: Relocation of Water Pipes in Tugol-Sai village

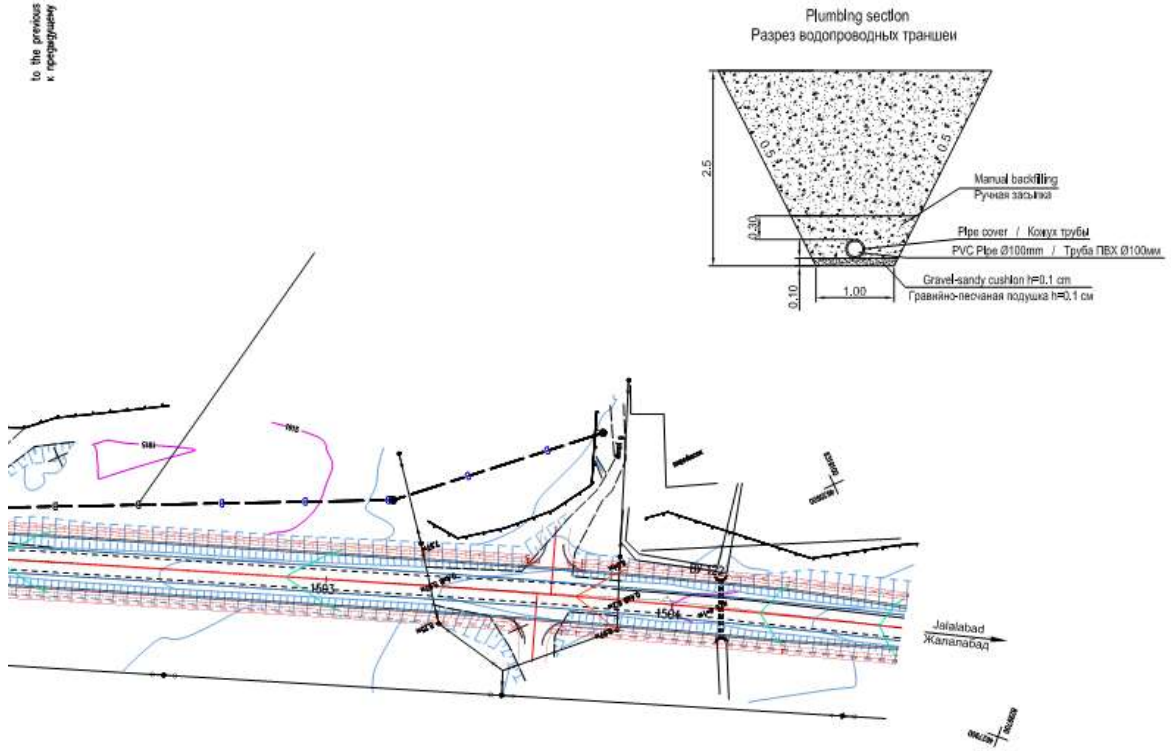
Re-location of water supply pipeline
 План по переустройству водопровода
 Масштаб: 1:1000



Примечание:
 Перед началом строительных работ проверить существующие водопроводные трубы для переустройства, по указанию Инженера

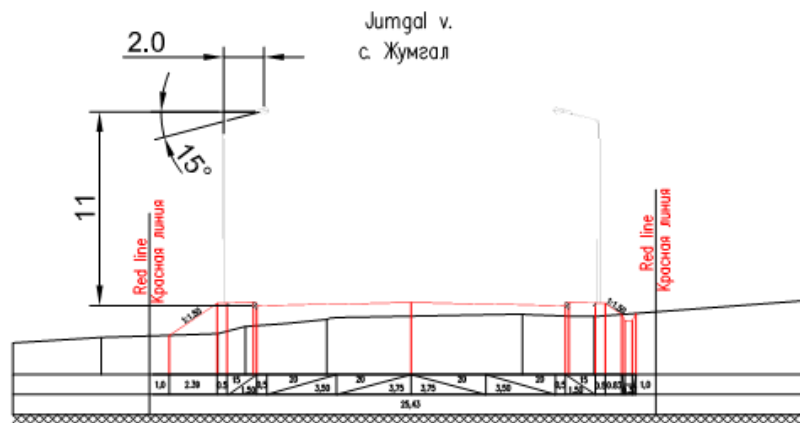
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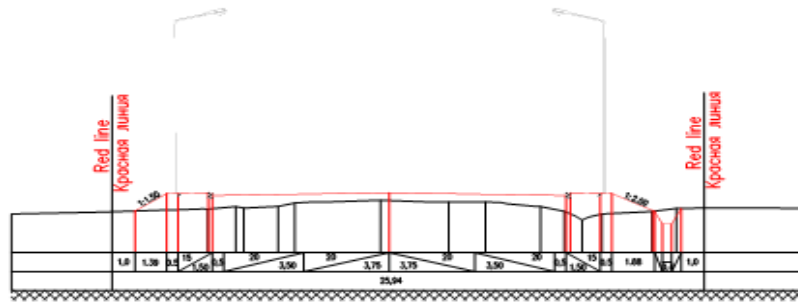


Note: Distance from the road axis to the axis of the water supply in the plan are given in Annex 2-1

Figure 2-3: Installation of Street Lights in Jumgal, Kuiruchuk and Tugol-Sai villages



Kuiruchuk v.
с. Куйручук



Tugol-Sai v.
с. Тугол-Сай

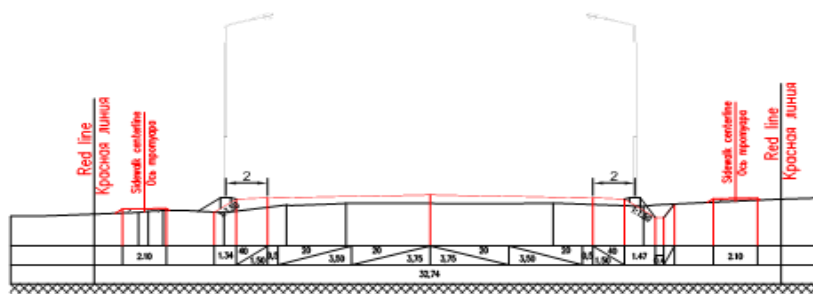
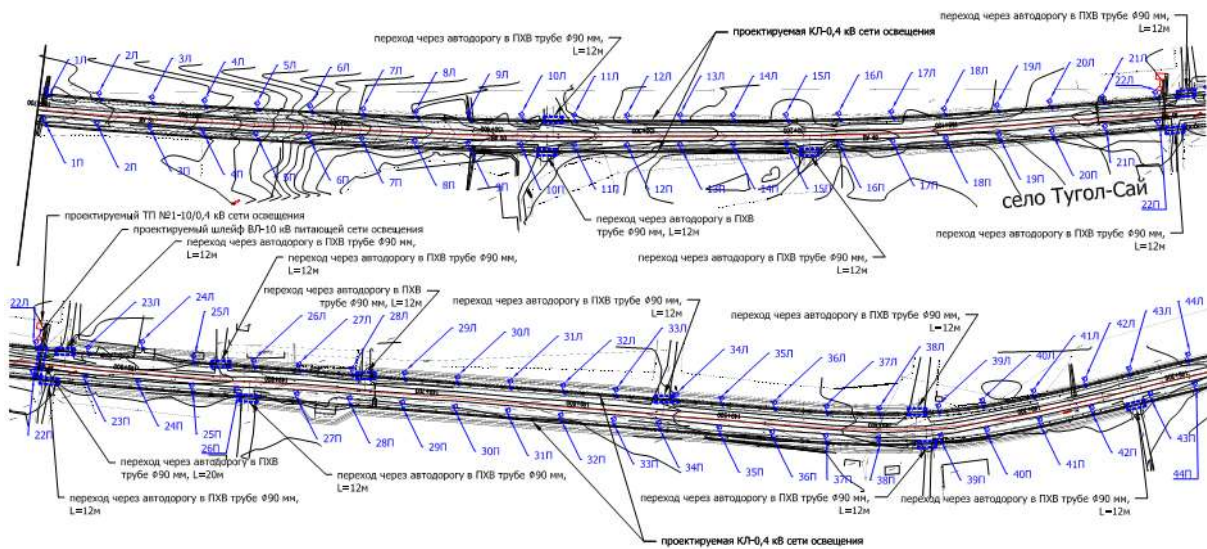


Figure 2-4: Location of lighting poles in the village of Tugol-Sai



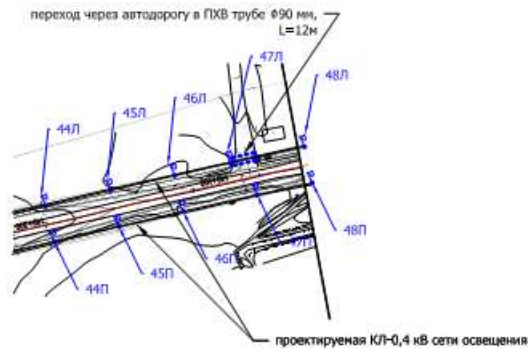


Figure 2-5: Lighting poles foundation

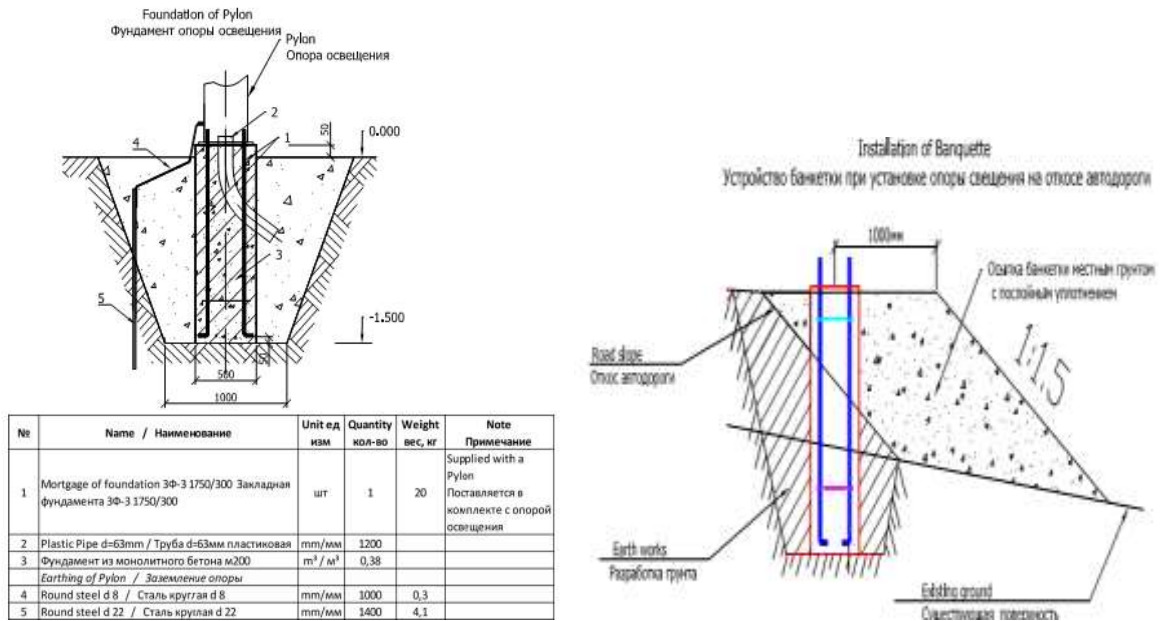
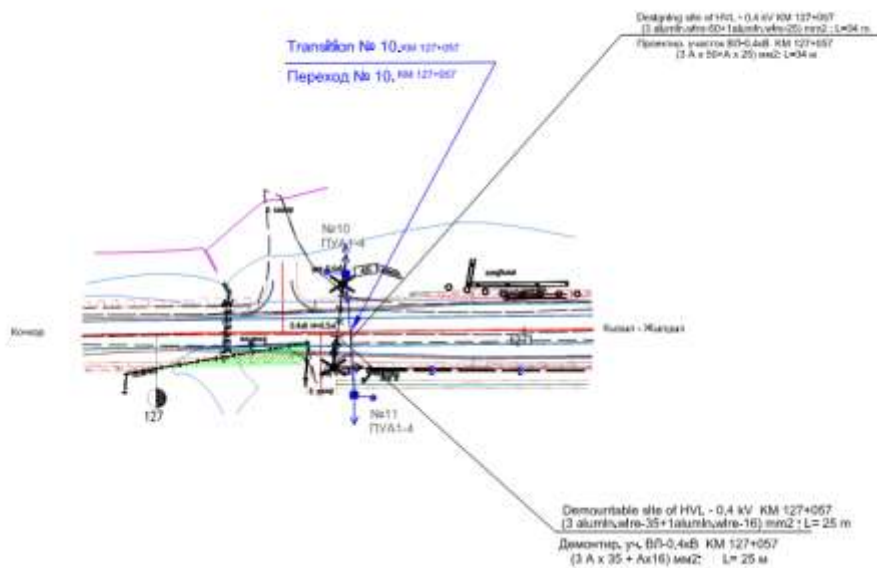
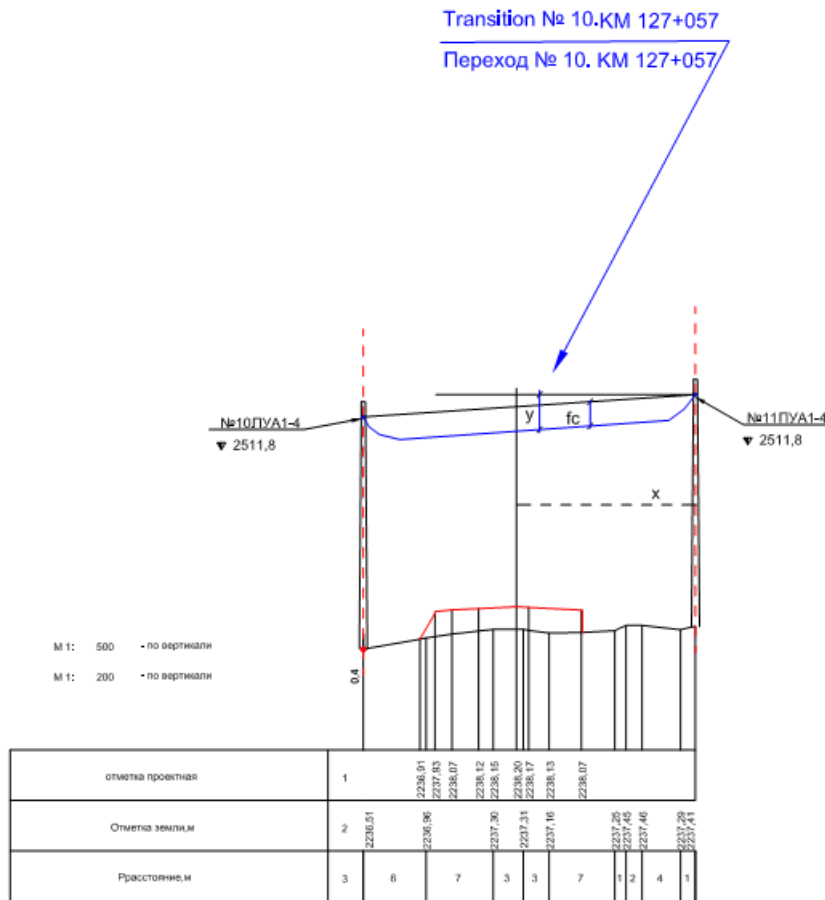


Figure 2-6: Profile of the transition HVL (km 127+057)





14. All electrical mounting works on installation of lighting and replacement of electric poles are carried out in accordance with the requirements of Construction Norms And Specifications (СНиП) 23-05-95 "Daylight and artificial lighting; instructions for the design of external lighting in cities, towns and rural localities; Manuals for the design of overhead power transmission line with a voltage of 0.38 KV with insulated cables, made in accordance with the requirements of the Electrical Installation Regulations (ПУЭ-86)".

15. Installation of lighting poles as shown in the model plan will be carried out within the right-of-way on the edge of the road shoulder. Replacement and relocation of existing electric poles to new ones will be carried out within the boundaries of state-owned land in compliance with the above requirements.

16. Relocation of water supply networks is carried out in accordance with the requirements of Construction Norms and Specifications (СНиП) 2.04.02-84 "Water Supply. Outdoor networks and structures"; as well as in agreement with all necessary agencies and authorities. Relocation of the water supply networks will be carried out within the right of way and will require laying the networks in a trench more than one meter wide and deep.

17. The tables 2-1 and 2-2 below provides summarized information on types and current status of relocation of the public utilities.

2.2 Due Diligence Procedure

18. As the relocation of public utilities was not covered by the LARP prepared and implemented for the Section 2 B Epkin–Bashkuugandy (km 89.5 – km 159.2), information on the utilities relocation will be included, on an ongoing basis, in Contractor’s and Supervision Consultant’s monthly and quarterly reports. In addition, this Due Diligence was carried out from July to September 2020 by the social safeguards specialists together with the Contractor’s engineers and representatives of the local authorities and District unit of the State Institution “Cadastre” under the State Agency on land resources of the Kyrgyz Republic (Gosregister). The technical study is complemented with analysis of types and volumes for the planned work, information about the site where the utilities needed to be relocated and cartographic data of the Gosregister and local authorities on the location of land plots and utilities along the Project road (Photo materials in Annex 2-2).

19. This DDR is based on the review of the Supervision Consultant’s and Contractor’s monthly and quarterly reports, Project social safeguards monitoring reports, Project technical documents including types and volumes for the planned works under the contract, information about the site, cartographic data of the Gosregister and local authorities about the location of land plots along the project road, regular on-site monitoring of the project implementation, detailed analysis of the grievances and enquiries recorded by the Project, consultations with stakeholders and wider Project communities.

20. The detailed field surveys were conducted together with engineers and representatives of local authorities and Gosregister and in order to check and confirm that the utilities relocation related activities will be carried out on the public land and within the RoW and will not trigger the LAR impacts (neither permanent nor temporary).

Table 2-1: Installation of the lighting poles and relocation of public utilities as of 30 September 2020

No	Area	Work/Utility type	KM	Length/Number	Current Status
1	Jungal	Water pipe	126+980 – 128+780	1800 m	Not started
2	Jungal	Lighting poles	126+915 – 129+470	148 units	Not started
3	Kuiruchuk	Lighting poles	141+740 – 143+875	124 units	Not started
4	Tugol-Sai	Water pipe	149+100 – 150+400	918 m	Not started
5	Tugol-Sai	Lighting poles	149+050 – 150+695	96 units	Not started

Table 2-2: Relocation of existing lines 0,4 – 10 kV and overhead power lines as of 30 September 2020

Work/utility type	KM	Current Status
Electricity poles (the total number of poles for relocation - 21 units)	91+900 – 91+990	Not started
	91+492	Not started
	98+400 – 98+985	Not started
	127+000 – 127+100	Not started
	127+057	Not started
	127+320 – 127+400	Not started
	127+365	Not started
	142+420 – 142+520	Not started
	142+748	Not started
	146+500 – 146+600	Not started
	146+514	Not started

	149+360 – 149+440	Not started
	149+402	Not started
	150+300 – 150+400	Not started
	150+327	Not started
	150+384	Not started

2.3 Preventative Mitigation Measures during the Relocation of Utilities

21. The work activities will be organized in a way to keep uninterrupted traffic and people's movements. As per the Traffic Management Plan, relevant visual traffic safety signage are always displayed especially when a temporary alternative rerouting is necessary. These include temporary footpaths, speed limits, parking places etc.

22. A special care will be taken to enable undisrupted access to shops for delivery of goods and access to costumers. Trained signalers assist traffic and pedestrians movements as needed. These mitigation measures are strictly followed to ensure that either permanent or temporary impacts on access to the shops, private homes and public offices are not triggered.

23. Water and electricity supply during the relocation of utilities will be disrupted for a short time. To minimize the impact, dates and time of service disruption will be provided to the business operators and people living along the road prior to start relocation activities.

24. Information on planned power outages due to relocation activities will be provided in advance for 2-3 days through the existing local channels for the delivery of information. The representative of Rayon Electric Service and the water services, together with representatives of local authorities, (house to house contact) informs local residents about the upcoming power outage in advance. The transfer of water pipes will be carried out in a short period of time, as a comprehensive preparatory work is carried out before the relocation activities.

25. The Contractor is responsible for a regular dissemination of information related to the relocation of utilities. The Supervision Consultant monitors, on a daily basis, these measures.

3. SOCIAL SAFEGUARDS DUE DILIGENCE KEY FINDINGS

3.1 Due Diligence Findings for the Planned Relocation Works as of 30 September 2020

26. The results of the described measures, field examinations and studies undertaken jointly by Supervision Consultant's Social Safeguards Specialist and engineers and the representatives of the Contractor and Subcontractors are summarized in the following paragraphs. These activities allowed to determine possible adverse impact caused by relocation of public utilities if any, to confirm the impact and the appropriate measures to mitigate it or to confirm absence of any adverse LAR impacts due to the relocation of utilities.

27. As a result of SSDD it was found that the Project works related to the relocation of public utilities are planned within the RoW and on the lands already acquired under the LARP and will not require any land acquisition and will not cause any economic or physical displacement to people living and working along the road.

28. The studies and examinations undertaken by the Supervision Consultant, IPIG and Contractor and Subcontractors, confirmed that relocation of the public utilities have not and shall not cause any direct impact or restrictions on privately owned or used land or assets. Therefore, no cases of physical resettlement or economic displacement is expected to be triggered by the relocation of utilities planned within the scope of this Project.

29. No permanent and or temporary impact on solid structures used as commercial facilities is expected, neither trading facilities will need to be shifted and / or removed for the relocation of utilities,

therefore, no cash compensation is required for temporary or permanent stoppage of business or salaries and wages.

30. The social assessment of the proposed Project based on the utilities replacement detailed design confirmed a complete absence of the LAR impacts. Consequently, no LARP or Addendum to the LARP is required for relocating of public utilities located along the Project road.

3.2. Social Safeguards Due Diligence Procedure for Relocation of Utilities detected after 30 September 2020 (if any)

31. If there is a need for additional work on the utility relocation that are not included in this DDR and detected after 30 September 2020 additional due diligence will be conducted before the start of construction work. Detailed information will be reflected in the SSMR.

32. Based on the experience on conducting this due diligence and planned preventive measures, the social safeguards due diligence for relocation of utilities detected after 30 September 2020 (including the need of design changes if needed), if any, and not included into this DDR, will include the following activities:

- (i) Contractor informs Supervision Consultant on utilities detected and to be relocated;
- (ii) Supervision Consultant team consisting of Engineer, safeguards specialists review relevant project documents and detailed utility documents if available;
- (iii) Supervision Consultant team, including safeguards specialists, together with Contractor/Subcontractors conduct field visits and consider the options of relocation considering the impact avoidance and minimization as possible and define relocation places;
- (iv) Supervision Consultant's Engineers together with Contractor prepare the plan for utilities relocation and approve it according to existing rules;
- (v) Based on the utilities relocation plan approved, Supervision Consultant's team including safeguards specialists together with relevant state and local authorities (LAR committee members) conducts the field visit to make measurements and define the impacts, if any;
- (vi) In case of absence of LAR impacts to be compensated as per Entitlement Matrix in the LARP approved for this Project by ADB and Government of KR, Supervision Consultant together with Contractor/Subcontractor will take mitigation measures to ensure:
 - Organization of relocation works in a way to keep uninterrupted traffic and people's movements;
 - Either permanent or temporary impacts on access to the shops, private homes and public offices are not triggered;
 - Minimization of time for water and electricity supply, telecommunication and internet services disruptions;
 - Information on planned power outages due to relocation activities is provided in advance for 2-3 days through the existing local channels for the delivery of information. Information is disseminated through local Rayon Electric Services representatives who are responsible for a particular site and local authorities. They inform village activists about this by telephone and at meetings in ayil okmotu. The same mechanism applies to other works related to relocation of utilities.
 - Monitoring to ensure the utilities relocation done within the boundaries defined and in accordance with the plan approved.

33. If the adverse impacts cannot be avoided, the LAR procedure, as adopted for this Project and described in the LARP, will be followed. The Corrective Action Plan will be prepared, reviewed and approved by the Executive/Implementing Agency and ADB and disclosed on their respective sites and

all displaced people compensated as per agreed Entitlement Matrix before civil works related to utility relocation.

34. One of the key principles adopted for the preparation of this DDR is, that in case of involuntary resettlement triggered by relocation of utilities, all compensation payments and livelihood restoration assistance will be documented and paid as per the LAR procedure and the Entitlement Matrix adopted for this Project (Annex 3-1).

35. The LAR procedure to be followed in case of involuntary resettlement will include the following activities:

- (i) **Meaningful Consultations with DPs;**
- (ii) **Inventory of Losses** - to identify and evaluate the characteristics of assets affected;
- (iii) **Detailed Measurement Survey (DMS)** - to measure the affected area of the lands, buildings space and the number and types of affected assets.
- (iv) **Census Survey** - to identify the exact number of DHs and their members, including some elementary social characteristics such as gender and ethnicity.
- (v) **Socio-Economic Survey (SES):** to identify the current socioeconomic condition of affected individuals, families and business owners as well as perceptions of Project impact on their livelihood.
- (vi) **Valuation of the Affected Assets based on the Replacement Cost** - to identify the cost of compensation of lost assets, income and other livelihood sources and allowances for development of CAP budget.
- (vii) **Preparation of Corrective Action Plan (CAP)** approved and disclosed by EA and ADB;
- (viii) **CAP implementation and ADB No objection to start works on relocation of utilities.**
- (ix) In case of LAR impacts, all compensation and rehabilitation measures must be provided before the commencement of civil works for utilities relocation.

4. INFORMATION DISCLOSURE, CONSULTATIONS AND PARTICIPATION

36. According to ADB SPS 2009, the DPs must be meaningfully consulted and provided with opportunities to participate in the planning and implementation of LAR. Under the same principles, the DPs have to be informed in an appropriate and timely manner of the planning process outcomes, as well as the schedules and procedures for the preparation DDR, including entitlements, payment procedure and relocation if required.

37. The Constitution of the Kyrgyz Republic guarantees the right of the people to access information on activities of state and municipal authorities in the manner prescribed by the law³. In addition, it confers citizens the right to receive information on the disbursement of funds from the budget⁴, as prescribed. The Law of the Kyrgyz Republic on access to information held by state bodies and local self-government bodies of the Kyrgyz Republic, requires maximum openness of information, publicity and transparency of the activities of the state and local authorities.

Consultations with Stakeholders and Project Communities

38. During the preparation and implementation of the LARP in 2016 and 2020, the IA conducted consultations with the key stakeholders in villages located along the Project road. The main goals of consultations with local authorities and communities were to share information about the Project, ensure local authorities' cooperation during LARP preparation and implementation, prepare the ground for the establishment of the Grievance Redress Groups, the establishment of the Land Acquisition and Resettlement Committees and compensation entitlements related to the involuntary resettlement triggered by the Project before or during the Project implementation.

39. The consultations and information sharing with people residing along the Project road are ongoing. During the preparation of this DDR, another round of consultations/meetings has been conducted on 18 September 2020 with involvement of representatives of concerned communities, IPIG, Contractor and Supervision Consultant. During the meeting, the information of planned utility relocation works and planned mitigation measures were presented and discussed, as well as next steps in case of identification of LAR impacts were provided.

40. Meantime, within the social due diligence process the Social Safeguards Specialist with the Consultant's and Contractor's engineers, conducted numerous visits to the locations where the utilities will be relocated. They conducted meetings with the local authorities and people residing and working along the road. In addition, Subcontractors responsible for relocation of specific utilities, will visit each household and business at a location due for the relocation of facilitates and will inform all people about works, schedule and possible disruption in services. It should be noted that the LAR information sharing was continuous activity during the preparation and implementation of the LARP (including possible nuisances and adverse effects related to the relocation of utilities). More extensive consultations with wider communities were not necessary and due to the movement restrictions caused by the Corona Virus, all such gatherings are prohibited. Nevertheless, the Contractor, subcontractors and other responsible persons manage to inform all project communities about the relocation of utilities and possible disruption of services.

41. The summary of the consultations with stakeholders conducted in the Project area is presented in Table 4-1 below.

³ Article 33, Chapter II of the Constitution of the Kyrgyz Republic.

⁴ Article 52, Part 3 of the Constitution of the Kyrgyz Republic.

Table 4-1: Consultations and meetings with the Stakeholders and Members of Affected Communities during SDDR preparation

Consultations	Date	Place	No of Participants	Key Stakeholders
Meeting with representatives of Jumgal ayil okmotu	18.09.2020	Jumgal ayil okmotu	5	Representatives of Jumgal ayil okmotu, engineer and social safeguard specialist Gentek, contractor
Meeting with representatives of Kuiruchuk and Tugol-Sai ayil okmotu	18.09.2020	Tugol-Sai ayil okmotu	8	Representatives of Kuiruchuk and Tugol-Sai ayil okmotu, engineer and social safeguard specialist Gentek, contractor
Total			13	



Meeting with representatives of Jumgal ayil okmotu on relocation of utilities



Meeting on relocation of utilities with representatives of Kuiruchuk and Tugol-Sai ayil okmotu

Summary of the Consultations

42. The questions and suggestions given by the participants during the meetings, were focused mostly on duration of the service disruptions, prompt information about the schedule for the relocation of utilities at particular locations and entitlements in case of adverse effects on people's private land and assets. The following table summarizes people's concerns and suggestions.

Table 4-2: Community Consultations - Summary of Issues and Available Remedies

Concerns and Suggestions	Measures to Address Concerns and Suggestions
When the public utilities will be relocated?	Work on the relocation of utilities will be agreed in advance with representatives of local authorities and other interested parties. Local residents, recipients of services will be informed in advance about the upcoming work.
For what period of time will the power supply be cut off during the relocation of electricity poles?	Electricity poles will be relocated in the daytime and with prior informing local residents and other interested parties.
Will relocation works be carried out in the ROW and on public lands?	All the relocation works will be carried out within ROW and this issue will be monitored by the specialists of the Engineer and the Contractor on an ongoing basis.
Will the wells be replaced during the relocation of the water pipes?	The project provides for the dismantling and reconstruction of existing wells during construction work on the relocation of the water pipes.
Proposal for the implementation of work related to the relocation of utilities in a short period.	Comprehensive preparatory work will be carried out and after which the relocation will be carried out. This will minimize the relocation time and inconvenience for local communities.

43. The participants at consultations gave a range of comments. The main comments are as follows:

- Early notice and sufficient time to prepare themselves for a disruption of services such as power cut and water shortage;
- Adequate compensation for shopkeepers, businessmen, tenants, employees and private and informal affected businesses and properties in case adverse effects occur during the relocation of utilities;
- Compensation, where required, to be given to affected households before the start of the relocation of utilities.

Information Disclosure

44. During the LARP preparation and implementation, apart from information disclosure through the consultations, the Project Brochure, the MOTR Decree on GRM, the GRG focal persons' details, and Government Decree on the cut-off-date were distributed to the DPs.

45. Additionally, during the preparation of this DDR and LARP implementation and monitoring, people were informed about each change of resettlement impacts resulted from changes in the Project design, plan for the relocation of utilities, other daily construction activities at their locations and given information about the GRM.

46. Consultation and participation, as well as information disclosure will continue throughout the project implementation, including utility relocation related activities.

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5. GRIEVANCE REDRESS MECHANISM

47. As per the ADB SPS 2009 requirements, a responsive, readily accessible and culturally appropriate grievance redress mechanism (GRM) capable of receiving and facilitating the resolution of affected persons' concerns and grievances related to the Project, was established and working effectively since the beginning of the Project. The scope of the GRM addresses issues related to involuntary resettlement, social and environmental performance, and information disclosure.

48. The DPs have the right to file complaints and/or queries on any aspect of the Project, including land acquisition and resettlement. Under the adopted grievance mechanism, the DPs may appeal any decision, practice or activity related to the Project. All possible avenues are made available to the DPs to voice their grievances. The IPIG ensures that grievances and complaints on any aspect of the Project are addressed in a timely and effective manner. For more details, please refer to the detailed chapter on the GRM in the approved and implemented LARP for this Project.

49. The GRM covers issues related to social, environmental and other safeguard issues under the ADB safeguard covenants and Kyrgyz law.

Grievance Redress Groups (GRGs)

50. The Grievance Redress Groups (GRG) are established at the local and central level and will function for the duration of Project implementation. The local level GRG is established at each ayil aimak in the Project area. The GRG at the central level is established at the MOTR in Bishkek. The Local Person of Contact (LPC) is appointed at each ayil aymak located along the project road. The names and contact telephone numbers of the LPC at the local level and at the central level are attached to this DDR (Annex 5-1).

Grievance Resolution Process

51. The LPCS of the GRGs are regularly available and accessible to DPs and other Project affected people. The grievances are to be first lodged at the level of the complainant's village/community. The complainant will report the case to the Local Point of Contact (LPC.) The LPC will register the grievance and screen the grievance for eligibility. If eligible, the LPC will organize the Local Grievance Redress Group (GRG) meeting. The GRG will assess the situation and seek a solution through consultation with complainants. At this stage, the GRG should attempt to resolve the grievance within 10 working days from the day the grievance was lodged. All supporting documents, such as, photographs, required certificates, legal and technical expert opinions if required, should be prepared, reviewed and assessed. Once the complaint is resolved, the GRG will organize a complaint closure meeting, where the complainant(s) confirms the closure of the complaint. The IPIG representative will oversee the resolution of the complaint. For deliberations at the local level, the meetings will be held in the village of the complainant. If the case of a complex complaint where experts opinions are required, additional time may be allocated. This will be clearly communicated to the complainants(s).

52. The LPC will assist the complainant(s) to formally lodge their claims to the GRG. The complaints and grievances will be addressed through the process described in Table 5-1 below.

Table 5-1: Grievance Resolution Process

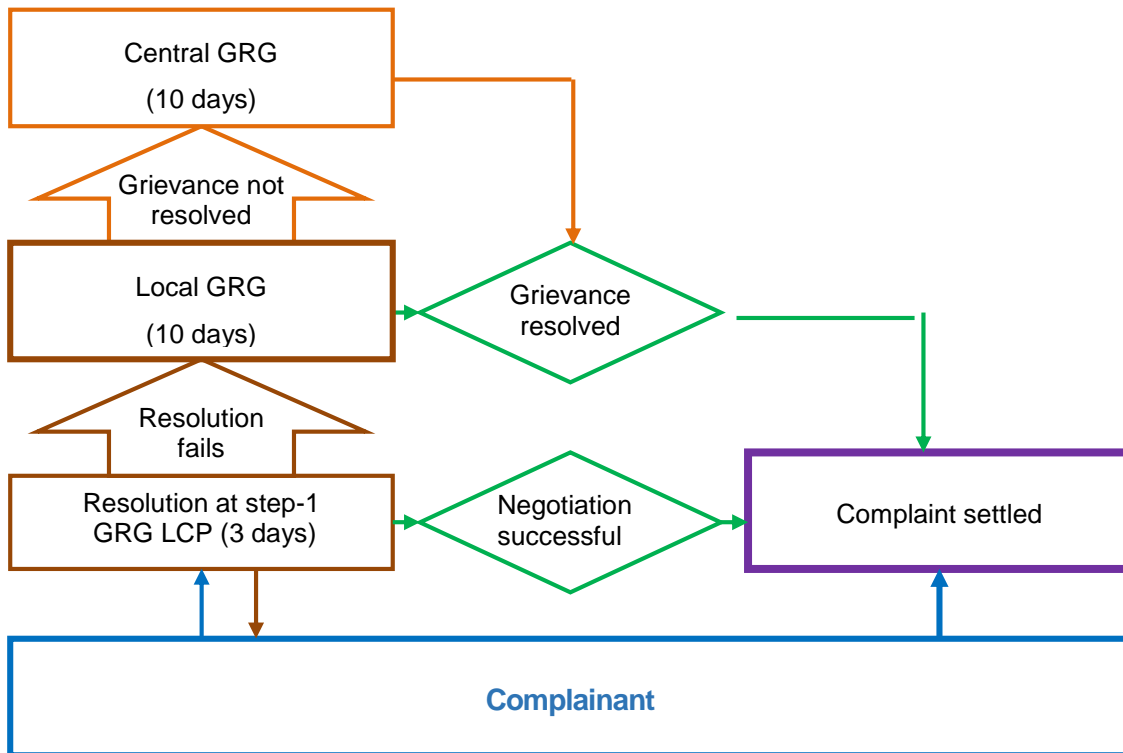
Steps	Action level	Process	Timeline
Step 1	Resolution	At initial stage, the LPC will give hearing to the aggrieved person and try to give an acceptable solution. If an aggrieved person is not satisfied with the solution, then she/he will lodge grievances in written to the local GRG within 3 days.	3 days
Step 2	GRG Resolution	After receiving written complaint, the LPC will review and prepare a Case File for GRG hearing and resolution. A formal hearing will be held with the GRG on a date fixed by the LPC in consultation with the aggrieved person. On the date of hearing, the aggrieved person will appear before the GRG and present proofs in support of his/her claim. The LPC will note down the statements of the complainant and document all proofs. The decision from majority of the members will be considered final from the GRG and will be issued by the LPC and signed by other members of the GRG. The case record will be updated and the decision will be communicated to the aggrieved person by the LPC within 10 days. If aggrieved person is not satisfied with the solution, the LFP will lodge grievance in written to the central GRG at MOTR with conclusion and supporting documents prepared at local level.	10 days
Step 3	Resolution at Central GRG	After receiving written complaint, the central GRG Chairperson will review and prepare a Case File for GRG hearing and resolution. A formal hearing will be held on a date fixed by the GRG Chairperson and the aggrieved person. GRG members will contact the complainant and visit his/her village. The safeguard specialist/sociologist of IPIG will note down the statements of the complainant and document all proofs. The decisions from majority of the members will be considered final from the central GRG and will be issued by the Chairperson and signed by other members. The case record will be updated and the decision will be communicated to the aggrieved person by the safeguard specialist/sociologist of IPIG within 10 days of submission.	10 days

53. If the complainant is not satisfied with the decision of the central level GRG and is willing to continue with the process, s/he can register/file the case in a court of law, whose decision will be final. All efforts will be made to settle the issues at the IPIG level. All complaints and resolutions will be properly documented by the IPIG and made available for review, monitoring and evaluation purposes. GRM doesn't impede access to the country's judicial or administrative remedies and complainant can access the courts at any point in time.

54. In addition, the complainant can appeal the decision and bring the case to the ADB Accountability Mechanism. The project level GRM does not in any way, impede the access of the complainants to the ADB Accountability Mechanism (AM)⁵ or the country's judicial or administrative remedies. Should the complainant wish to register a complaint with the ADB AM, the focal person should provide the complainants the ADB AM contact information. The grievance redress process is shown in Figure 5-1 below.

⁵ ADB Weblink: www.adb.org/site/accountability-mechanism/main

Figure 5-1: Grievance Redress Process



55. GRM proceedings may need one or more meetings for each complaint and may require field investigations by specific technical or valuation experts. Grievance cases shared by more than one complainant may be held together as a single case.

56. For appeals at the central level the meetings will be carried out at the MOTR office in Bishkek with field trips of GRG members to the village of the complainant.

57. At each level of appeal, the GRG will be assisted, as required, by the professional capacity needed to solve specific cases. This may include among others:

- Representatives of State Rayon Administration;
- Representatives of the Rayon Branch of the State Agency for Architecture and Construction;
- State Registration Services of the Rayon;
- State Agency for Environmental Protection and Forestry;
- Ministry of Emergency Situations;
- Technical expertise from professional engineers.

6. INSTITUTIONAL ARRANGEMENTS

58. This chapter details the core agencies and organizations involved as well as their roles and responsibilities during the conducting of due diligence before the utilities relocation and land acquisition and resettlement activities if any.

Asian Development Bank

59. The Asian Development Bank (ADB) is the funding agency of the Project. In terms of social safeguards compliance during relocation utilities ADB will periodically review the Project, provide guidance for LAR related issues approval of CAP (LARP addendum) if any, disclosure and issuance of no objection letter for beginning of the construction.

Ministry of Transport and Roads

60. The Ministry of Transport and Roads (MOTR) is the Executing Agency. The MOTR has the overall responsibility for the Project in areas such as preparation, implementation and financing of all LAR tasks, cross-agency coordination, management, monitoring and evaluation of all project implementation aspects, including procurement of goods, services, and works on the projects. By the Order of the MOTR, dated on 01.02.2010 No.10-k/1, with the concurrence of the Ministry of Finance of the Kyrgyz Republic, the Investment Projects Implementation Group (IPIG) was established. The IPIG, during the whole project implementation period, ensures the operation of the project implementation unit and adequate resources and skilled personnel.

61. The MOTR, with IPIG Social Safeguard and other specialists involved in safeguards activities is responsible for the consultations and information sharing with displaced people and wider Project communities, documentation of all consultations, preparation of the CAP if any, its disclosure on the MOTR website, disclosure to DPs through the meaningful consultations with DPs and wider Project communities, agreement with DPs on compensation, implementation of CAP and participation in the GRM and facilitating grievances resolution.

Ministry of Finance

62. The Ministry of Finance has the overall financial responsibility for the Project. The LAR budget and compensation payments are allocated for the Project budget be endorsed by the Ministry of Finance.

LAR Commission

63. The LAR Commission is comprised of a representative from the IPIG, Gosregister (cadastral authority), State Architecture, local governments concerned, Supervision Consultant's safeguard consultant team etc., and seeks to ensure due diligence in the implementation of the DMS, DP census, and valuation. The LAR Commission ensures the DMS and valuation results are technically sound and comply not only with the ADB social safeguard requirements, but also with the norms of the Kyrgyz legislation.

Project Consultants

64. Different consultants were involved in the preparation of this DDR and will be involved in conducting of social safeguards due diligence for utility relocations not covered by this DDR (if any) in the future. They assist IPIG in Project implementation, consultations, disclosure of information and monitor activities of Contractor(s) and Subcontractor(s), and provide advice to IPIG on LAR issues and grievance redress.

7. CONCLUSIONS, MONITORING AND REPORTING

7.1 Summary Conclusions

65. The relocation of utilities has been designed in a manner that it does not trigger any adverse effects on private land and assets and therefore, no involuntary land acquisition is required. The procedure, starting from identification of utilities which need to be relocated, through informing the Supervision Consultant, involving the Subcontractor and the LAR Commission, preparing the relocation plan and informing communities will be followed for the Project works on relocation of utilities.

66. Alternation of design and other technical measures will be used in order to avoid or (if not possible to avoid), minimize adverse effects triggered by the relocation of utilities. In case of any adverse impacts, a Correction Action Plan will be prepared and displaced persons compensated as per the Entitlement Matrix adopted for this Project. (Annex 3-1). A continuous daily monitoring will be ensured by the Supervision Consultant's specialists.

67. The main due diligence findings are as follows:

- All activities were planned to completely eliminate any land acquisition needs, whether permanent or temporary;
- Most of the people living along the road will be informed a couple of days in advance about the relocation of utilities and possible short disruption of services due to the relocation of utilities;
- All people living and working along the road were informed that in case of any adverse impact on their land and assets, the entitlements adopted for this Project apply and the compensation will be paid for all affected assets as per the adopted Entitlement Matrix distributed during the preparation and implementation of the LARP to all DPs and wider communities with the Project Information Brochure; Information on the entitlements and other LAR procedures were shared continuously during the field visits, GRM training, grievance redress cases and daily social safeguards specialist presence at the site.
- All activities are and will be (where feasible) undertaken within the existing RoW and within already acquired lands under the LARP, so no land acquisition is triggered;
- Road Safety Plan is and will be exercised by Contractor, Subcontractors and monitored by the Supervision Consultant, and IPIG, will ensure a high level of safety for road users and pedestrians within the Project area during the replacement of the utilities.

7.2 Monitoring and Reporting Requirements

68. Internal monitoring of Project safeguards compliance is being performed routinely by the IPIG, both directly and with the support of the Supervision Consultant's social safeguards specialist. The monitoring results are communicated to ADB through the monthly reports, quarterly Project Implementation Reports, Semi-annual Social Monitoring Reports.

69. The utility relocation related activities are the subject of internal monitoring by conducting the field visits. The status of the utility relocation activities planned during the reporting period should be covered by the Project monthly and quarterly reports. Special chapter "Utility relocation activities" in SSMRs will cover a detailed information as:

- list of utilities with the status of activities conducted during the reporting period;
- utility location/relocation scheme/map/plan approved and photo of places with utility location/relocation, photo of utility relocation works;
- any design modifications and due diligence actions taken during the reporting period.

70. If unanticipated involuntary resettlement impacts are found during the Project implementation, IPIG will follow ADB SPS 2009 requirements for monitoring and reporting, ensuring compliance with safeguards measures and identify corrective and preventive measures if necessary.

ANNEXES

Annex 2-1: Distance from the road axis to the axis of the water supply in the plan

Relocation of Water Pipes in Jumgal village		Relocation of Water Pipes in Tugol-Sai village	
KM	Distance from the axis to the axis of the water supply in the plan	KM	Distance from the axis to the axis of the water supply in the plan
127+080	12,74	149+200	12,4
127+140	13,47	149+300	11,51
127+200	12,84	149+400	17,73
127+300	11,82	149+500	16,88
127+400	12,89	149+600	14,78
127+500	13,18	149+700	12,2
127+600	10,96	149+800	11,58
127+700	11,57	149+900	11,35
127+800	11,27		
127+900	11,39		
128+000	12,19		
128+100	11,75		
128+200	10,93		
128+300	11,4		
128+400	11,87		
128+500	11,55		
128+600	12,16		
128+700	12,68		

Annex 2-2: Photo materials from a field survey of sites during the preparation of Social Due Diligence Report





Annex 3-1: Project Entitlement Matrix

Type of Loss	Application	Definition of Affected Households	Compensation Entitlements (Note: all compensations are based on valuation by an independent valuator)
1. Agricultural Land Loss	Titled agricultural land	Owner HHs	Compensation at market value including cost for re-registration of the remaining land plot (where applicable).
2. Non-agricultural Land Loss	Titled residential land	Owner HHs	Compensation at market value including cost for re-registration of the remaining land plot (where applicable).
	Illegally used municipal land and right-of-way of project road	User HHs	Compensation will be paid only for the loss of structures, trees and bushes, without compensation for land.
	Village land	Villages & school	No compensation for land, the contractor will be responsible for relocating affected fences
3. Residential Buildings	Residential houses	Owner HH	Compensation at full replacement cost free of depreciation and salvaged materials + transaction costs, including expenses for re-registration of the remaining land and buildings. (Transportation allowance shall also be provided, if applicable)
4. Non-Residential Buildings/Assets	Non-residential buildings	Owner HHs	Compensation in the amount of the full replacement cost without accruing depreciation, transaction costs and the cost of salvaged materials.
	Various types of fences	Owner HHs	Compensation in the amount of the full replacement cost without accruing depreciation and the cost of salvaged materials.
	Movable trailers and kiosks	Owner HHs	The contractor will be responsible to relocate the trailers and kiosks at project cost, no direct compensation to owners for affected trailers and kiosks.
5. Public Assets Loss	Fences and others	Village & School, other public sectors	Restoration of affected fences and others by contractor
6. Loss of Green Plantations and Crops (trees and crops)	Fruit trees and fruiting berry bushes	Owner HHs	Compensation for the loss of fruiting trees and bushes on the basis of the value of the annual harvest from the trees/bushes over a number of years necessary to replace the trees/bushes to achieve an equivalent productivity + cost of the seedlings.
	Elms and poplars	Owner HHs	Compensation loss of unproductive trees based on value of the wood volume
	Seedlings and decorative pine	Owner HHs	Compensation based on market value.
	Annual and perennial crops	User HHs	Compensation based on the harvest value for one year.

7. Impacts to the Business	Permanent stoppage of business	Owner HHs	Compensation for verified/assessed net income for 6 months
	Temporary stoppage of business operating on movable trailers and kiosks	Owner HHs	Compensation for verified/assessed net income for one month
8. Allowances for Severe Impacts	Loss of more than 10% of agricultural land	Owner HHs	One additional crop compensation covering 1 year yield
	Loss of more than 10% of residential land	Owner HHs	A rehabilitation allowance of 6 months at minimum national salary
	Suffering physical displacement/losing residential houses	Owner HHs	A rehabilitation allowance of 6 months at minimum national salary
	Suffering income loss from permanent business stoppage	Owner HHs	A rehabilitation allowance of 6 months at minimum national salary
	Suffering transitional operation of business during project construction	Owner HHs	A rehabilitation allowance of 6 months at minimum national salary
9. Vulnerable People Allowances	AHs below poverty line/headed by women/elderly people or receiving the government social benefits.	Village council recognized/confirmed HHs among AHs	An allowance equivalent to 6 months of a minimum salary
10. Unforeseen LAR Impacts, if any	GRM Committee makes decisions on an individual basis	All AHs	Rehabilitation will be based on the above provisions and in compliance with ADB SPS 2009 and applicable laws of KGR.

Annex 5-1: GRM GRGs at Local and Central Levels

Composition of the GRG Local and Central Levels

Level	Member	Position held
Local GRG	Assistant to resident engineer of Supervision Consultant	Chairman
	Head of ayil okmotu (also as LPC by agreement)	Member
	Head of RMD №24	Member
	Resettlement Specialist of Supervision Consultant	Member
	Environmental Specialist of Supervision Consultant	Member
	Representatives AH	Member
	Representative from NGOs (by agreement)	Member
	Representative of Ombudsman of Naryn Oblast (by agreement)	Member
	Representative from Public Supervision Board for MOTR (by agreement)	Member
Social Safeguard Specialist, IPIG of MOTR	Member	
Central GRG	Director, IPIG of MOTR	Chairman
	Environmental Specialist, IPIG of MOTR	Member
	Head of RMD №24	Member
	Social Safeguard Specialist, IPIG of MOTR	Member
	Representative of Ombudsman of Naryn Oblast (by agreement)	Member
	Representative from Public Supervision Board for MOTR (by agreement);	Member
	Representative from NGOs (by agreement)	Member
	Local Focal Point	Member
	Representatives of AHs (Male & Female)	Observers

Contact information of GRG members on Local and Central Levels

Contact information at the Central Level GRG

№	Name	Position	Contacts
1	Isakov Mairambek Musaevich	Head of Jumgal ayil okmotu	0705644745
2	Tursunov Ulan Jalilovich	Land specialist of Jumgal ayil okmotu	0700552188
3	Asanov Talantbek Turganbekovich	Head of Kuiruchuk ayil okmotu	0709402351
4	Sultanidinov Kenjekul	Land specialist of Kuiruchuk ayil okmotu	0708177552
5	Kudaibergenov Rysbek Moldokmatovich	Head of Tugol-Sai ayil okmotu	0708479665
6	Imanaliev Abelaris Chynarbekovich	Land specialist of Tugol-Sai ayil okmotu	0708537163
7	Moldobazarov Ruslan Kamchybekovich	Head of Jany-Aryk ayil okmotu	0707181805
8	Koktaev Keneshbek	Land specialist of Jany-Aryk ayil okmotu	0779284021 0707284021
9	Omorbekov Azamat	National resettlement specialist, Gentek	0770115515

Contact information at the Central Level GRG

CONTACT INFORMATION	
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<p>Abdygulov Asylbek- IPIG environment specialist, MoTR, 42 Isanova Str. Bishkek 720017 Tel: (0312) 31-50-58 Fax: (0312) 31-43-78 e-mail: asylbekA@piumotc.kg</p>	
<p>Project Information and the disclosed Resettlement Plan will also be accessible on IPIG and MOTR websites: www.piumotc.kg and www.mtc.gov.kg</p>	