

# Land Acquisition and Resettlement Plan

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Project Number: 43456  
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## Kyrgyz Republic: Power Sector Improvement Project

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## **Abbreviations**

<b>ADB</b>	Asian Development Bank
<b>AH</b>	Affected Household
<b>AMDA</b>	Automated metering and data acquisition system
<b>AA</b>	Ayil Aimak (Administrative-territorial unit, within which the community carries out local self-government)
<b>CC</b>	Civil Code of the Kyrgyz Republic
<b>DP</b>	Displaced person
<b>GRG</b>	Grievance Redress Group
<b>LAR</b>	Land Acquisition and Resettlement
<b>LARF</b>	Land Acquisition and Resettlement Framework
<b>LARP</b>	Land Acquisition and Resettlement Plan
<b>LA</b>	Local Authority (Ayil Okmoty)
<b>LRO</b>	Local Registration office of the Department on Cadastre and Registration of Rights to Immovable Property
<b>LC</b>	Land Code of the Kyrgyz Republic
<b>NEGK</b>	JSC "National Electric Grid of Kyrgyzstan"
<b>OPGW</b>	Optical ground wires
<b>OHL</b>	High-voltage power lines
<b>Project</b>	Power Sector Improvement Project
<b>SCADA</b>	Supervisory control and data acquisition system
<b>Turnkey Contractor</b>	Branch "Ak-Ay Elektrik Dis. Ticaret Koll STI" in Kyrgyz Republic

## DEFINITION OF TERMS

Displaced Person (DP) / Affected Household (AH)	People affected by the Project through land acquisition, relocation, or loss of incomes and includes any person, household, firm, or public or private institution. AHs therefore include: (i) persons affected directly by the road corridor, right-of-way, tower or pole foundations or construction work area; (ii) persons losing privately owned or used buildings and structures (residential dwellings and supplementary structures); (iii) persons whose agricultural land or other productive assets such as trees or crops are affected; (iv) persons whose businesses are affected and who might experience loss of income due to the Land acquisition and Resettlement (LAR) impact; (v) persons who lose work/employment as a result of LAR impact; and (vi) people who lose access to community resources/property as a result of the Project. AH refers to number of entities (household, business) etc. while DP is the total number of individual people comprising the AH.
Compensation	Payment in cash or kind for an asset to be acquired or affected by a project at replacement cost at current market value.
Cut-off date	The date after which people will NOT be considered eligible for compensation i.e. they are not included in the list of DPs as defined by the census. Normally, the cut-off date is the date of the detailed measurement survey.
Detailed Measurement Survey (DMS)	The detailed inventory of losses that is completed after detailed design and marking of project boundaries on the ground.
Entitlement	The range of measures comprising cash or kind compensation, relocation cost, income rehabilitation assistance, transfer assistance, income substitution, and relocation which are due to /business restoration which are due to DPs, depending on the type and degree nature of their losses, to restore their social and economic base.
Land acquisition	The process whereby a person is compelled by a public agency to alienate all or part of the land s/he owns or possesses, to the ownership and possession of that agency, for public purposes, in return for compensation

at replacement costs.

## EXECUTIVE SUMMARY

### A. The Project and LAR Impacts

1. This Land Acquisition and Resettlement Plan (LARP) is prepared for Parkovaya-Ala Archa OHL within the Power Sector Improvement Project (RRP KGZ-43456-02). There are 9 high-voltage power lines in Chuy region within the Project. The Parkovaya-Ala Archa OHL with 8,2 km length is situated in Sokuluk district and Bishkek city.

2. OPGW will be pulled over existing transmission towers on existing lines, land acquisition and resettlement are not expected. Project will have temporary impact on crops of 10 affected households (AH). Total impacted area is 0,459 hectares.

### B. Compensation Eligibility and Entitlements

3. The LARP defines compensation eligibility and entitlements to fit the requirements of the ADB Safeguard Policy Statement (2009) and local law. All DPs losing crops during work on the stringing of OPGW within the Project "Power sector improvement" are entitled to compensation.

4. The compensation Entitlements for DPs by the Project are detailed in Table 1.

**Table 1. Entitlement Matrix**

Impact type	Eligible DPs	Entitlements	Notes
Crops	All DPs (actual users of land: owners or tenants)	Compensation for: 1. One season harvest based on data from National Statistics Committee of the Kyrgyz Republic and market analysis. 2. DPs costs related to compensation issues.	Determined by evaluator. The sum of compensation depends on the size of land plot and type of the crop.  Compensation should be paid in accordance with the contract between NEGK and DP

5. Compensation eligibility is limited by setting of cut-off date as January 25, 2017. DPs have the right to get compensation for type of crop defined before this date.

### C. Grievance Redress Mechanism

6. The grievance redress mechanism is available to allow DPs to appeal any disagreeable decision related compensation. The GRM involves 3 stages appeals process as follows:

**Local level** (Local Authority). The Grievance Redress Group (GRG) is established at local authority level according to Turnkey contractor's order dated July 29, 2016, Ref.No.LNGK 73/15\_102a. Commission consists of Representatives of Local Authority, Complainant and Turnkey contractor. The grievances will be first lodged at the local authority (LA) level. The complainant will report his/her case to the Local Point of Contact (LPC), who is officially appointed to process DP's queries and complaints. GRG at local level consider and take a decision in 14 working days.

**Central level** (NEGK). If within 14 working days the grievance is still not resolved at local level, the complainant will further raise the issue to NEGK's Grievance Redress Commission (GRC) in Bishkek, which is established according to NEGK's decision dated May 22, 2014, Reg.No 154. GRC of NEGK will take a decision in 14 working days.

**Court of law.** If within additional 14 days the grievance is still not resolved at central level the complainant can appeal the decision and bring the case to the local courts.

#### **D. Consultation, Participation and Disclosure**

7. To prepare this LARP public consultations were held.

**Table 2. Public Consultation, Parkovaya-Ala Archa OHL, February 2017**

Local Authority	Location	Date	Number of participants
Orok AO	Dzhal village, Sokuluk district, Chui oblast, Kyrgyz Republic	3 February 2017	17

8. During public consultation following questions were raised. To the participant's question about the type of work on land the following answer was provided: No excavation work will take place, tractor will pass under the line. Proposal to consult the DP's agronomist about crop yield for calculations was followed with explanation both during and after public consultation by valuator. Last one is registered in Logbook in Orok LA.

9. This LARP will be disclosed in English on the ADB and in Russian on NEGK websites. The Resettlement Information Pamphlet was disclosed on NEGK website and distributed both in Russian and Kyrgyz languages to all DPs and LA prior to the LARP consultation

#### **E. Budget and Financing**

10. The compensation calculations were made based on the results of the survey on 16.01.2017. According to the results of the evaluation, total budget of compensation for Parkovaya-Ala Archa OHL is 51,224.00 (fifty one thousand two hundred twenty four) soms or 737.1 (seven hundred thirty seven) US dollars and ten cents.



## **I. INTRODUCTION**

### **A. Background and Project Description**

1. The Kyrgyz Republic, Government of the Kyrgyz Republic has received a loan from the Asian Development Bank (ADB) to implement the Power Sector Improvement Project (the Project). JSC "National Electric Grid of Kyrgyzstan" (NEGK) is the executing agency (EA). Total project cost is estimated at \$56.0 million of which ADB will finance \$44.8 million from its resources. The Project commencement date is 08.12.2010 and completion date is 12.12.2017.

2. Project's impact is improved reliability of national and regional power supply in the Kyrgyz Republic and Central Asia. The outcome is the improved operational efficiency of the power companies.

3. Project's physical outputs are:

(i) Automated Metering and Data Acquisition System (AMDA) will bring transparency to wholesale electricity transaction between the unbundled power companies<sup>1</sup> as well as in regional power trade. AMDA will eliminate errors and rampant metering data manipulation, untraceable using the current archaic technology. Commercial loss is estimated at 40%. Loss reduction will make more power available domestically and improve the financial performance of the power companies. Accurate power flow data is indispensable to improve commercial performance. The system also supports regional power trade through (i) meeting the CAPS metering accuracy requirement, and (ii) eliminating unauthorized exports.

(ii) Substation Rehabilitation. This will improve reliability of system by replacing dilapidated circuit-breakers and instrument transformers that have reached their economic lives, are technologically obsolete, or do not meet the accuracy requirement for regional power trade. Since the Kyrgyz system is intricately interconnected with the CAPS, rehabilitation increases reliability of the regional system and underpins regional power trade.

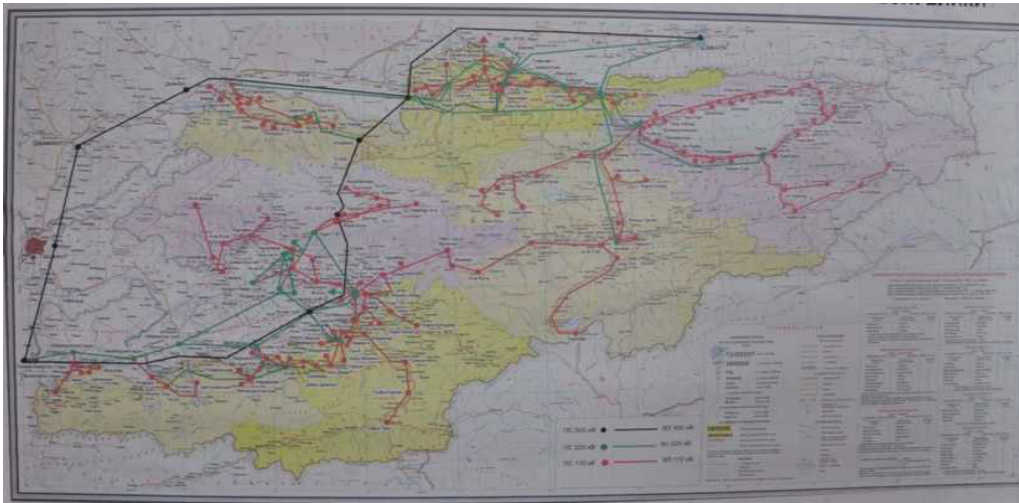
(iii) Communications and Supervisory Control and Data Acquisition (SCADA). This will link seven major substations and the control centers via optical fiber. This enables the system operator to make efficient dispatching based on real-time data. SCADA will reduce technical losses through avoidance of overloading, and enable faster detection and restoration of faults. The system improves overall efficiency and reliability of the system and CAPS.

4. Equipment installation for establishing AMDA and rehabilitating the substations are implemented inside the premises of existing substations, and therefore do not entail any land acquisition and resettlement (LAR).

5. The development of the modern communication system for the SCADA involves (i) stringing of optical ground wires (OPGW) on existing transmission lines, and (ii) laying of underground

optical fiber cables. The modern communication system will focus only in the north of the country in Chuy Oblast (region). The estimated length of OPGW is 552 km and underground cable is 20 km.

**Figure 1. Location of OPGW**



6. OPGW is strung over existing transmission towers on existing transmission lines which are located mostly on agricultural land or barren land. Hydraulic conductor stringing -puller are used for stringing the OPGW. Pictures of machinery and equipment will be used are attached. (Annex 1).

7. This activity requires work space and access, and involves temporary crop damage since most of the existing transmission towers are located on agricultural land. (see Google Earth image below). Since the transmission towers already exist, permanent land acquisition and resettlement are not expected.

**Figure 2. Example of Existing OHL Route**



8. Example of Existing OHL with LAR impact is shown in the Figure 2 above. Line between the towers 21-25 without sky wire is situated on arable land and requires the strip of land for tractor under the line. OHL is marked in blue, LAR impact area – in red and existing access road – in green.

## **B. This Land Acquisition and Resettlement Plan**

9. The Project is classified as Category B in accordance with ADB's Safeguard Policy Statement 2009 because all DPs experience only temporary impact and nobody is physically displaced. There are 9 high-voltage power lines (OHL) in Chuy region within the Project. Decision on preparation of LARP for each of 9 OHL was taken after discussions with NEGK Turnkey contractor and ADB. Parkovaya-Ala Archa OHL with 8,2 km length is situated in Sokuluk district and Bishkek city.

10. To fit the requirements of the ADB Safeguard Policy Statement (2009), NEGK with turnkey contractor has prepared the Land Acquisition and Resettlement Plan (LARP) for Parkovaya-Ala Archa OHL, detailing Land Acquisition and Resettlement (LAR) impacts, compensation entitlements, mechanisms and procedures.

11. A temporary crop damage has been defined during detailed design for stringing OPGW, supply and installation of the equipment works. According to detailed design, there are 3 work spaces and 9 towers without sky wires on Parkovaya-Ala Archa OHL.

As a result of detailed measurement survey (DMS) it was defined the following:

- i. All 3 work spaces with access roads will have no LAR impact. Work space #1 is situated near the substation "Parkovaya", #16 – along the road and #34 - near the substation "Ala Archa". Photo of work spaces are attached (Annex 2).
- ii. Confirmation of Local Authority regarding the existing access road to T34 is attached (Annex 3).
- iii. Line between 5 towers without sky wires is located on arable land belonging to 10 AHs. Picture of LAR impacted area and the List of AHs are attached (Annex 4).

12. The LARP is reviewed by the Project Implementation Unit (PIU) of NEGK, approved by NEGK and endorsed by ADB. On-site installation works shall not commence until the endorsed LARP is fully implemented, LARP Implementation (Compliance) Report approved and no objection to start the works is provided by ADB.

## **II. IMPACT ASSESSEMENT AND DP/AH CENSUS**

### **A. Impacts Assessment Activities**

13. The impacts assessment for the LARP was carried out between 20 December 2016 and 16 January 2017. Date of valuation is 16 January 2017. Cut-off date for Impacts and compensation eligibility is defined as date of announcement in newspaper "Slovo Kyrgyzstana" and NEGK's web site. Cut-off date is 25 January 2017. Clipping from newspaper is attached (Annex 5). LAR

impacts occurred or detected after this date will be handled by the Grievance Redress Group (GRG) and compensated if found valid and eligible by the GRG.

14. To define the list of DPs and types of losses members of LAR commissions were involved. LAR commission was established according to Sokuluk district's state administration dated of 10 March 2016, Reg.No 59-p. The commission consists of the representatives of District state administration, Local Registration Office, Department on Agrarian Development, Department on Construction and Architecture, Department on Ecological Technical Inspection and LA (Annex 6).

15. Turnkey contractor conducted detailed measurement survey (DMS) with LAR Commission and prepared Census of AHs/DPs whose properties are affected by the project activities. This work included:

- (i) Define impact zones together with turnkey contractor's Engineer:
  - work space around the tower and access road to the tower;
  - strip of land under line between the towers without sky wires.
- (ii) Visit impact zones together with representatives of LA/member of LAR Commission and DP for identification measurements, definition of type of crops.
- (iii) Confirmation of actual land users by LA.

#### **B. DP/AH Census and Impact Status**

16. The 10 AHs have LAR impacts on Parkovaya-Ala Archa OHL. AHs' lands are situated in one Ayil Aimak named Orok. The list of AHs is approved by the Head of Local Authority – LAR commission's member (Annex 4).

**Table II.1 Information about affected households, area and types of crops  
in Orok Ayil Aymak, Parkovaya - Ala Archa OHL**

#	Tower number	Name of AH	Affected area, ha	Type of crop
1	24-25	Talasov Asylbek	0,0166	Alfalfa, Clover
2	24-25	Alisherova Tursunkul	0,0049	Wheat
3	23-25	Agadzhafarov Alisker	0,0096	Wheat of seminal
			0,0096	Corn
			0,0116	Barley of seminal
4	23-24	Nuriev Shirin	0,0106	Wheat
5	23-24	Arzymanova Etar	0,0147	Alfalfa
6	22-24	Targilov Almasbek	0,0296	Wheat of seminal
				Alfalfa
7	22-23	KH Gunesh, Azretova Sagar	0,0618	Alfalfa, Clover
8	21-23	KH Ismail, Akhmedov Osmon	0,2406	Wheat of seminal

				Alfalfa
<b>9</b>	21-22	Mirzaev Usen	0,0130	Wheat of seminal
<b>10</b>	21-22	Mirzaev Zia	0,0365	Wheat of seminal
		<b>Total</b>	<b>0,4590</b>	

17. Total land area having a temporary impact on crops during works conducted for stringing of OPGW on Parkovaya-Ala Archa OHL is 0,459 hectares.

### III. LEGAL FRAMEWORK AND RECONCILIATION WITH ADB REQUIREMENTS

#### A. Legal Framework of the Kyrgyz Republic

18. The legal framework of the Project is based on the legislation of the Kyrgyz Republic related to Land Acquisition and Resettlement (LAR) and ADB's Safeguards Policy Statement (2009), (ADB SPS (2009)).

#### A.1. Enforcement of the Financing Agreement and ADB SPS 2009 in the Kyrgyz Republic

19. Constitution of the Kyrgyz Republic is the principal and supreme law to which all other Kyrgyz laws must conform. According to the Constitution, international agreements to which the Kyrgyz Republic is a party that have entered into force under the established legal procedure shall be the constituent part of the legal system of the Kyrgyz Republic. Order and Conditions of application of international agreements [treaties] and international human rights principles and treaties shall be defined by laws<sup>1</sup>. Enforcement of an international agreement may be done through its signing, exchange of notes and letters, ratification, approval, accession to an international agreement, or other way agreed by the parties of such international agreement<sup>2</sup>.

20. The Financing Agreement for Power Sector Improvement Project between Kyrgyz Republic and Asian Development Bank dated of 8 December 2010 enforcing LAR requirements under ADB SPS 2009 has been enforced through its ratification by the Law of the Kyrgyz Republic dated of 16 May 2011<sup>3</sup> (Financing Agreement) as international agreements providing other rules than the rules provided in the constitutional laws, codes or laws of the Kyrgyz Republic has to be ratified.

21. One of the provisions in the Financing Agreement that provide other rules than the rules provided in the legislation of the Kyrgyz Republic is para 6 of Schedule 5 of the Financing Agreement, which requires:

<sup>1</sup> Part 3 of Article 6 of the Constitution of the Kyrgyz Republic dated of 27 June 2010.

<sup>2</sup> Article 5 of the Law of the Kyrgyz Republic on International Agreements dated of 24 April 2014, last amended 9 June 2015.

<sup>3</sup> For the purpose of this legal analysis, the given reason has been identified as a requirement for ratification of the Financing Agreement. However, please note, that the Financing Agreement has been ratified due to enforcement of financial obligations to the state budget and other reasons provided in the Article 11 of the Law of the Kyrgyz Republic on International Agreements dated of 24 April 2014, last amended 9 June 2015.

*“The Beneficiary, through NEGK, shall ensure that Project implementation shall not involve any land acquisition and/or resettlement impacts within the meaning of ADB’s Safeguard Policy Statement (2009), with the exception of limited crop compensation for temporary land acquisition to be identified in the detailed design and implementation of Part 1(c) of the Project where the compensation shall be carried out in accordance with ADB’s Safeguard Policy Statement (2009), the LARF, the LARP (to be prepared and agreed upon between the Beneficiary and ADB) and applicable laws and regulations of the Beneficiary. NEGK shall ensure that: (a) the compensation shall be based on the prevailing market rates for the crops; (b) sufficient budgetary resources are allocated for the compensation; and (c) on-site installation work under Part 1(c) of the Project shall not commence until the LARP has been implemented by NEGK, including full compensation to all affected persons by NEGK.”*

22. As the Financing agreement has been ratified the law indicated above, requirements of ADB SPS 2009, including the Involuntary Resettlement Safeguards shall be required for implementation in the Project within the legal framework of the Kyrgyz Republic.

## **A.2 LAR Legal Framework of the Kyrgyz Republic**

23. Legal framework of the Kyrgyz Republic consists of the following normative legal acts having the listed enforcement hierarchy<sup>4</sup>:

- Constitution of the Kyrgyz Republic, law introducing amendments and additions to the Constitution;
- Constitutional Law;
- Code;
- Law;
- Decree of the President;
- Resolution of the Parliament;
- Resolution of the Government;
- Acts of National Bank; Central Commission on Elections and Conducting Referendum;
- Normative legal acts of state authorities having the delegated legislative authority with the relevant act;
- Normative legal acts of representative LA.

### **A.2.1 Constitution**

24. The Constitution of the Kyrgyz Republic provides that:

- (i) The Kyrgyz Republic recognizes diversity of ownership forms and guarantees equal legal protection to private, state, municipal and other types of ownership (Article 12, Clause 1).
- (ii) Land can be in private, municipal or other types of ownership with an exception of pasture lands that cannot be held in private ownership (Article 12, Clause 5).
- (iii) Ownership is inviolable and no one can be dispossessed of its property arbitrarily. The property can be acquired by the state against the person’s (party’s) will only based on the court’s ruling (Article 12, Clause 2)

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<sup>4</sup> Article 3 of the Law of the Kyrgyz Republic on Normative Legal Acts dated of 20 July 2009, last amended on 7 July 2014.

(iv) Acquisition of property for public purposes, as defined in the national laws, can be carried out only through the court's ruling and with the fair and prior payment of the compensation for the affected property as well as other costs (Article 12, Clause 2).

### **A.2.2 Civil Code**

25. The Civil Code. Part 1 (dated of 8 May 1996; last amended on 30 July 2015) provides that: a party whose rights are violated can claim full compensation for its losses, unless the national legislation or agreements (contracts) prepared in line with the national legislation indicate the contrary (Article 14, Clause 1). The Civil Code also specifies that compensable losses include:

- (i) Costs that the party concerned has incurred or was going to incur for reinstating the party's violated right (Article 14, Clause 2);
- (ii) Losses or damages of the property (Article 14, Clause 2); and
- (iii) Lost profit that the party was supposed to receive under the normal conditions, if the party's rights were not violated (opportunity costs) (Article 14, Clause 2).

### **A.2.3 Land Code**

26. The Land Code (dated of 2 June 1999; last amended on 28 July 2015) provides that:

- (i) Land can be acquired (purchased) for state and public purposes based on agreement between the authorized body and land owner or land user. In case the land owner or land user disagrees with the acquisition (purchase), the authorized body can within 2 months turn to the court with the request to carry out the acquisition with the payment to the owner or land user the compensation for the land (Article 68, Clause 1)<sup>5</sup>.
- (ii) When determining the compensation for the land being acquired, it (compensation) should reflect the market value of the right to the land and associated structures, losses that the land owner or land user incurs and liabilities to the third parties (Article 68, Clause 3).
- (iii) When acquiring the land for state or public purposes with the consent of the land owner or land user, owner\user can be allocated replacement land with the value of this land to be counted towards compensation for the land acquired (Article 68, Clause 4).
- (iv) The Land Code specifies instances when the right to the land and associated structures can be terminated. These include:
  - a) Failure to use the land according to its targeted purpose<sup>6</sup>;
  - b) Land needed for state or public purposes;
  - c) Non-use of land provided for agricultural use for three years;
  - d) Failure to use land provided for non-agricultural purposes for the period indicated in the original provision;
  - e) Non-payment of land taxes;

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<sup>5</sup> There are certain exceptions to application of this mechanism, such as land plots provided for servicing a housing building and for private subsidiary farming shall not be involuntarily resettled for state, municipal and public needs per Part 6 of Article 32 of the Land Code of the Kyrgyz Republic dated of 2 June 1999; last amended on 28 July 2015.

<sup>6</sup> The use of land according to its targeted purpose is the use of the land according to the purposes specified in the title, lease agreement, or other officially endorsed documents (Article 2, Clause 30, Land Code 1999). The rights to the land can be terminated in case of failure to use the land according to its targeted purpose. The termination of rights, however, can be ruled only by the court (Article 67, Clause 1, Land Code 1999).

f) Non-payment of social taxes;

g) Annulment of license for mining on the basis of the Kyrgyz Republic's mining law.

27. A court decision is required to officially terminate the rights to land and associated structures for instances 1 through 4. The acquisition of the land under instances 1 through 4 (above) can be effected only after compensating the costs of the rights termination and associated costs (Article 49, Clause 4).

28. According to Article 49, Clause 1, unless the legislation, land title or lease contract indicates the contrary, the land owners or user can have the right to:

(i) Use land based on owner's/user's own discretion and in accordance to the targeted purpose of the land (Article 49, Clause 1, sub-Clause 1)

(ii) Build structures on the land, according to its targeted purpose, following the established procedures and meeting architectural, construction, environmental, sanitary, fire safety and other requirements (Article 49, Clause 1, sub-Clause 6)

(iii) Claim compensation for losses suffered, as specified by the Kyrgyz Republic legislation (Article 49, Clause 1, sub-Clause 5.)

29. Finally, the Land Code (Article 78, Clause 2) specifies the use regime with regards to the *lands of common use*. It particularly indicates that *lands of common use* in settlements/towns/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 maximum of 5 years. The authorized state body may permit construction of light (not capital) structures on lands of common use (Article 78, Clause 3).

#### **A.2.4. Law on State Registration of Property Rights and Associated Transactions (26 November 1998, last amended on 9 July 2013)**

30. The law provides that the State recognizes and protects the property rights and encumbrances, which are registered following the legally established procedures (Chapter 1, Article 1, Clause 1). Any right establishing document or document that relates to the property rights or encumbrances should be registered within 30 days since the abovementioned document was produced or prepared (Chapter 1, Article 7, Clause 1). The property rights and encumbrances which are subject to the mandatory registration include (Chapter 1, Article 4):

(i) Ownership rights;

(ii) Management rights;

(iii) Use rights;

(iv) Perpetual (term less) right for the land plot;

(v) Property rights arising from the mortgage or collateral related obligations;

(vi) Temporary rights, lease or sub-lease for a period of 3 or more years;

(vii) Servitudes;

(viii) Encumbrances on property rights related to designing, construction, and maintenance of the property;

(ix) Property rights arising from the court decisions;

(x) Rights to use the national resources;

(xi) Rights arising from the legalization of the property.



31. The property rights, which are not subject to the registration, but are recognized and protected by the State include (Chapter 1, Article 6):

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

#### **A.2.5 Law on Grievances (dated of 4 May 2007, last amended on 17 February 2015)**

32. The Law on Grievances (23 March 2007, last amended on 9 July 2013) provides that the grievance from the Kyrgyz Republic citizens should be registered, given due consideration, and adjusted in an equitable, timely and accountable manner (Article 2 and 4). The grievance registered with the state agency or the local government should be processed within no more than 30 days (Article 8). For the grievance to be given due consideration, it should be filed in written, showcasing the substance of the complaint and, if necessary, supported by the relevant documentation (Article 4 and 5). The grievance submitted should be processed and resolved strictly following the relevant national laws and regulations (Article 11).

#### **A.2.6 Regulation on Assets Valuation**

33. The valuation of the assets is carried out on the basis of the Temporary rules for the valuers and valuation companies (Government Resolution, as of 21 August 2003, # 537), Valuation standards for the valuers (Government Resolution, 03 April 2006, # 217) and other provisions of national legislation.

#### **B. Involuntary Resettlement Safeguards Requirements of ADB SPS 2009**

34. The three important elements of ADB's involuntary resettlement policy are (i) compensation to replace lost assets, livelihood, and income; (ii) assistance for relocation, including provision of relocation sites with appropriate facilities and services; and (iii) assistance for rehabilitation to achieve at least the same level of well-being with the project as without it. For any ADB operation requiring involuntary resettlement, resettlement planning is an integral part of project design, to be dealt with from the earliest stages of the project cycle, taking into account the following 12 key policy principles for IR. These can be summarized as follows:

- (i) Screen the project early on to determine past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, related to resettlement impacts and risks.
- (ii) Carry out meaningful consultations with affected persons, host communities, and concerned nongovernment organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those

below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and resolve the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.

(iii) Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.

(iv) Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.

(v) Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with the relevant income sources and legal and affordable access to adequate housing.

(vi) Establish procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.

(vii) Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.

(viii) Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.

(ix) Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.

(x) Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.

(xi) Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.

(xii) Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

35. The ADB SPS 2009 distinguishes three categories of displaced persons, with variable compensation needs:

- (i) **Legal DPs:** DPs with formal legal rights to land lost in its entirety or in part;
- (ii) **Legalizable DPs:** DPs without formal legal rights to land lost in its entirety or part but who have claims to such lands that are recognized or are recognizable under national law and;
- (iii) **Non-legal DPs:** DPs who have neither formal legal rights nor recognized/recognizable claims to land lost in its entirety or in part.

36. For categories (i) and (ii) above, borrowers are expected to provide compensation at full replacement cost for lost land, structures, land improvements and relocation assistance. For DPs in category (iii) (informal settlers), the borrower/client is expected to compensate all assets other than land (i.e. buildings, trees, crops, businesses) at full replacement cost. The risk of opportunistic encroachment on land designated for acquisition by the project is managed through a cut-off date.

37. Compensation for lost land may be in form of replacement land (preferable if feasible) or in cash. When “land for land” compensation is not feasible cash compensation can be valued based on market rates or, in absence of land markets, through other methods (i.e. land productivity or reproduction costs)<sup>7</sup>. Independently from the valuation method used compensation is to be provided at “full replacement cost”. This includes: (i) transaction costs; (ii) interest accrued; (iii) transitional and restoration costs; and (iv) other applicable payments, if any. Compensation for all other assets is to be provided in cash at replacement cost without deductions for amortization, salvaged materials and transaction costs.

## C. RECONCILIATION WITH ADB REQUIREMENTS (GAP Analysis)

38. The Table III.1 **Comparison of LAR Provisions between ADB Policy and Kyrgyz Legislation below** summarizes the gaps between the IR requirements of the ADB SPS 2009 and of the Kyrgyz laws and regulations through a direct comparison. The exercise takes into consideration both formal principles (principles) and the way these principles are applied in practice

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<sup>7</sup> Based on the SPS (Appendix 2, para. 10) in absence of well established land markets land compensation will be provided based on a thorough study of the land transaction, use, cultivation and productivity patterns in project areas. One method accepted by ADB in such a situations would be to provide land compensation based on land productivity or land reproduction costs.”

by ADB and the Government (application). This table also specifies the reconciliation needs per that were addressed in the Entitlement Matrix provided in the Chapter IV hereto.

**Table III.1 Comparison of LAR Provisions between ADB Policy and Kyrgyz Legislation**

Impact/Issue	ADB SPS (2009) and ADB practice for application*	Kyrgyz Republic	Reconciliation Needs
1. Livelihood rehabilitation	ADB Policy requires rehabilitation/ improvement of AP livelihood standards.	Notion of livelihood rehabilitation not sanctioned by national law.	<u>No Policy reconciliation needs.</u> Application already reconciled in previous ADB projects but to be formalized regarding <u>indirect/livelihood impacts rehabilitation..</u>
2. Compensation entitlements	<b>A. DPs with formal title</b> have to be compensated for lost land/other assets. <b>B. DPs with formalizable title</b> have right to be compensated for lost land and assets after the EAs helps them in legalizing their assets. <b>C. DPs with no legal title</b> are compensated for lost non-land assets.	<b>A. DPs with formal title</b> are compensated for lost land/other assets. <b>B/C. DPs with legalizable or no legal title. Legalizable</b> are not distinguished and considered non-legal as legalization is a burden of the DPs. Non-legal DPs have no right to be compensated for land and non-land assets.	<b>A.</b> Same in principle/ application. <u>No reconciliation needed</u> <b>B/C.</b> Critically different in principle and application. Application already reconciled in previous ADB projects but <u>.formal Reconciliation on both counts through a Decree for ADB projects is needed.</u>
3. Compensation	<b>A. Permanent loss of land.</b> Replacement land as preferred option or cash compensation at full market rate. At least for legal/legalizable DPs.  <b>B. Replacement of leased land.</b> Based on replacement of lost income through cash compensation of gross income x the remaining lease years or through a replacement land lease  <b>C. Loss of structures/ buildings.</b> Cash compensation at replacement cost for lost	<b>A. Permanent loss of land.</b> Cash compensation at market rate or replacement land for legal/ legalizable DPs.  <b>B. Replacement of leased land.</b> Based on lease replacement.  <b>C. Loss of structures/buildings.</b> <u>Cash compensation at market rate deduced of depreciation.</u>	<b>A.</b> Same in principle/ application. <u>Technical improvement of valuation mechanisms/process needed.</u>  <b>B.</b> Same in principle. Application to be further improved. <u>No reconciliation needed but a method to replace the lease in cash is needed. To be reflected through an instruction for ADB projects.</u>  <b>C.</b> Different in policy and application. Informally reconciled in previous projects but formal application reconciliation by a

Impact/Issue	ADB SPS (2009) and ADB practice for application*	Kyrgyz Republic	Reconciliation Needs
	<p>item free of depreciation, transaction costs, other deductions</p> <p><b>D.Loss of indirectly affected items.</b> Non affected parts of an asset no longer usable after impact will have to be compensated as well.</p> <p><b>E. Business losses.</b> Reimbursement of actual losses + business re-establishment costs. For application based on tax declared income for period of business stoppage. In absence of tax declaration based on maximum non-taxable salary.</p> <p><b>F. Loss of wood/unproductive trees.</b> Irrespective of legal land occupancy status compensation at market rate. Application based on tree type/ wood volume or other methods ensuring AP rehabilitation.</p> <p><b>G. Loss of productive trees.</b> Compensation at replacement cost based for application on various methods: tree reproduction cost, income lost (x tree type x market value of 1 year income x full production years lost).</p> <p><b>H.Loss of crops.</b> Compensation of crop in cash at market price.</p>	<p><b>D.Loss of indirectly affected assets.</b> Law is silent on how to compensate when only part of the land is to be taken.</p> <p><b>E. Loss of business.</b> Cash compensation at market value for all damages/ opportunity costs incurred. Burden of proving opportunity costs rests on the DP based on recognized documented evidence but no clear methodology.</p> <p><b>F.Loss of wood/unproductive trees.</b> Mandate in general terms by the law but often not provide as leaving the salvaged timber to the DPs is equated with compensation.</p> <p><b>G. Loss of productive trees.</b> Mandate by law but selectively applied depending on situation. Valuation standards differ from SPS standards.</p> <p><b>H.Loss of crops.</b> Mandated by law (Art. 14 of Civil Code of KR) but selectively applied.</p>	<p>Decree x ADB projects needed.</p> <p><b>D.</b> The Kyrgyz Republic law is silent on this point. <u>While no reconciliation is needed the point needs to be clearly agreed and sanctioned through a Decree for ADB projects.</u></p> <p><b>E.</b> Same in principle but ADB does not consider opportunity cost. <u>Application reconciliation needed</u> to define a clear methodology and distinguish short- and long- term losses.</p> <p><b>F.</b> Same in principle, different in application. Already adjusted for previous ADB projects but <u>Application reconciliation is needed</u> through a decree for ADB projects ensuring that also cash compensation is provided by default.</p> <p><b>G.</b> Same in principle different in application. Already adjusted for previous ADB projects. <u>Application reconciliation needed</u> through a decree for ADB projects ensuring systematic law implementation and use of valuation standards fitting SPS.</p> <p><b>H.</b> As above.</p>

Impact/Issue	ADB SPS (2009) and ADB practice for application*	Kyrgyz Republic	Reconciliation Needs
	<p><b>I. Loss of jobs.</b> Indemnity for lost income ensuring DP rehabilitation. Based for application on stoppage period up to a maximum of 12 months of declared salary (formal employees) or minimum salary (informal employees.) Compensation directly disbursed to DPs.</p>	<p><b>I. Loss of jobs.</b> Compensation for loss of employment equal to 3 months average salary + severance pay worth at least 2 months average salary. Compensation provided by employer and then reimbursed by EA.</p>	<p><b>I.</b> Same in principle but different in implementation. <u>Application reconciliation needed</u> through a Decree for ADB projects establishing mechanisms to assess temporary/permanent income loss indemnity of both formal and informal employees and guaranteeing direct disbursement to the DPs.</p>
4. LAR Planning, assessment and valuation of impacts	<p><b>A. Resettlement Plan (LARP).</b> LARP preparation includes: a) impacts assessment/DP census; b) definition of entitlements, income/livelihood restoration strategy, compliance &amp; grievance mechanisms, institutional arrangements; c) consultation results; d) monitoring schemes; e) budget and implementation schedule. RP requires the following surveys:</p> <p><b>i. Measurement survey.</b> Measures all affected items.</p> <p><b>ii. DP Census.</b> Identifies all DPs and establishes legitimate beneficiaries based on legal status.</p> <p><b>iii. Socio-economic survey.</b> Provides background information on DP' socio-economic features.</p> <p><b>iv. Valuation survey</b></p> <p><b>a) Land:</b> If land market exist based on a survey of recent transactions; without land market based on land productivity/ income;</p>	<p><b>A. Resettlement Plan.</b> There are no requirements to prepare integrated and stand-alone LARPs. LAR planning entails similar but less extensive/simpler assessment/survey efforts than ADB Policy, as detailed below:</p> <p><b>i. Measurement survey.</b> Land and buildings impacts measured. Other impacts identified but not measured.</p> <p><b>ii. DPs Identification.</b> Identifies only legal DPs</p> <p><b>iii. Socio-economic survey.</b> <u>No comparable requirements exist.</u></p> <p><b>iv. Valuation survey</b></p> <p><b>a) Land:</b> valued at market rate based on a transactions survey. Valuation includes transaction costs/third party liabilities.</p> <p><b>b) Buildings and structures.</b> Market value of materials, labor, transport and special</p>	<p><b>A.</b> Partly different in principle and application. <u>No reconciliation needed</u> as law/regulation is silent on this matter and SPS requirements have been already applied in previous ADB projects. Still, clear instructions regarding ADB projects ensuring the measurement of all impacts and the counting of all DP are needed for mainstreaming purposes.</p> <p><b>i.</b> Detailed Measurement Surveys to be mainstreamed for all impacts.</p> <p><b>ii.</b> Detailed count of individuals to be mainstreamed.</p> <p><b>iii.</b> The execution of the survey is to be mainstreamed.</p> <p><b>iv. Valuation survey</b></p> <p><b>a)</b> Same in principle/application; .</p> <p><b>b)</b> Already reconciled for previous ADB projects but <u>Formal reconciliation needed.</u></p> <p><b>c)</b> Already reconciled for previous ADB projects but <u>Formal reconciliation</u></p>

Impact/Issue	ADB SPS (2009) and ADB practice for application*	Kyrgyz Republic	Reconciliation Needs
	<p><b>b) Buildings and structures.</b> Replacement cost of materials, labor and transport and special features of building/structure without discounting depreciation, salvaged materials and transaction costs;</p> <p><b>c) Trees/crops.</b> Based on the methodology detailed in section 2.</p>	<p>building features <u>but discounted for depreciation, salvaged materials or transaction costs.</u></p> <p><b>c) Trees/crops.</b> If compensated is provided based on the methodology detailed in section 3H or based on an agreed lump sum.</p>	<p><u>needed</u>(See 3.H. above.) Detailed valuation for each tree based on SPS requirements to be mainstreamed.</p>
5. Procedural mechanisms	<p><b>A. Information disclosure.</b> Resettlement-related documents to be timely disclosed in the DP language.</p> <p><b>B. Public consultation.</b> Meaningful public consultations are to be held with the DPs. DPs should be informed about their entitlements and options, as well as resettlement alternatives</p> <p><b>C. Grievance procedure.</b> A Grievance Redress Mechanism (GRM) is to be established for each project. Information on GRM to be communicated to the DPs</p> <p><b>D. Asset acquisition conditions.</b> Property can be acquired only after full compensation is paid to the DPs</p>	<p><b>A. Information disclosure.</b> No disclosure requirement exists.</p> <p><b>B. Public consultation.</b> Matters of local importance to be publicly discussed with local authorities. But no requirement to consult directly the DPs</p> <p><b>C. Grievance Procedures.</b> Each state agency/ministry should define a process for registering and reviewing the concerns and claims from citizens.</p> <p><b>D. Asset acquisition conditions.</b> Property can be acquired only after full compensation is paid to DPs</p>	<p><b>A.</b> Different in principle and application. <u>Already reconciled for ADB projects.</u></p> <p><b>B.</b> Same in principle but different in application. Already reconciled for ADB projects. <u>Better application needed.</u></p> <p><b>C.</b> Same in principle but different in application. Already reconciled for ADB projects. <u>Better application needed.</u></p> <p><b>D.</b> Same in principle, but unsystematic in application. <u>Application to be improved.</u></p>
6. Assistance to vulnerable and severely affected DP	<p><b>A.</b> These DPs are to be identified and special assistance is provided to restore/ improve their pre-project level of livelihoods.</p>	<p><b>A.</b> No special consideration is given to these DPs.</p>	<p><b>A.</b> Critically different in principle/ application. <u>Permanent reconciliation through a decree for ADB projects needed.</u></p>

\* As applied in ADB Resettlement Plans in the Kyrgyz Republic

#### **D. Resettlement Principles for the Project**

39. Based on the above analysis of national legislation provisions and ADB policy, the broad resettlement principles for this Project shall be the following:

- (i) DP impacts must be avoided or minimized as much as possible;
- (ii) If impacts are unavoidable, the DPs will be identified and assisted in improving or regaining their standard living;
- (iii) Information on the preparation /implementation of a LARP will be disclosed to all DPs and people's participation will be ensured in planning and implementation.
- (iv) Land acquisition for the project will be done as per Kyrgyz Legislation and ADB policy. Additional support would be extended for meeting the replacement value of the losses. Lack of formal legal land title should not be a bar to compensation
- (v) An entitlement matrix for different categories of DPs has been prepared and provisions will be kept in the budget for those who were not present at the time of census survey. However, people moving in the project area after the cut-off date notification will not be entitled for assistance.
- (vi) Appropriate grievance redress mechanism will be established to ensure resolution of disputes in rapid manner.
- (vii) All activities related to resettlement planning, implementation and monitoring would ensure the involvement of women and other vulnerable groups
- (viii) DPs should be fully informed and consulted on LAR compensation options and implementation.

#### **IV. COMPENSATION ELIGIBILITY AND ENTITLEMENTS**

40. This LARP will apply to all DPs in the Project area. This will ensure that all persons affected by the Project, will get appropriate compensation for all losses.

##### **A. Eligibility**

41. All DPs losing crops during work of stringing of OPGW within the project "Power sector improvement" are entitled to compensation.

42. Compensation eligibility for Parkovaya-Ala Archa OHL is limited by cut-off date 25 January 2017 announced in local newspaper and NEGK's website. DPs have the right to get compensation for type of crop defined before this date.



## B. Entitlements

43. The entitlements for DPs having LAR impact by the Project are detailed in the following Table IV.1 below.

**Table IV.1 Entitlement Matrix**

<b>Impact type</b>	<b>Eligible DPs</b>	<b>Entitlements</b>	<b>Notes</b>
Crops	All DPs (actual users of land: owners or tenants)	Compensation for: 1. One season harvest based on data from National Statistics Committee of the Kyrgyz Republic and market analysis. 2. DPs costs related to compensation issues.	Determined by evaluator. The sum of compensation depends on the size of land plot and type of the crop.  Compensation should be paid in accordance with the contract between NEGK and DP

## V. SOCIO - ECONOMIC SURVEY

44. LAR impacts associated with stringing of OPGW are limited to the areas of Chuy region is located in northern Kyrgyz Republic. The territory of the region is divided into 8 administrative districts: Alamedin, Jayil, Kemin, Moscow, Panfilov, Sokuluk, Chuy and Ysyk-Ata. There are 6 towns (district level) and 1 town (oblast level), 105 Ayil Aimaks (AA) and 331 settlements in the region. Population is 870,300 people.

45. Chuy Region is one of the largest agricultural regions of the country. Chuy Oblast represents only 10% of the country's land area, but it accounts for one-third of all the arable and irrigated lands of the country. 81,600 people are employed in agriculture, it is 21,9% of total employed population.

46. DPs on Parkovaya-Ala Archa OHL live in Orok Ayil Aimak of Sokuluk district.

47. Profile for Orok AA is given below in the table V.1:

**Table V.1 Profile of Orok Ayil Aimak**

<b>#</b>	<b>Indicators</b>	<b>Figures</b>
1	Number of villages, units	8
2	Population, people	9774
3	Including men	4659
4	women	5115
5	Households, units	2675
6	Including households with land shares, units	2010
7	Total agricultural land, ha	1661
8	Including total area of arable land, ha	1529

9	Employable population, people	6897
10	Low income and poor families, households	69
11	Schools, units	2
12	Health facilities, units	3
13	Culture facilities, units	7
14	Access to clean water, %	80

48. There are 2675 households with 9774 residents in Orok AA. Local population is mainly engaged in crop production. 2010 (80%) out of households have their own land shares in private ownership. All 10 AH have their own agricultural land and affected project area is in their private ownership.

49. 69 (2.6% out of total 2675) households are low income and poor families in Orok AA. 10 AH within this project are not in the list of low-income and poor households.

In accordance with the Law of the Kyrgyz Republic "On state benefits in the Kyrgyz Republic":

- i. low-income household - a household with a monthly income per household member below the guaranteed minimum income, which is set in the amount of 810 soms<sup>8</sup>;
- ii. poor household - a household with a monthly income per household member below the poverty line, which is set in the amount of 2631 soms by National Statistic Committee of the Kyrgyz Republic.

50. All population has an access for social services as secondary education, medical services. 80% of local population has an access to clean water.

51. The ethnic composition of population in affected area is the following:

**Table V.2 Ethnic composition of population in Orok AA**

#	Nationality	Number of population	%
1	Kyrgyz	6165	63,1
2	Russian	1507	15,4
3	Uzbek	43	0,4
4	Others	2059	21,1
	Total	9774	100,0

## **VI. GRIEVANCE REDRESS MECHANISM**

### **A. Grievance redress process**

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<sup>8</sup> Decree of the Government of the Kyrgyz Republic № 408 from June 24, 2015 "On raising social protection of low-income families and enhancing the targeting of monthly benefits low-income families with children "

52. A grievance redress mechanism (GRM) is available for each DP. Its objective is to allow a DP appealing any disagreeable decision, practice or activity arising from assets compensation and other matters in the process of implementing this LARP. Decisions on Grievance redress mechanism are attached (Annex 7).

53. The GRM involves 3 stages appeals process as follows:

- (i) Local level (Local Authority). The grievances will be first lodged at the Grievance Redress Group (GRG) at Local Authority level. The complainant will report her/his case to the Local Point of Contact (LPC) who is officially appointed by Local Authority to promptly process and respond to AP's queries and complaints. The LPC will trigger the action of the GRG which will assess the situation and seek a solution through consultation with complainants, representatives of Local Authority, DP and Turnkey contractor. GRG will take a decision in 14 working days.
- (ii) Central level (NEGK). If within 14 days the grievance is not resolved at Local Level the complainant will further raise the issue to NEGK's Grievance Redress Commission in Bishkek again with the support of the LPC of Local Authority and representatives of DP. NEGK's Commission will take a decision in 14 working days.
- (iii) Court of law: if within additional 14 days the grievance is still not resolved at central level the complainant can appeal the decision and bring the case to the local courts.

#### **B. The local point of contact**

54. The Local point of contact (LPC) is a locally based person, officially appointed by NEGK agreed with Local Authority and trained on LARP issues, who will deal with monitoring of LARP implementation and timely responding to queries and complaints from DPs. LPC shall initiate the grievance review and convene the Local GRG meeting no later than 5 days since the complaint was registered. All supporting documents – photo and video materials, required certificates, legal opinions, technical expert opinions – should be prepared prior to the meeting. The minutes of the each meeting and resolution should be agreed and signed by the majority members of the GRC no later than 3 days following the meeting.

55. The main functions of the LPC are:

- (i) Timely submission of information on LARP progress to Turnkey contractor and NEGK
- (ii) Documentation of the queries, concerns and complaints
- (iii) Communication of the queries, concerns and complaints of DPs to the Ayil Okmoty, Turnkey Contractor and NEGK.

#### **C. The grievance redress groups (GRG)**

56. In order to efficiently and rapidly mobilize the human resources needed to implement the above scheme Turnkey contractor has established a Grievance Redress Group (GRG). The GRG will assess the validity of the complaint, assess the scope of eventual impacts, propose eventual compensation needed and instruct/facilitate the functioning of the Grievance Redress mechanisms.

57. The GRG is composed as follows:

- (i) Local level
  - Head of Local Authority
  - Specialist on land issues of LA
  - Representative of Turnkey contractor
  - Representative of DP

(ii) Central Level

NEGK has taken the decree on GRM at central Level for this Project. It has special department for consideration of complaints and applications of citizens within as GRG.

58. At each level of appeal the GRG will be assisted as needed by the professional capacity needed to solve each specific case. This will include:

- Representatives of the Local Authority;
- Chairman and Members of LAR commissions;
- Representatives of other state bodies involved.

The Project will also cover compensation costs for impacts found eligible by the GRG from NEGK's budget

## **VII. CONSULTATIONS, PARTICIPATION AND DISCLOSURE**

### **A. Public Consultations**

59. During preparation of this LARP, Turnkey contractor and NEGK held public consultations with DPs. LARP is prepared based on discussions held during public consultations. During public consultation following questions were raised. To the participant's question about the type of work on land the following answer was provided: No excavation work will take place, tractor will pass under the line. Proposal to consult the DP's agronomist about crop yield for calculations was followed with explanation both during and after public consultation by valuator. Last one is registered in Logbook in Orok AO. The materials of public consultations are attached (Annex 8).

**Table VII.1 Public Consultations Parkovaya-Ala Archa OHL, February 2017**

Local Authority	Location	Date	Number of participants
Orok AO	Dzhal village, Sokuluk district, Chui oblast, Kyrgyz Republic	3 February 2017	17

### **B. Disclosure**

60. This LARP will be disclosed in English on the ADB website and in Russian on NEGK website. Based on this draft LARP, the Resettlement Information Pamphlet was also prepared (Annex 9). The Pamphlet summarizes key information from this LARP including: impacts policy principles, compensation entitlements and compensation rates. The Pamphlet has been distributed both in Russian and Kyrgyz language to DPs and LA prior to the LARP consultations.

## **VIII. INSTITUTIONAL ARRANGEMENTS AND IMPLEMENTATION**

61. Several agencies and parties were involved and will be involved in LARP preparation and implementation. They are NEGK, LAR Commissions and turnkey contractor.

### **A. NEGK**

62. NEGK, as the executing agency, has the overall responsibility to ensure implementation and funding of all LAR-related tasks., Project Implementation Unit (PIU) of NEGK is responsible to (i) ensure that the LARP is prepared by the turnkey contractor in accordance with the LARF, and that the LARP is implemented in full before installation works begin in the field; (ii) approve Evaluators' candidacy and Evaluation report; (iii) establish cut-off date; (iv) hold Public consultations; (v) sign compensation agreements and pay compensations; (vi) LARP implementation and monitoring.

63. In project areas NEGK will manage organization of stringing of OPGW work, as:

- i. inform local population through LA about the starting dates of works planned within the project;
- ii. cut of electricity according to agreed time schedule;
- iii. taking measures on safety of lives and road security.

### **B. Turnkey contractor**

64. In order to prepare LARP, Turnkey contractor hired Resettlement specialist and Independent evaluator. Turnkey contractor is responsible for drafting of LARP and for LAR related activities as (i) scoping of LAR impact; (ii) preparing LARP Action Plan; (iii) data collection; (iv) detailed measurement survey (DMS) based on detailed design of the stringing of OPGW; (v) evaluation and compensation definition; (vi) socio-economic survey; (vii) LARP disclosure; (viii) establishment of grievance redress mechanism.

### **C. LAR commissions**

65. In order to assist LARP preparation and implementation process LAR commission was established at district level. LAR Commission assists during implementation of tasks as data collection, identification of affected properties, types of crops and AHs, social (vulnerability) status of local population. Also LAR commission should be involved in taking on decision controversial issues, if any. There are several institutions in LAR commission: District state administration, Local Registration Office, Department on Agrarian Development, Department on Construction and Architecture, Department on Ecological Technical Inspection and Local Authority.

### **D. Summary of institutional arrangements and LARP implementation**

66. Table VIII.1 summarizes the functions of the different agencies/parties involved in LARP preparation and implementation.

**Table VIII.1. Responsibility of involved agencies/parties**

#	Activity	Responsible
	<b>Prepare LARP Action Plan</b>	<b>Turnkey Contractor, NEGK, ADB</b>
1	DMS, Evaluation, SES and drafting of LARP	Turnkey Contractor
2	Establishment of cut-off date	NEGK
3	Supervision of LARP related activities	LAR Commission
4	Public Consultations	NEGK, Turnkey Contractor, LAR Commission
5	Review and Approval of LARP	NEGK, ADB
6	Payment of compensation	NEGK
7	LARP Implementation (Compliance) report	NEGK
8	Notification of installation starting date to DPs/AHs and LAR commissions	NEGK
9	Ensure the access to compensated land for turnkey contractor for OPGW stringing	NEGK
10	Beginning of installation	Turnkey Contractor
11	Internal Monitoring	NEGK

67. LARP preparation and implementation schedule is attached (Annex 10).

## **IX. COMPENSATIONS AND RESETTLEMENT BUDGET**

### **A. Compensation rates**

68. Collection and analyzing of market, statistical and other information were carried out in order to calculate the resettlement budget.

The compensation was defined for crop losses and DPs costs related to compensation.

#### **A.1 Crop losses**

69. Crop losses amount is determined on the basis of the material damage caused by the DPs in the process of project implementation. For calculating the amount of damage from the loss of the harvest was used the official data of the National Statistical Committee of the Kyrgyz Republic, information on the actual crop yields in the district/AA and DPs' information about type of crops planned for spring 2017.

70. In determining the amount of damage from the loss of DPs crop was used the algorithm shown below:

- i. Determine the mass in kilograms of the crop, which will be lost as a result of the Project implementation.
- ii. Determination the price per one kilogram of the relevant crop for the district/AA.
- iii. The estimated mass of the crop multiplied by the price of one kilogram. For perennial grasses calculated weight divided by the average weight of a bale (20 kg), then the resulting value is multiplied by the cost of one bale.

## **A.2 DPs costs related to compensation**

71. DPs costs related to compensation include:

- i. Transport costs of DPs during LARP preparation;
- ii. Copy documents;
- iii. Lost profit determined based on conditions of working time loss required for the implementation of activities related to the Project by using the data from National Statistical Committee of the Kyrgyz Republic.

Detailed approach for calculation of DPs costs related to compensation is attached (Annex 11).

## **B. Compensation cost assessments**

72. The compensation calculations were made based on the results of the survey and on 16.01.2017. According to the results of the evaluation, total budget of compensation for Parkovaya-Ala Archa OHL is 51,224.00 (fifty one thousand two hundred twenty four) soms or 737.1 (seven hundred thirty seven) US dollars and ten cents. The exchange rate of National Bank of Kyrgyz Republic on the valuation date is 69,4935 som/\$. Final compensation calculations are attached (Annex 12).

73. Table IX.1 shows the total budget for Parkovaya-Ala Archa OHL.

**Table IX.1 Total budget for compensation**

#	Name of Ayil Aimak	Sum of compensation for crop losses, som	Sum of compensation for DP costs, som	Total, som
1	Orok	32,914.00	18,310.00	51,224.00
	<b>Total, som</b>	<b>32,914.00</b>	<b>18,310.00</b>	<b>51,224.00</b>

## **X. MONITORING**

### **A. LARP Implementation (Compliance) Report**

74. The monitoring activities will start immediately after ADB approval of the LARP and will last until LARP implementation is concluded. The PIU of NEGK will prepare LARP implementation (Compliance) report and submit it to ADB after compensation payment to ensure that the implementation of the LARP has produced the desired outcomes.

75. The report will include well argued sections on the following:

- (i) Assessment of the way the compensation has been carried out in relation to LARP stipulations;
- (ii) Verification that all DPs were compensated in the amounts stipulated in the LARP;
- (iii) Review of complaint and grievance cases and of their solution;
- (iv) Assessment of the satisfaction of the DPs;
- (v) Lesson learned to be applied to the next lines;
- (vi) General assessment of LARP implementation and recommendations to ADB regarding the provision of no objection Letter to start the civil works.

#### **B. Social safeguard monitoring reports**

76. Semi-annual social safeguard monitoring reports, including progress of the implementation of the LARP and any compliance issues and corrective actions will be prepared by PIU of NEGK and submitted to ADB. Internal monitoring will be carried out routinely by the PIU of NEGK in close communication with the Turnkey Contractor.



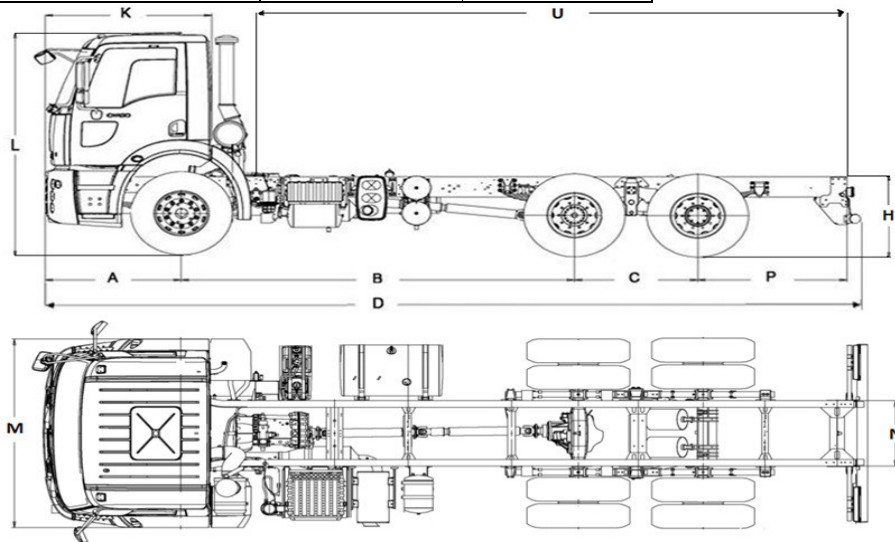
## ANNEX 1/ПРИЛОЖЕНИЕ 1

Pictures of technique and equipment will be used during stringing work/Рисунки техники и оборудования, которые будут использованы во время работ по протягиванию кабеля

1. **Truck** will be used for transportation, loading and unloading.

Грузовая машина будет использован для транспортировки, загрузки и выгрузки.

Dimensions/Размеры	Width/Ширина	Length/Длина
mm	2489	8755



2. **Tractor** will work under line./Трактор будет работать под линиями.

Dimensions/Размеры	Width/Ширина	Length/Длина
mm	2100	4200



3. **Pick-up** will be out of the work area. Can be used only on the road.  
**Пикап** для работ вне рабочего места. Будет использован только на дорогах.

Dimensions/Размеры	Width/Ширина	Length/Длина
mm	1850	5300



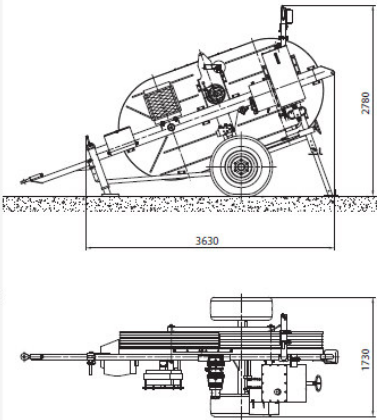
4. **Excavator** will work on work area and under line if it is need.  
Экскаватор будет работать на рабочем месте и под линиями, если требуется.

Dimensions/Размеры	Width/Ширина	Length/Длина
mm	2360	5620



5. **Tensioner** for stringing work./Приспособление для натягивания кабеля

Dimensions/Размеры	Width/Ширина	Length/Длина
mm	1730	3630



**Performance**

Max tension	25 kN
Max speed	5 km/h

Note: the basic machine performance is calculated at 20°C and at sea level

**Characteristics**

Bull-wheel diameter	1500 mm
Max conductor diameter	36 mm
Mass	1950 kg

**Hydraulic Transmission**

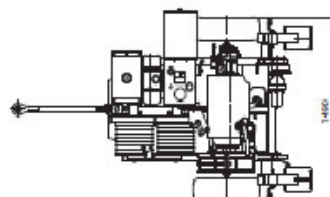
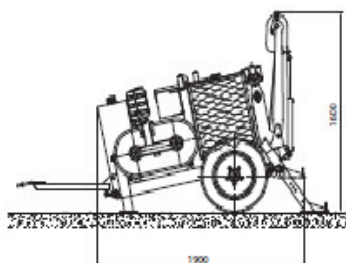
Hydraulic open circuit that provides very sensitive tensioning control and negligible deviations of tension in case of speed change.

**Configuration**

- Negative self-acting hydraulic brake
- Hydraulic dynamometer
- Hydraulic oil cooling system
- Mechanical meter counter
- Rigid axle for towing at max speed of 30 km/h with mechanical parking brake
- Gearbox with 3 operating positions:
  - neutral position (with free bull-wheels for conductor loading and unloading)
  - low tension position (1.5 ÷ 5 kN)
  - nominal tension position
- Mechanical front stabiliser
- Grounding connection point

## 6. Puller for stringing work./Приспособление для натягивания кабеля

Dimensions/Размеры	Width/Ширина	Length/Длина
mm	1730	3630



## Performance

Max pull	35 kN
Speed at max pull	1.2 km/h
Max speed	3.6 km/h
Pull at max speed	12 kN

**Note:** the basic machine performance is calculated at 20°C and at sea level

## Characteristics

Bull-wheel diameter	325 mm
Max rope diameter	13 mm
Mass	980 kg

## Engine

Diesel	25 kW (34 hp)
Cooling system	water
Electrical system	12 V

## Hydraulic Transmission

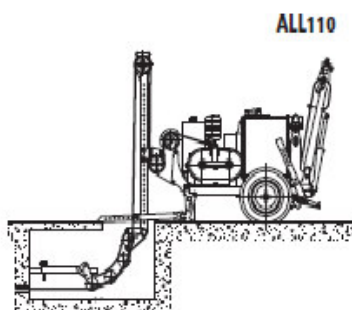
Closed hydraulic circuit for stepless speed variation in both rotating directions.

## Configuration

Negative self-acting hydraulic brake  
Hydraulic dynamometer with set-point and automatic control of maximum pull  
Hydraulic oil cooling system  
Control instruments for hydraulic system and Diesel engine  
Rigid axle for towing at max speed of 30 km/h  
On board reel winder with automatic level wind, suitable for standard reel mod. BOF010 and BOF020 (AXR001 included)  
Electronic pull and speed recorder kit (instrument not included)  
Pull pre-setting system  
Mechanical front stabiliser  
Grounding connection point

## Available Devices

- ALL110** Underground cable pulling attachment
- ALL111** Swivel guide rope roller
- ALL112** Trailer for towing at max speed of 80 km/h with mechanical parking brake.  
Towing shaft with inertial braking system. Hook with Ø 40 mm eye.  
Lighting system included  
**EC type-approved for road circulation**
- AXR001** Extra shaft
- DLR300** Electronic pull and speed recorder



## ANNEX 2

Photo of work spaces on Parkovaya-Ala Archa OHL

## ПРИЛОЖЕНИЕ 2

Фото рабочих мест на ВЛЭП Парковая-Ала Арча

Work place #1. Tower #1 / Рабочее место №1. Опора №1





**Work place #2. Tower #16 / Рабочее место №2. Опора №16**



**Work place #3. Tower #34/ Рабочее место №3. Опора №34**



### **ANNEX 3/ ПРИЛОЖЕНИЕ 3**

**Confirmation of Local Authority related to existing access road to the tower 34 (with translation into English)/**

**Подтверждение Айыл окмоту о существующей подъездной дороге к опоре 34**



КЫРГЫЗ РЕСПУБЛИКАСЫ  
ЧУЙ ОБЛАСТЫ  
СОКУЛУК РАЙОНУ  
ОРОК АЙЫЛ ОКМОТУ

Жал айылы, Гагарин кочосу  
Тел: (0-3134) 70-16-6, 70-30-2  
Факс: (0312) 88-12-04  
Эл.почта: Orok.AO.2013@mail.ru.



КЫРГЫЗСКАЯ РЕСПУБЛИКА  
ЧУЙСКАЯ ОБЛАСТЬ  
СОКУЛУКСКИЙ РАЙОН  
ОРОКСКИЙ АЙЫЛ ОКМОТУ

Село Джал, ул. Гагарина  
Тел: (0-3134) 70-16-6, 70-30-2  
Факс: (0312) 88-12-04  
Эл.почта: Orok.AO.2013@mail.ru.

«16» 09 2017 г.  
Исх. № 15/1

Исполнительному директору ОАО Национальные  
электрические сети Кыргызстана  
Тюменбаеву А.Р.

Орокский айыл окмоту Сокулукского района относительно проведения в марте-апреле электромонтажных работ на высоковольтной ЛЭП «Парковая - Ала-Арча» сообщает следующее.

Опора Т34 расположена в охранной зоне подстанции «Ала-Арча» на неиспользуемых землях. Подъездной путь длиной 500м к опоре Т34 проходит по существующей грунтовой дороге с западной и южной сторон подстанции «Ала-Арча» не захватывая прилегающие сельскохозяйственные земли.

В связи с этим администрация Орокского айыл окмоту подтверждает отсутствие возможного причинения кому-либо убытков. Схема прилагается.

И.О. Главы Орокского АО

Мадалиева М.А.

Специалист  
по землеустройству

Жылдыбеков М.Ж.



Приложение к письму от «\_\_\_» \_\_\_\_\_ 2017 г.

Исх. № \_\_\_\_\_

Сокулукский район, Орокский А/А, Подстанция «Ала-Арча»

Схема подъездного пути к опоре Т34.



И.О. Главы Орокского АО \_\_\_\_\_

Мадалиева М.А.

Специалист  
по землеустройству \_\_\_\_\_

Жылдызбеков М.Ж.

Kyrgyz Republic  
Chui region  
Sokuluk District  
Orok Aiyl Okmotu (Local Authority)

Djal Village, Gagarin str. Tel: (0-3134) 70-16-6, 70-30-2  
Fax: (0312) 88-12-04  
Email: [Orok.AO.2013@mail.ru](mailto:Orok.AO.2013@mail.ru)

«16» 01. 2017 г.

**Ref. № 15/1**

To Executive Director of National Electric Grid of  
Kyrgyzstan

Tiumenbaev A.R.

Orok aiyl okmotu of Sokuluk district regarding execution of electrical work in March-April on OHL "Parkovaya - Ala-Archa" reports the following.

Tower T34 located in the buffer zone substation "Ala-Archa" on unused land. Access road, 500m in length, to the tower T34 passes through existing dirt road on the western and southern sides of the substation "Ala-Archa" not grasping the surrounding agricultural land.

In connection with this, administration of Orok aiyl okmotu confirms the absence of possible causing damage to anyone. The scheme is attached.

Acting Head of Orok LA

/signature/

Madalieva M.A

Specialist on land issues

/signature/

Jyldyzbekov M.J.

Annex to the letter dated on «16» **01.** 2017 г.

**Ref. № 15/1**

Sokuluk district Orok LA, substations "Ala-Archa"

Scheme of driving the access road to the T-34 tower.



Acting Head of Orok LA	/signature/	Madalieva M.A
Specialist on land issues	/signature/	Jyldyzbekov M.J.

#### **ANNEX 4 / ПРИЛОЖЕНИЕ 4**

##### **Picture of LAR impacted area**

**(under the line between towers 21-25 on Parkovaya-Ala Archa OHL,  
within contours 25-26 in Orok Ayil Aimak)**

**Фото местности, попавшего под воздействие.**

**(под линией между опорами 21-25 на ВЛЭП Парковая-Ала Арча  
в контурах 25-26 в Орокском Айылном Аймаке)**



<span style="display:inline-block; width:20px; height:10px; background-color:blue; border:1px solid black;"></span>	blue line -	OHL Route
<span style="display:inline-block; width:20px; height:10px; background-color:red; border:1px solid black;"></span>	red line-	LAR impacted area
<span style="display:inline-block; width:20px; height:10px; background-color:green; border:1px solid black;"></span>	green line-	Existing access road

**List of land users within contours #25 and #26 according to the scheme of electric installation work on Parkovaya-Ala Archa OHL**

#	Identification code of property unit	Land area, ha		Name of land owners	Name of actual users/tenants	Residential address of persons entitled to compensation	Contacts
		Total	LAR impacted				
	Contour # 25						
1	7-08-17-0009-0330 7-08-17-0009-0331 7-08-17-0009-0332	1,7350	0,0166	TalasovA.K. Talasov Kaly Talasov K.K.	Talasov Asylbek Kalyevich	Orok village Orok str.,34	0558 040810 0702 041764 0773 592090
2	7-08-17-0009-0341	0,5400	0,0049	Alisherov Argyunbai died	Alisherova Tursunkul	Orok village, Orok str.,35	0550 066707
3	7-08-17-0009-0517 7-08-17-0009-0513 7-08-17-0009-0514	3,2100	0,0309	Agadzhaфарov A.V. Azretova	Agadzhaфарov Alisker Vagifovich	Orok village, Zhakypbai str.62	0557 889399

	7-08-17-0009-0340			Bagdygul			
4	с 7-08-17-0009-0306 до 7-08-17-0009-0311	1,1700	0,0106	Nuriev Sh. Nuriev P.Sh. Nurieva G.Sh. Nurieva E.Sh. Nurieva N.Sh. Nurieva R.Sh.	Nuriev Shirin Shamilovich	Orok village, Orok str.,60	0556 639001 0550661766
5	с 7-08-17-0009-0302 до 7-08-17-0009-0305	1,6400	0,0147	Arzymanova E.K. Arzymanov Y. Arzymanova B. Arzymanova Z.	Arzymanova Etar Konsulovna	Orok village, Kavkazskaya str.30	0555 284875 0559 711137
6	с 7-08-17-0009-0316 до 7-08-17-0009-0322	3,2656	0,0296	Targilov A.M. Kalygulova U. Karabaev A. Sarybaeva K.	Targilov Almasbek Monoldorovich	Orok village, Orok str.,4	0772 015073
7	с 7-08-17-0009-0177 до 7-08-17-0009-0191	6,8200	0,0618	KH Gunesh 15 members	KH Gunesh Azretova Sagar	Orok village, Novaya str.,25	0557 030995 0556 991799
	<b>Итого</b>	<b>18,3806</b>	<b>0,1690</b>				
	<b>контур № 26</b>						
1	с 7-08-17-0009-0083 до 7-08-17-0009-0110	14,8700	0,2406	KH Ismail 28 members	KH Ismail Akhmedov Osmon	Orok village, Orok str.,5	0553 408941
2	7-08-17-0009-0079 7-08-17-0009-0080 7-08-17-0009-0081	1,4000	0,0130	Mirzaev L. Mirzaeva G. Mirzaeva G.	Mirzaev Usen Latifievich	Orok village, Motuke u Zhakypbai str. 3	0554 996199
3	7-08-17-0009-0077 7-08-17-0009-0078 7-08-17-0009-0082	4,0300	0,0365	Mirzaev M. Mirzaeva A. Mirzaev I.	Mirzaev Zia Mirzaevich	Orok village, Motuke u Zhakypbai str. 3	0555 250661
	<b>Итого</b>	<b>20,3000</b>	<b>0,2900</b>				
	<b>Всего</b>	<b>38,6806</b>	<b>0,4590</b>				

Acting Head of Orok Local Authority \_\_\_\_\_ Madalieva M.A.

Specialist on land issues \_\_\_\_\_ Zhyldyzbekov M.Zh.

**Список землепользователей контуров №25 и №26  
согласно схеме проведения электромонтажных работ на ВЛЭП «Парковая – Ала-Арча»**

№ п/п	Ид. код единицы недвижимости	Площадь участка, га		Ф.И.О. / наименование собственника недвижимости	Ф.И.О. / наименование фактических пользователей/ арендаторов	Адрес места жительства лиц, имеющих право на компенсацию	Контакты
		Общая	под воздействием				
контур № 25							
1	7-08-17-0009-0330 7-08-17-0009-0331 7-08-17-0009-0332	1,7390	0,0186	Таласов А.К. Таласов Капы Таласов К.К.	Таласов Асылбек Калыевич	с.Орок ул.Орокская 34	0558 040810 0702 041784 0773 592090
2	7-08-17-0009-0341	0,5400	0,0049	Алиширов Арлыбай умер	Алиширов Турсункул	с.Орок ул.Орокская 35	0550 066707
3	7-08-17-0009-0517 7-08-17-0009-0513 7-08-17-0009-0514 7-08-17-0009-0340	3,2100	0,0309	Аларжафаров А. В. Азретова Багдыкул	Аларжафаров Алискар Валерьевич	с.Орок ул.Жадылбай 62	0507 889399
4	с 7-08-17-0009-0306 до 7-08-17-0009-0311	1,1700	0,0106	Нуриев Ш. Нуриев П.Ш., Нуриева Э.Ш., Нуриева Н.Ш., Нуриева Р.Ш.	Нуриев Шарин Шамгенович	с.Орок ул.Орокская 60	0556 639001 0550661788
5	с 7-08-17-0009-0302 до 7-08-17-0009-0305	1,6400	0,0147	Арзыманова Е.К. Арзыманова Ю. Арзыманова Б. Арзыманова Э.	Арзыманова Етар Консуловна	с.Орок ул.Какадзская 30	0556 284875 0556 711137
6	с 7-08-17-0009-0316 до 7-08-17-0009-0322	3,2656	0,0296	Таргилса А.М. Калыгулова У. Карабаев А. Сарыбаева К.	Таргилса Алмасбек Монголорович	с.Орок ул.Орокская 4	0772 015073
7	с 7-08-17-0009-0177 до 7-08-17-0009-0191	6,8200	0,0616	КХ Гунеш 15 чел	КХ Гунеш Азретова Сапар Сурмалыевна	с.Орок ул.Новая 25	0557 000995 0556 961799
Итого		18,2806	0,1696				
контур № 26							
1	с 7-08-17-0009-0083 до 7-08-17-0009-0110	14,6700	0,2436	КХ Номап 28 чел	КХ Номап Алиев Осмон	с.Орок ул.Орокская 5	0553 408941
2	7-08-17-0009-0079 7-08-17-0009-0080 7-08-17-0009-0081	1,4000	0,0130	Мирзеев П. Мирзеева Г. Мирзеева Г.	Мирзеев Усун Патирбекович	с.Орок ул.Мотуе у Жадылбай 3	0554 990199
3	7-08-17-0009-0077 7-08-17-0009-0078 7-08-17-0009-0082	4,0300	0,0395	Мирзеев М. Мирзеева А. Мирзеев И.	Мирзеев Эль Мирзеевич	с.Орок ул.Мотуе у Жадылбай 3	0556 250661
Итого		20,1000	0,2960				
Всего		38,8806	0,4990				

И.О. Главы Орокского АО

Мадалиева М.А.

Специалист  
по землеустройству

Жылдызбеков М.Ж.

**Cut-off date announcement (text in English and clipping from newspaper)/**

**Объявление даты истечения срока для определения компенсаций (вырезка из газеты)**

JSC “National Electric Grid of Kyrgyzstan”

Power Sector Improvement Project, RRP KGZ 43456-02

Parkovaya-Ala Archa OHL

**Announcement of cut-off date for compensation entitlements**

JSC “National Electric Grid of Kyrgyzstan” (NEGK) is the Implementing Agency for the Power Sector Improvement Project (RRP KGZ 43456-02), (Project), where a number of persons are expected to be impacted by the Project. Brief description of works, OHL scheme and numbers of towers are indicated below.

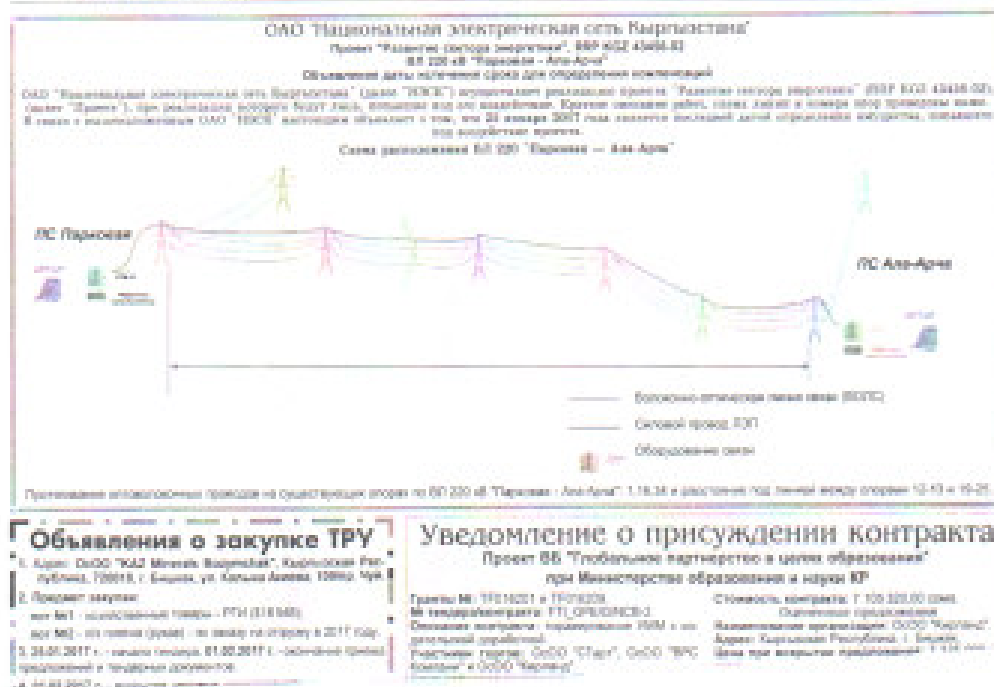
In this regard, NEGK announces that 25 January 2017 is the cut-off date for establishment of affected assets in the Project.

**Scheme of location of Parkovaya-Ala Archa OHL**

where works related to stringing of fiber optic cables on existing towers of Parkovaya-Ala Archa OHL will be conducted

Tower Nos: 1, 16, 34 and distance under line between towers Nos 12-13 and 19-25

**Clipping from newspaper in Russian**



## ANNEX 6/ ПРИЛОЖЕНИЕ 6

### Decree on establishment of LAR Commission (with translation into English)/

Решение о создании Комиссии по подготовке Плана приобретения земли и переселения





10.03.2016 № 29-А

**БУЮРМА**  
**«О создании комиссии по подготовке**  
**Плана приобретения земли и переселения»**

**РАСПОРЯЖЕНИЕ**

В связи с поступившим письмом из аппарата Полномочного представителя Правительства КР в Чуйской области за №ТС-05-180 от 02.03.2016 года о создании комиссии по подготовке Плана приобретения земли и переселения согласно обращения ОАО «Национальная электрическая сеть Кыргызстана»

**1. Утвердить следующий состав:**

А.Усенов	-первый заместитель главы райгосадминистрации;
(По соглас.)	председатель районной комиссии;
Д.Картанбаева	-представитель ОАО «Национальная электрическая сеть Кыргызстана», зам.председателя комиссии;
	-и.о. зав.отделом райгосадминистрации, секретарь комиссии;
Члены комиссии:	
Ж.Ахмеджанов	-начальник Сокулукского районного управления аграрного развития;
Б.Джанусова	-начальник Сокулукского районного управления по градостроительству и архитектуре;
М.Османкулов	-начальник Сокулукского районного управления по землеустройству и регистрации прав на недвижимое имущество;
Ж.Джекишев	-гл.инспектор регионального управления госэкотехинспекции при Правительстве КР;
Главы аймаков на соответствующей территории.	

**2. Контроль за исполнением данного распоряжения оставляю за собой.**

Глава

Согласовано

Первый заместитель главы

А.Кенжебаев

А.Усенов



## **ORDER**

### **“On the establishment of a commission for the preparation of Land acquisition and Resettlement Plan”**

In relation to the received a letter from the Office of the Authorized Representative of the Government of the KR in Chui region with ref. # TC-05180 dated on 03.02.2016 on the establishment of the commission for LARP preparation JSC "National Electric Grid of Kyrgyzstan"

1. To approve the following staff:

A. Usenov

- The First Deputy Head of the District Administration, the chairman of the district commission;

(By approval)

- Representative of JSC "NEGK", Deputy Chairman of the commission;

D. Kartanbaeva

- Acting Head of District Administration, the commission secretary;

Commission members:

J. Ahmedakunov

- Head of Sokuluk District Office of Agricultural Development;

B. Djanusakov

- Head of Sokuluk District Office for Urban Planning and Architecture;

M. Osmonkulov

- Head of Sokuluk District Office of Land Management and Registration of Rights to Real Estate;

J. Djekishev

- Head of Regional management of State Eco. Tech. Inspection under Government of KR;

Head of a/aimaks in the relevant territory.

2. Control for execution of this order is my responsibility.

**Head**

**A.Kenjebekov**

Approved:

First deputy

*Stamp/Signature*

A. Usenov

**ANNEX 7/ ПРИЛОЖЕНИЕ 7**

**Decisions on Establishment of Grievance Redress Mechanism (with translation into English)/**

**Решения по установлению Механизма рассмотрения жалоб**

## On the Grievance Redress Issues

In order to ensure timely consideration of complaints and applications of citizens failing under the impact of the project "Energy Sector Development" (RRR KGZ 43456-02):

1. At the local level to create a grievance redress group as follows:
  1. Head of Local Administration (by agreement)
  2. Specialist on land issues of Local Administration (by agreement)
  3. Representative of the applicant (by agreement)
  4. Representative of AK-AY Elektrik
2. At the central level the consideration of complaints and appeals is implemented by the Commission, established by decision of JSC "NEGK" on May 22, 2014 #154 (attached).
3. To establish that all complaints and applications of citizens, coming during implementation of the project "Energy Sector Development" will be considered in the following order:
  - At the local level with making a decision within 14 working days;
  - At the central level with making a decision within 14 working days.
4. To establish that with the consent of the heads of local authorities, authorized persons are the heads of local authority. Contacts of the persons for citizens' appeals will be included into the pamphlet and presented before public consultations.
5. Grievance Redress Group to ensure timely consideration of complaints and applications and make the relevant decision.
6. Monitoring the implementation of the present decision to assign to the project manager Hayrullah Bas.

ALI HAYDAR ACIKBAS

Kyrgyzstan Project Coordinator

Branch of AK-AY Elektrik Dış Ticaret Koll. ŞTİ.

In KYRGYZ REPUBLIC

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AK-AY ELEKTRİK DİŞ TİC. KOLL. ŞTİ.  
HASAN GÜLŞEN VE ORTAĞI  
İstanbul Endüstri ve Ticaret Serbest Bölgesi Ortakçı  
No: 4 Kat: 2 Tuzla - İSTANBUL  
Tel: +90 216 394 83 50 Fax: +90 216 394 18 92  
Tic. Sic. No: 487017 TUZLA V.D.: 011 948 1418

## О рассмотрении жалоб

В целях обеспечения своевременного рассмотрения жалоб и заявлений граждан, попавших под воздействие проекта «Развитие сектора энергетики» (RRP KGZ 43456-02):

1. На местном уровне создать Группу по рассмотрению жалоб в следующем составе:

1. Глава айыл окмоту (по согласованию)
  2. Специалист по земельным вопросам айыл окмоту (по согласованию).
  3. Представитель заявителя (по согласованию).
  4. Представитель Ак-Ай Электрик.
2. На центральном уровне рассмотрение жалоб и заявлений осуществляется комиссией, созданной решением ОАО «НЭСК» от 22 мая 2014 года №154 (прилагается).
3. Установить, что все жалобы и заявления граждан, поступающие в ходе реализации проекта «Развитие сектора энергетики», будут рассматриваться в следующем порядке:
- на местном уровне с принятием решения в течение 14 рабочих дней;
  - на центральном уровне с принятием решения в течение 14 рабочих дней.
4. Установить, что по согласованию с главами айыл окмоту местными уполномоченными лицами являются главы айыл окмоту. Данные контактных лиц для обращения граждан включаются в брошюру и представляются перед общественными консультациями.
5. Группе по рассмотрению жалоб обеспечить своевременное рассмотрение жалоб и заявлений и принятие соответствующего решения.
6. Контроль за выполнением настоящего приказа возложить на Проект менеджера Хайрулла Баш.

Али Хайдар Ачынтаев

Координатор проекта «Развитие сектора энергетики»

Филиал АК-АЙ Электрик Дау Тикает Көл ШТ.

Республика Киргизия

Киргизстан, г. Бишкек, ул. Фрунзе 415/2

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Mobile Tel: +996 552 403 065

[www.ak-ay.com](http://www.ak-ay.com) [info@ak-ay.com](mailto:info@ak-ay.com)

"КЫРГЫЗСТАН  
УЛУТТУК ЭЛЕКТР ТАРМАГЫ"  
АЧЫК  
АКЦИОНЕРДИК КООМУ



ОТКРЫТОЕ  
АКЦИОНЕРНОЕ ОБЩЕСТВО  
"НАЦИОНАЛЬНАЯ ЭЛЕКТРИЧЕСКАЯ СЕТЬ  
КЫРГЫЗСТАНА"

**БУЙРУК ПРИКАЗ**

И.А. Бородин

Бирпек ш.

22.05.2014

№ 154

О рассмотрении жалоб

В целях успешной реализации проекта «Развитие сектора энергетики, финансируемого АБР, руководствуясь Законом Кыргызской Республики «О порядке рассмотрения обращения жалоб» от 04.05.2007 г., со внесенными изменениями в 2008 и 2013 гг. и типовой инструкцией по делопроизводству, утвержденной Постановлением ПКР от 23 июля 2012 года за № 517, при обращении граждан (предложения, заявления, жалобы),

**ПРИКАЗЫВАЮ:**

Начальнику ОО Бекторгоевой Э.Ж., обеспечить работу:

1. По незамедлительной регистрации поступивших заявлений и жалоб в журнале учета;
2. Незамедлительно передавать поступившие жалобы и заявления руководству на рассмотрение;
3. Оперативно передавать ответственному руководителю отдела и службы в чью компетенцию входит рассмотрение поступившей жалобы в соответствии с резолюцией руководителя, а также направлять копию жалобы в Азиатский Банк Развития;
4. Обеспечить контроль за сроками рассмотрения жалоб и ответами заявителю (в течение 14 дней);
5. Своевременно направлять ответ в адрес заявителя и АБР, о чем фиксировать в журнале;
6. Контроль за исполнением возложить на Бородину А.В.- первого заместителя генерального директора.

Генеральный директор

Рассылка в дело: Бородину А.В., ОО, ОВС и РП, ПТО, ЮГ, ГК

М.А. Айткулов

Исх. ОВС и РП 43-49

011938

**Joint Stock Company**  
**«National Electric Grid of Kyrgyzstan»**

**Order**

**22.05.2014**

**No. 154**

To ensure the successful implementation of the project "Power Sector Improvement, funded by the ADB, being guided by the Law of the Kyrgyz Republic "On the order of consideration of complaints" dated 04.05.2007 with amendments in 2008 and 2013, and the standard instruction on records management, approved by the resolution of Government of KR dated July 23, 2012 for No. 517, in citizens handling (proposals, applications, complaints),

HEREBY ORDER:

To OO Head Bektorgoeva E.J., to provide a job:

1. In the immediate registration of received applications and complaints in the journal;
2. Immediately transfer the received complaints and applications to the management personnel for consideration;
3. Promptly transfer to the responsible head of department and service, whose competence includes the consideration of received complaints in accordance with the head resolution, as well as send a copy of the complaint to the Asian Development Bank;
4. To ensure control over terms of consideration of complaints and responses to the applicant (within 14 days);
5. Timely direct response to the applicant's address and ADB, that should be recorded in the journal;
6. Control over the execution entrust to Borodin A.V. - First Deputy General Director.

General Director

/signature/

M.A.Aitkulov

**ANNEX 8/ ПРИЛОЖЕНИЕ8**

**Materials of Public consultations within the project "Power sector Improvement"**

**(Parkovaya-Ala Archa OHL)/**

**Материалы общественных слушаний в рамках проекта**  
**«Развитие сектора энергетики» (ВЛЭП Парковая-Ала Арча)**

**The minute of Public consultations within the project “Power sector Improvement”  
(Parkovaya-AlaArcha OHL)**

Djal village

February 3, 2017

Attended:

Representatives of ADB:

Aida Satylganova - Resettlement Specialist

Representatives of OJSC "NEGK":

Lola Kamalova - specialist of the department of external relations of "NEGK"

NurdinDuishenov–Specialist of the Department of Capital Construction, ChuPVES

Representatives of Ak-Ay Elektrik:

SyrgaAsanalieva - Resettlement Specialist

YuryDolgov - Evaluator

Representatives of Commission on resettlement/Local Authority:

Maya Madelieva – ActingHead of Orok Local Authority/executive secretary

Mars Zhyldyzbekov –Specialist on land issues, Orok LA

The total number of participants - 17 people.

Subject: Inform about the Resettlement Plan (Information disclosure)

Resettlement Specialist (S.Asanalieva) informed the participants about the project "Development of the Energy Sector" and the Plan of resettlement in the framework of this project: goal, implementation term, project impact, compensation issues, grievance mechanism. It is also noted that the brochures in Russian and Kyrgyz languages were distributed among Affected People. She presented Local point of contact to APs for the cases APs have any questions and claims.

Evaluator (Yu.Dolgov) provided information on the approach of determining the cost of damage and the composition of the APs costs associated with the payment. He noted that the cost of the damage is calculated based on the average market price and the average yield in given area. Type of crop planned to plant in the spring 2017 and the project affected area have been agreed with the APs.

Questions and answers from participants

Offer of (APs): It would be good to consult our agronomist about crop yield for compensation.



Answer (Yu.Dolgov): Works to determine the compensation were carried out closely with APs. The project affected area was defined with the participation of the APs. The size of the area and the type of crop planned for the spring sowing in 2017 was agreed in written form. The average crop yield is determined based on the official data of state bodies and local self-government. We can give an explanation to agronomist, if desired.

Question of (APs): Is there any other impact as excavation?

Answer (S.Asanalieva, Yu.Dolgov): Concerning your land plots, only the tractor will pass under the line, as there is no sky wire. There will not be even installed the equipment for stringing OPGW.

**Answer (N.Duyshenov): Last year, the same work was carried out on the 3 lines in the Chui region. There will have no excavation. Only the equipment will pass under the line, the car will bring the people and take back, that's all.  
Photo of technique that will be used during the work was presented.**

Protocol led by

/signature/

S.Asanalieva

**Протокол  
общественных слушаний в рамках проекта «Развитие сектора  
энергетики»**

**(ВЛЭП Парковая-Ала Арча)**

с. Джал

3 февраля 2017

Присутствовали:

Представители АБР:

Аида Сатылганова – специалист по переселению

Представители ОАО «НЭСК»:

Лола Камалова – специалист отдела внешних связей ОАО «НЭСК»

Нурдин Дуйшенов – специалист отдела капитального строительства,  
ЧУПВЭС

Представители Ак-Ай Электрик:

Сырга Асаналиева – специалист по переселению

Юрий Долгов – оценщик

Представители Комиссий по переселению/Айыл окмоту:

Майя Маделиева – и.о. главы Орокского АО/ответственный секретарь

Марс Жылдызбеков – Специалист по земельным вопросам Орокского АО

Общее количество участников – 17 человек.

**Повестка дня: Информирование о Планах переселения**

Специалист по переселению (С.Асаналиева) проинформировала участвующих о проекте «Развитие сектора энергетики» и Планах переселения в рамках этого проекта: цель, сроки реализации, воздействие проекта, вопросы компенсации, механизм рассмотрения жалоб. Также отметила, что брошюры на русском и кыргызском языках были распределены среди ЛПВ. Представила Местное контактное лицо для обращения ЛПВ в случае возникновения вопросов и жалоб.

Оценщик (Ю.Долгов) представил информацию о подходе к определению стоимости ущерба и составе затрат ЛПВ, связанных с компенсацией. Он отметил, что стоимость ущерба рассчитана исходя из среднерыночных цен и средней урожайности в данной зоне. Вид сельскохозяйственной

культуры, планируемый для засева весной 2017 года, и затрагиваемая проектом площадь были согласованы с ЛПВ.

**Вопросы от участников и ответы**

Предложение (ЛПВ): Хорошо было бы согласовать урожайность сельхозкультуры с нашим агрономом.

Ответ (Ю.Долгов): Работы для определения компенсации были проведены в тесном контакте с ЛПВ. Площадь, затрагиваемая проектом, определена с участием ЛПВ. В письменном виде согласованы размер площади и вид сельскохозяйственной культуры, планируемый для засева весной 2017 года. Средняя урожайность определена исходя из официальных данных государственных органов и органа местного самоуправления. При желании можем дать разъяснение агроному.

Вопрос (ЛПВ): Там, где будут проводиться работы, не будут копать?

Ответ (С.Асаналиева, Ю.Долгов): По вашим земельным участкам только трактор проедет под линией, так как там грозотроса нет. Там даже не будут устанавливать оборудование для протягивания оптоволокна.

Ответ (Н.Дуйшенов): В прошлом году такая же работа была проведена по 3-м линиям в Чуйской области. Там не будут копать. Только проедет техника под линией, машина привезет людей, обратно заберет, и все. Представлена фото техники, которая будет использоваться при проведении работ.

Протокол вела



С.Асаналиева

## List of participants of public consultations

Список участников общественных консультаций по ВЛЭП «Парковая-  
Али Арча» в рамках проекта «Развитие сектора энергетики»

С.Джал/Орок АА

3 февраля 2017 года

№ №	Фамилия, Имя	Должности/ Представитель	Тел.номер	Подпись
1	Кашанов	СД	0557889398	А
2	Сатамшова А	АДР	073371338	А
3	Делов Н.Н.	АД АИ	0732637580	А
4	Курел, И	АПВ Орел		А
5	Мурзав С. А	АПВ, Орел		А
6	Мурзав С. А	АПВ Орел		А
7	Мурзав А. Р	АПВ Орел		А
8	Малаш В. В	АПВ Орел		А
9	Маджаров А.В.	АПВ Орел	0557889398	А
10	Ахмедов Раман.Х	АПВ Орел	055540894	А
11	Туркенов А	АПВ Орел	073015073	А
12	Ахмедов Т	АПВ Орел	0550066707	А
13	Куримжанов С. К	Орел	055540894	А
14	Жадыгасов Н	Орел	0558606609	А
15	М.Маджаров А.В.	Орел	055502355	А
16	Кашанов С.С	АД АИ	055501215	А
17	Мурзав Мурзав	АПВ Орел	0475585260	А

## Grievance Registration Logbook

Project: Power Sector Improvement Project RRP KGZ 43456-02

Grievance Location \_\_\_\_\_  
AyilAimak

Grievance Person \_\_\_\_\_  
\_\_\_\_\_

**A** Inquiry, clarification, suggestion, request

**B** Complaint regarding alleged breach of the SPS 2009 or Public Communication Policy 2011

**C** Allegation of fraud or corruption

**IR** Involuntary Resettlement

**ENV** Environment

### GRIEVANCE REGISTRATION LOG BOOK

Grievance No	Date	Name	Address, telephone	Type (A, B,C) & nature of Grievance (SOC or ENV)	Location of impact (village name, Local Authority	Grievance S

### Журнал регистрации заявлений

Проект: Развитие сектора энергетики RRPKGZ 43456-02

Место подачи заявления

\_\_\_\_\_ айылный аймак

Местное контактное

лицо \_\_\_\_\_  
\_ (Ф.И.О.)

**А** запрос, разъяснение, совет, требование

**В** жалоба касательно предполагаемого нарушения Положений о Политике по Защитным Мерам (2009) или Политике по общественным связям (2011)

**С** Обвинение в мошенничестве или коррупции

**ВП** Вынужденное переселение

**ООС** Охрана окружающей среды

### **ЖУРНАЛ РЕГИСТРАЦИИ ЗАЯВЛЕНИЙ**

<b>Заявление №</b>	<b>Дата</b>	<b>Ф.И.О.</b>	<b>Адрес, телефон</b>	<b>Тип (А, В,С) и природа заявления (ВП или ООС)</b>	<b>Местонахождение влияния (название села/айылного аймака)</b>	<b>Краткое содержание заявления</b>

## **ANNEX 9/ПРИЛОЖЕНИЕ 9**

### **PAMPHLET**

#### **RESETTLEMENT PLAN INFORMATION**

#### **JSC NATIONAL ELECTRIC GRID OF KYRGYZSTAN**

#### **Power Sector Improvement Project RRP KGZ 43456-02 (Parkovaya - Ala Archa OHL)**

#### **F. Introduction**

1. The JSC National Electric Grid of Kyrgyzstan (NEGK) is planning to string of optical ground wires (OPGW) on existing transmission lines in Chuy Oblast. The estimated length of OPGW is 520,3 km. The Project is financed by the Asian Development Bank (ADB), NEGK is the Executing Agency (EA). The Project commencement date is 08.12.2010 and completion date is 31.12.2017. According to the requirements of the ADB resettlement policy, NEGK has prepared

the Resettlement Plan for Parkovaya-Ala Archa OHL (RP) for detailing Project impacts, compensation entitlements and compensation mechanisms and procedures.

2. This Information Pamphlet summarizes the main points of the RP. Its objective is to disclose and summarize for the benefit of APs impacts of the project. This project will link seven major substations and the control centers via optical fiber. This will reduce technical losses through avoidance of overloading; enable faster detection and restoration of faults. Also it improves overall efficiency and reliability of the system.

OPGW will be pulled over existing transmission towers on existing lines, which are located mostly on agricultural land or barren land. Photos of transport and equipment for stringing work will be presented during public consultations.

This activity requires work space and access, and lead to temporary crop damage around/along the existing towers. Since the works will be conducted on/along the existing transmission towers, the impact shall be limited to the temporary damage to crops and no land acquisition is expected.

3. According to ADB policy, NEGK will disclose information about RP on public consultations. This pamphlet in Kyrgyz and Russian shall be shared with DPs.

## **B. Impacts Summary**

4. Based on the RP impacts, there are 10 DPs on Parkovaya – Ala Archa OHL in Orok Ayil Aimak of Sokuluk district.

On this line Project has impact on 5 types of crops as wheat, clover, alfalfa, barley and corn.

## **C. Resettlement Policy and Principles**

5. The impacts caused by stringing of wires will be compensated based on the laws of Kyrgyz Republic and the requirements of the ADB Safeguards Statement Policy (2009). All DPs will receive a relevant compensation for crop losses. The compensation program under the RP is based on the following principles:

- Involuntary resettlement is to be avoided or at least minimized.
- If impacts are unavoidable appropriate compensation will be provided
- DPs should be fully informed and consulted on LAR compensation options and implementation.
- Compensation will be carried out with equal consideration of women and men.

## **D. Compensation Eligibility and Entitlements**

DPs lost crops during work on the stringing of OPGW within the Project “Power sector improvement” are entitled to compensation.

### Entitlement Matrix

Impact type	Eligible DPs	Entitlements	Notes
Crops	All DPs (actual users of land: owners or tenants)	Compensation for: 1. One harvest based on data from National Statistics Committee of the Kyrgyz Republic and market analysis. 2. DPs costs related to compensation issues.	Determined by evaluator. The sum of compensation depends on the size of land plot and type of the crop.  Compensation should be paid in accordance with the contract between NEGK and DP

Compensation eligibility is limited by setting of cut-off date January 25, 2017. DPs have the right to get compensation for -type of crop defined before this date.

### E. Compensation rates

Compensation includes the following:

1. **Market value of crop losses** defined by the average crop yield and price based on market analysis and data from National Statistic Committee of Kyrgyz Republic.
2. **APs costs related to compensation** issues as transport costs, costs for copy of documents and average lost profit calculated on the basis of data from National Statistic Committee of Kyrgyz Republic.

### F. Complaints and Grievance Redress Mechanism

A grievance mechanism is available to allow DP to appeal any disagreeable decision related compensation. The Grievance Redress Group (GRG) is established at each local authority level according to Turnkey contractor’s order dated July 29, 2016, Ref.No.LNGK 73/15\_102a. The grievance resolution process is detailed below.

Local level. GRG at local level consists of Representatives of Local Authority (LA), Complainant and Turnkey contractor. The grievances will be first lodged at the LA level. The complainant will report his/her case to the Local Point of Contact (LPC), who is officially

appointed to process DP's queries and complaints. GRG at local level consider and take a decision in 14 working days.

Central level. If within 14 working days the grievance is still not resolved at local level, the complainant will further raise the issue to NEGK's Grievance Redress Commission (GRC) in Bishkek. GRC of NEGK will take a decision in 14 working days.

Information about LPC in local authority is provided below in the next section.

## **G. Contact Information**

For any information and advice, please feel free to approach the following contacts on Monday-Friday, 8:00 -17:00.

1. Local Point of Contact:

Mars Zhyldyzbekov, Specialist on land issues of Orok AO (Local Authority)  
Tel: 0558 605604

2. Hayrullah Bash, Contractor of NEGK, Frunze 410/2, Bishkek  
Tel: 0700 800324  
E-mail: [hayrullah.bas@ak-ay.com](mailto:hayrullah.bas@ak-ay.com), [ali.acikbas@ak-ay.com](mailto:ali.acikbas@ak-ay.com)

3. General Unit of NEGK, JibekJolu, 326, Bishkek  
Tel: 0312 670237  
Fax: 0312 661609  
E-mail: [nesk@elcat.kg](mailto:nesk@elcat.kg)

## **ИНФОРМАЦИЯ О ПЛАНЕ**

### **АО «НАЦИОНАЛЬНАЯ ЭЛЕКТРИЧЕСКАЯ СЕТЬ КЫРГЫЗСТАНА»**

#### **Проект «Улучшение энергетического сектора», РРП КР 43456-02 (ВЛЭП Парковая – Ала Арча)**

## **A. Введение**



1. ОАО «Национальная электрическая сеть Кыргызстана» (НЭСК) планирует натягивать волоконно-оптические кабели (ВОЛС) на существующих линиях электропередач в Чуйской области. Ожидаемая длина ВОЛС составляет 520,3 км. Проект финансируется Азиатским Банком Развития (АБР), НЭСК является исполнительным агентством (ИА). Дата начала проекта - 08.12.2010г. и дата завершения - 31.12.2017г. В соответствии с требованиями политики переселения АБР, НЭСК подготовил План для ВЛЭП Парковая-Ала Арча (План) с подробным описанием воздействия Проекта, компенсационных прав, механизмов и процедур.

2. Это информация суммирует основные моменты Плана. Его цель состоит в том, чтобы раскрыть и обобщить информацию для лиц, попавших под воздействие проекта (ЛПВ). Этот проект соединит семь основных подстанций и центров управления через оптические волокна. Это приведет к снижению технических потерь за счет предотвращения перегрузок, обеспечит более быстрое обнаружение и восстановление неисправностей. Также повысит общую эффективность и надежность системы.

ВОЛС будут натягиваться над существующими опорами на существующих линиях, которые расположены в основном на сельскохозяйственных землях или неплодородных землях. Фото техники и оборудования, которые будут использованы при проведении работ, будут представлены в ходе общественных консультаций.

Эта деятельность требует рабочее место и доступ к нему, и приведет к временному ущербу урожая вокруг/вдоль существующих опор. Так как работы будут проводиться вокруг/вдоль существующих опор, влияние ограничивается временным ущербом, и приобретение земли не ожидается.

3. В соответствии с политикой АБР, НЭСК будет информировать о Плане путем проведения общественных консультаций. Эта информация на кыргызском и русском языках будет представлена ЛПВ.

## **Б. Описание воздействия**

4. На основании информации Плана, по ВЛЭП Парковая-Ала Арча имеется 10 ЛПВ в Орокском айылном аймаке Сокулукского района.

По этой линии под воздействие Проекта попадают 5 видов сельхозкультур, как пшеница, клевер, люцерна, ячмень и кукуруза.

## **В. Политика по переселению и принципы**

5. Ущерб, причиненный по результатам натягивания проводов, будет компенсирован на основании законов Кыргызской Республики и требований политики АБР по защитным мерам (2009). Все ЛПВ получают соответствующую компенсацию. Программа компенсирования в рамках Плана основан на следующих принципах:

- Избегать или по крайней мере свести к минимуму принудительное переселение.
- Если воздействие является неизбежным, то должна быть обеспечена соответствующая компенсация.
- ЛПВ должны быть полностью проинформированы и проконсультированы по вопросам компенсации и реализации Плана.
- Компенсация будет осуществляться на равных правах для женщин и мужчин.

## Г. Права на компенсацию

6. Все ЛПВ, потерявшие урожай при проведении работ по протягиванию ВОЛС, в рамках проекта «Развитие сектора энергетики», имеют право на получение компенсации.

**Матрица Прав**

<b>Тип воздействия</b>	<b>Возможные ЛПВ</b>	<b>Права</b>	<b>Примечание</b>
Урожай	Все ЛПВ (фактические пользователи земель: владельцы или арендаторы)	Компенсация: 1. Один урожай, основанный на данных Национального статистического комитета Кыргызской Республики и анализа рынка. 2. Расходы ЛПВ, связанные с компенсацией.	Определяется оценщиком. Сумма компенсации зависит от размера земельного участка и типа урожая.  Компенсация должна быть выплачена в соответствии с договором между НЭСК и ЛПВ.

7. 25 января 2017 года установлено датой истечения срока для определения имущества, подлежащего компенсации. ЛПВ имеют право на получение компенсации по виду урожая, определенному до этой даты.

## Д. Размер компенсации

8. Компенсация включает в себя следующее:

1. **Рыночная стоимость поврежденного урожая** определяется через среднюю урожайность и цену, основанные на анализе рынка и данных Национального статистического комитета Кыргызской Республики.
2. **Расходы ЛПВ, связанные с компенсацией**, такие как транспортные расходы, затраты на копирование документов и средняя упущенная выгода, определенная на основе данных Национального статистического комитета Кыргызской Республики.

## Ж. Механизм по рассмотрению жалоб

9. Механизм по рассмотрению жалоб позволит ЛПВ обжаловать любое спорное решение, связанное с компенсацией. Группа по рассмотрению жалоб (ГРЖ) создана на уровне каждого айыл окмоту согласно решению Подрядчика от 29 июля 2016 года № LNGK 73/15\_102a. Процесс рассмотрения жалоб подробно описан ниже.

Местный уровень. ГРЖ на местном уровне состоит из представителей Айыл окмоту (АО), заявителя и Подрядчика под ключ. Жалобы сначала принимаются на уровне айыл окмоту. Заявитель подает свою жалобу местному контактному лицу (МКЛ), который официально назначен для обработки запросов и жалоб ЛПВ. ГРЖ на местном уровне рассматривает вопрос и принимает решение в течение 14 рабочих дней.

Центральный уровень. Если в течение 14 рабочих дней жалоба не будет решена на местном уровне, то заявитель обращается с этим вопросом в Комиссию по рассмотрению жалоб (КРЖ) НЭСК в Бишкеке. КРЖ НЭСК принимает решение в течение 14 рабочих дней.

Информация относительно местного контактного лица приведена ниже в следующем разделе.

### **3. Контактные данные**

10. Для получения любой информации и консультации, пожалуйста, обращайтесь к следующим лицам, с понедельника по пятницу, с 8:00 до 17:00.

1. Местное контактное лицо (МКЛ):

Марс Жылдызбеков, Специалист по землеустройству Орокского Айыл Окмоту  
Телефон: 0558 605604

2. Хайруллах Баш, Подрядчик НЭСК, г. Бишкек., ул. Фрунзе, 410/2  
Телефон: 0700 800324  
Электронная почта: [hayrullah.bas@ak-av.com](mailto:hayrullah.bas@ak-av.com), [ali.acikbas@ak-av.com](mailto:ali.acikbas@ak-av.com)

3. Главный Офис НЭСК, г. Бишкек., ул. Жибек Жолу 326  
Телефон: 0312 670237  
Факс: 0312 661609  
Электронная почта: [nesk@elcat.kg](mailto:nesk@elcat.kg)

## **ПЛАН БОЮНЧА МААЛЫМАТ**

### **«КЫРГЫЗСТАН УЛУТТУК ЭЛЕКТР ТАРМАГЫ» ААК**

#### **«Энергетика секторун жакшыртуу» долбоору, РРП КР 43456-02**

#### **(Парковая – Ала Арча аба электр чубалгысы)**

##### **А. Кириш сөз**

1. “Кыргызстан улуттук электр тармагы” ААК (“Кыргызстан УЭТ” ААК) Чүй облусундагы учурдагы аба электр чубалгыларына байланыш булалык-оптикалык чубалгыларын (ББОЧ) керүүнү пландаштырып жатат. ББОЧтун күтүлүүчү узундугу 520,3 километрди түзөт. Долбоор Азия Өнүктүрүү Банкы (АӨБ) тарабынан каржыланат, “Кыргызстан УЭТ” ААК аткаруучу агенттик (АИ) болуп саналат. Долбоордун башталыш датасы - 08.12.2010 жана аяктоо датасы - 31.12.2017. АӨБнын көчүрүү саясатынын талаптарына ылайык “Кыргызстан УЭТ” ААК Долбоордун таасирин, компенсациялык укуктарды, механизмдерди жана процедураларды майда-чүдөсүнө чейин баяндоо менен Парковая – Ала Арча аба электр чубалгысы үчүн План (План) даярдады.

2. Бул маалымат Пландын негизги учурларын жыйынтыктайт. Анын максаты долбоордун таасири тийүүчү жактар (ТТЖ) үчүн маалыматты ачууда жана жалпылоодо турат. Бул долбоор оптикалык булалар аркылуу жети негизги көмөк чордонду жана башкаруу борборлорун бириктирет. Бул аша жүктөлүүнү чыгарып таштоо эсебинен техникалык коромжулардын төмөндөшүнө алып келет, бузуктарды тезирээк табууну жана калыбына келтирүүнү камсыз кылат. Ошондой эле тутумдун жалпы майнаптуулугун жана ишенимдүүлүгүн жогорулатат.

ББОЧ негизинен айыл чарба жерлеринде же түшүм бербеген жерлерде жайгашкан чубалгылардын учурдагы тирөөчтөрүнүн үстүнөн керилет. Жумушту жасоо учурунда пайдаланыла турган техниканын жана жабдуунун сүрөттөрү коомдук кеңеш берүүнүн жүрүшүндө көрсөтүлөт.

Бул ишмердүүлүк жумуш ордун жана ага баруучу жолду талап кылат, ошондой эле ал учурдагы тирөөчтөрдүн айланасындагы/узатасындагы түшүмгө келтирилчү убактылуу зыянды камтыйт. Жумуштар учурдагы тирөөчтөрдүн айланасында/узатасында аткарылгандыктан, таасир убактылуу зыян менен чектелет жерди сатып алуу күтүлбөйт.

3. АӨБнын саясатына ылайык “Кыргызстан УЭТ” ААК жергиликтүү деңгээлде коомдук кеңеш берүү жолу менен План жөнүндө маалымат берет. Бул маалымат кыргыз жана орус тилдеринде бардык ТТЖга берилет.

##### **Б. Таасирдин баяндоосу**

4. Пландын маалыматынын негизинде Сокулук районунун Орок айыл аймагында Парковая - Ала Арча аба электр чубалгысы боюнча 10 ТТЖ бар.

Бул аба электр чубалгысы боюнча долбоордун таасири буудай, беде, люцерна, арпа жана жугору сыяктуу айыл чарба өсүмдүктөрүнүн 5 түрүнө тиет.

## **В. Көчүрүү жана принциптер боюнча саясат**

5. Зымдарды керүү менен келтирилген зыяндар Кыргыз Республикасынын мыйзамдары жана Коргоо чаралар боюнча АӨБнын саясатынын талаптарынын (2009) негизинде компенсацияланат. Бардык ТТЖ зыяндар үчүн компенсация алат. Пландын чектеринде компенсациялоо программасы төмөнкү принциптерге негизделген:

- Мажбурлап көчүрүүдөн алыс болуу же, эч болбогондо, минимумга келтирүү.
- Эгерде таасир акыры тие турган болсо, тиешелүү компенсация камсыз кылынууга тийиш.
- ТТЖга компенсация жана Планды ишке ашыруу маселелери боюнча толугу менен маалымат жана кеңеш берилүүгө тийиш.
- Компенсация аялдар жана эркектер үчүн бирдей укуктарда жүзөгө ашырылат.

## **Г. Компенсация мүмкүнчүлүгү жана укуктар**

«Энергетика секторун жакшыртуу» долбоорунун чектеринде ББОЧ керүү боюнча иштерди аткарууда түшүмүн жоготкон бардык ТТЖлар компенсация алууга укуктуу.

### **Укуктардын матрицасы**

<b>Таасирдин тиби</b>	<b>Мүмкүн болуучу ТТЖ</b>	<b>Укуктар</b>	<b>Эскертүү</b>
Түшүм	Бардык ТТЖ (иш жүзүндөгү жер пайдалануучулар: ээлер же ижарага алуучулар)	Компенсация: 1. Кыргыз Республикасынын Улуттук статистикалык комитетинин маалыматтарына жана базардын талдоосуна негизделген бир түшүм. 2. Компенсациянын маселелери менен байланышкан ТТЖнын чыгымдары.	Баалоочу тарабынан аныкталат. Компенсациянын суммасы жер участогунун көлөмүнө жана түшүмдүн түрүнө байланыштуу болот.  Компенсация “Кыргызстан УЭТ” ААК менен ТТЖнын ортосундагы келишимге ылайык төлөнүп берилүүгө тийиш.

2017-жылдын 25-январы компенсациялануучу мүлктү аныктоо үчүн мөөнөттүн акыркы датасы болуп белгиленген. ТТЖ бул датага чейин аныкталган түшүмдүн түрү боюнча компенсация алууга укуктуу.

## **Д. Компенсациянын көлөмү**

Компенсация төмөнкүлөрдү камтыйт:

1. **Зыян келтирилген түшүмдүн базар наркы** Кыргыз Республикасынын Улуттук статистикалык комитетинин маалыматтарына жана базардын талдоосуна негизделген орто түшүмдүүлүк жана баа аркылуу аныкталат.

2. **ТТЖнын компенсация маселелери менен байланышкан чыгымдары:** транспорттук чыгымдар, документтердин көчүрмөлөрүнө чыгымдар жана Кыргыз Республикасынын Улуттук статистикалык комитетинин маалыматтарынын негизинде аныкталган орто алынбай калган пайда.

### **Ж. Арыздарды карап чыгуу боюнча механизми**

Арыздарды карап чыгуу боюнча механизм компенсация менен байланышкан кандай болбосун талаш-тартыш чечим тууралуу даттанууга ТТЖга мүмкүндүк берет. Арыздарды карап чыгуу боюнча топ (АКТ) ар бир айыл өкмөттүн деңгээлинде Подрядчиктин 2016-жылдын 29-июлундагы № LNGK 73/15\_102a чечимине ылайык түзүлгөн. Арыздарды карап чыгуу процесси төмөндө баяндалат.

Жергиликтүү деңгээл. АКТ жергиликтүү деңгээлде айыл өкмөттүн, арыздануучунун жана Подрядчиктин өкүлдөрүнөн турат. Арыздар башында айыл өкмөттүн деңгээлинде кабыл алынат. Арыздануучу өзүнүн арызын ТТЖнын суроолору жана арыздары менен иштей турган расмий түрдө дайындалган жергиликтүү байланыш жакка берет. АКТ жергиликтүү деңгээлде маселени карап чыгат жана 14 иш күндүн ичинде чечим кабыл алат.

Борбордук деңгээл. Эгерде 14 иш күндүн ичинде арыз жергиликтүү деңгээлде чечилбесе, арыздануучу бул маселе боюнча Бишкек шаарындагы “Кыргызстан УЭТ” ААКнын Арыздарды карап чыгуу боюнча комиссиясына (АКЧК) кайрылат. АКЧК 14 иш күндүн ичинде чечим кабыл алат.

Жергиликтүү байланыш жак тууралуу маалымат төмөндө кийинки бөлүмдө көрсөтүлгөн.

### **3. Байланыш маалыматы**

Кандай болбосун маалымат жана кеңеш алуу үчүн 8:00дөн 17:00гө чейин дүйшөмбүдөн жумага чейин төмөнкү жактарга кайрылыңыздар.

1. Жергиликтүү байланыш жак (ЖБЖ):

Марс Жылдызбеков, Орок Айыл Окмотунун Жерге жайгаштыруу боюнча адиси  
Телефон: 0558 605604

2. Хайруллах Баш, “Кыргызстан УЭТ” ААКнын подрядчиги, Бишкек ш., Фрунзе к., 410/2  
Телефон: 0700 800324  
E-mail: hayrullah.bas@ak-ay.com, ali.acikbas@ak-ay.com

3. “Кыргызстан УЭТ ААКнын башкы офиси, Бишкек ш., Жибек-Жолу пр., 326  
Телефон: 0312 670237  
Факс: 0312 661609  
E-mail: nesk@elcat.kg

## ANNEX 11

### DPs costs related to compensation issues

#### (Extract from Valuation report for Parkovaya-Ala Archa OHL)

1. Lost profit as a business land users determined from the conditions of working time loss required for the implementation of activities related to the Project. According to the data of the National Statistical Committee of the Kyrgyz Republic the average monthly nominal wage per employee actually is 14,025.00 soms and 638.00 soms per day (22 working days in a month).

2. Transportation costs - the cost of the land user (DPs), which are necessary for the implementation of trips:

- trip to the land plot for its identification and specification of the project impact area;
- trip to the land plot directly at the time of electrical and installation works;
- trip to participate in public consultations;
- trip for a contract to receive compensation.

The cost of transport expenses in the amount of 10 soms per 1 km is determined based on an analysis of market information on the cost of gasoline, depreciation standards of vehicles and maintenance costs, as well as the analysis of market prices for transport services.

Transportation costs for land users of Orok AA, residing in Orok village is determined at 200 som.

3. Costs of copying documents identified in the amount of not more than 50 KGS, including copying passports APs, all sheets and title of certifying documents all at least 10 sheets.

Table 4 presents the information to calculate the amount of lost profits and transportation costs of DPs.

		Table 4	
	Name		Amount
1	Transportation costs		200 som
	including		
	Trip to the land plot for its identification and specification of the project impact area	to 10 km	100 som
	Trip to the land plot directly at the time of electric installation works	to 10 km	100 som
2	Lost profit		1'276 som
	including		
	Trip to the land plot for its identification and specification of the project impact area	0.5 day	319 som

	Participation in public consultations	0.5 day	319 som
	Conclusion of the agreement for compensation	0.5 day	319 som
	Trip to the land plot directly at the time of electric installation works	0.5 day	319 som
3	Costs of copying documents	1 kit	50 som

## ПРИЛОЖЕНИЕ 11

### Затраты ЛПВ, связанные с вопросами компенсации

(выдержка из Оценочного отчета для ВЛЭП Парковая – Ала Арча)

1. Упущенная выгода землепользователей как предпринимателей определена из условий потери рабочего времени необходимого для осуществления мероприятий связанных с Проектом. По данным Национального статистического комитета Кыргызской Республики среднемесячная номинальная заработная плата одного работника фактически составляет 14'025 сомов или 638 сом в день (22 рабочих дня в месяц).
2. Транспортные расходы – затраты землепользователя (ЛПВ), которые необходимы для осуществления поездок:
  - выезд на земельный участок для его идентификации и уточнения площади воздействия Проекта;
  - выезд на земельный участок непосредственно в период проведения электромонтажных работ;
  - выезд для участия в общественных слушаниях;
  - выезд для заключения договора на получение компенсации;

Стоимость транспортных расходов в размере 10 сом на 1 км определена на основании анализа рыночной информации о стоимости ГСМ, нормативов амортизации транспортных средств и затрат на техническое обслуживание, а так же проведен анализ рыночных цен на транспортные услуги. Стоимость транспортных расходов для землепользователей Орокского АА, проживающих в с.Орок определена в размере 200 сом.

3. Затраты на копирование документов определены в размере не более 50 сом, включая копирование паспорта ЛПВ, всех листов правоустанавливающих и правоудостоверяющих документов всего не менее 10 листов.



В таблице 4 представлены сведения для расчета суммы упущенной выгоды ЛПВ и затрат на транспортные расходы.

Наименование			Таблица 4
			Сумма
1	Транспортные расходы на поездки		200 сом
	в том числе		
	выезд на участок для его идентификации	до 10 км	100 сом
	выезд на участок при проведении работ	до 10 км	100 сом
2	Упущенная выгода (минимальный упущенный доход предпринимателя)		1'276 сом
	в том числе		
	выезд на участок для его идентификации	0,5 дня	319 сом
	участие в общественных слушаниях	0,5 дня	319 сом
	заключение договора	0,5 дня	319 сом
	выезд на участок при проведении работ	0,5 дня	319 сом
3	копирование документов	1 комплект	50 сом

## ANNEX 12

### The total amount of compensation for Parkovaya – Ala Archa OHL within the Power Sector Improvement Project (Annex 4 from Valuation report)

№	Full name / Name of the APs	Land area, ha		Name of crops	The amount of damage caused by loss of crops	Lost profit	Transport expenses	
		Total	Affected area of the land plot					
					som	som	som	
1	2	3	4	5	6	7	8	
1	TalasoV Asylbek Kalyevich	1,7350	0,0166	Alfalfa, Clover	754	1'276	200	

№	Full name / Name of the APs	Land area, ha		Name of crops	The amount of damage caused by loss of crops	Lost profit	Transport expenses	
		Total	Affected area of the land plot					
					som	som	som	
1	2	3	4	5	6	7	8	
2	Alisherova Tursunkul	0,5400	0,0049	Wheat	147	1'276	200	
3	Agadzhaфаров Alisker Vagifovich	3,2100	0,0096	Wheat of seminal	577	1'276	200	
			0,0096	Corn	1'010			
			0,0116	Barley of seminal	698			
4	Nuriyev Shirin Shamilovich	1,1700	0,0106	Wheat	319	1'276	200	
5	Arzymanova Etar Konsulovna	1,6400	0,0147	Alfalfa	668	1'276	200	
6	Targilov Almasbek Monoldorovich	3,2656	0,0296	Wheat of seminal	1'775	1'276	200	
				Alfalfa	740			
7	KH Gunesh Azretova Sagar Surmalievna	6,8200	0,0618	Alfalfa, Clover	2'811	1'276	200	
8	KH Ismail Akhmedov Osmon Davrushovich	14,8700	0,2406	Wheat of seminal	14'435	1'276	200	
				Alfalfa	6'015			
9	Mirzaev Usen Latifievich	1,4000	0,0130	Wheat of seminal	778	1'276	200	
10	Mirzaev Zia Mirzaevich	4,0300	0,0365	Wheat of seminal	2'187	1'276	200	
	Total	38,6806	0,4590		32'914	12'760	2'000	

## ПРИЛОЖЕНИЕ 12

**Общая сумма компенсации убытков по ВЛЭП Парковая – Ала Арча в рамках проекта  
“Развитие сектора энергетики”**

**(Приложение 4 к Оценочному отчету)**

№ пп	ЛПВ (Ф.И.О.)	Площадь участка, га		Наименование с/х культур	Сумма ущерба от потери урожаа	Упущенная выгода	Транспортные расходы
		Общая	под воздей- ствием		сом	сом	сом
					1	2	3
1	Таласов Асылбек Калыевич	1,7350	0,0166	Люцерна, Клевер	754	1'276	200
2	АлишEROVA Турсункул	0,5400	0,0049	Пшеница	147	1'276	200
3	Агаджафаров Алискер Вагифович	3,2100	0,0096	Семенная пшеница	577	1'276	200
			0,0096	Кукуруза	1'010		
			0,0116	Семенной ячмень	698		
4	Нуриев Ширин Шамилович	1,1700	0,0106	Пшеница	319	1'276	200
5	Арзыманова Етар Консуловна	1,6400	0,0147	Люцерна	668	1'276	200
6	Таргилов Алмасбек Монолдорovich	3,2656	0,0296	Семенная пшеница	1'775	1'276	200
				Люцерна подпокровная	740		
7	КХ Гунеш Азретова Сагар Сурмалиевна	6,8200	0,0618	Люцерна, Клевер	2'811	1'276	200
8	КХ Исмаил Ахмедов Осмон	14,8700	0,2406	Семенная пшеница	14'435	1'276	200
				Люцерна подпокровная	6'015		
9	Мирзаев Усен Латифиевич	1,4000	0,0130	Семенная пшеница	778	1'276	200
10	Мирзаев Зия Мирзаевич	4,0300	0,0365	Семенная пшеница	2'187	1'276	200
	Всего	38,6806	0,4590		32'914	12'760	2'000