

UNITED NATIONS ECONOMIC COMMISSION FOR EUROPE

# Post COVID-19 Recovery for Informal Settlements in the UNECE region

**City of Bishkek, Kyrgyzstan**  
Assessment Report



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## LIST OF ABBREVIATIONS AND ACRONYMS

ADB	Asian Development Bank
CPC	Children Protection Center
ECE	Economic Commission for Europe
GDP	Gross Domestic Product
KGS	Kyrgyz Som
NGO	Non-governmental organization
ME	Municipal Enterprise
MTU	Municipal territorial Unit
UN	United Nations
UNDP	United Nations Development Programme
UNECE	United Nations Economic Commission for Europe

## EXECUTIVE SUMMARY

The Report on the Bishkek informal settlements was prepared by short-term consultant Ms. Nurzat Abdyrasylova as part of the project “Post COVID-19 Recovery in Informal Settlements in the ECE Region”. This project aims to strengthen the capacity of national and local governments in UNECE countries to address the needs of the most vulnerable people living in informal settlements. This would enhance socio-economic recovery following the pandemic and contribute to urban resilience in Bishkek. It will also build the capacity of local authorities for development of plans for recovery and upgrading informal settlements.

Given the limitations of time and scope, this report focuses on close analysis of five informal settlements in Bishkek: Archa-Beshik, Ak-Bosogo, Kalys-Ordo, Bakai-Ata and Ruhii-Muras. It relies on reports, news reports and interviews held with the relevant representatives of the Majors office and Territorial Management Units of the Informal settlements. These interviews were held to find primary information about this under-researched topic. Five municipal officials and two NGO representatives with over 20 years of experience of work with new settlements were interviewed.

The history of land seizure in Kyrgyzstan, and in Bishkek in particular, goes back to the early 90s and was usually provoked by socio-economic instability and lack of a clearly defined position on the part of the state. According to the Bishkek City Mayor's Office, because of migration and other processes of the 90s, as well as after 2005, about 48 residential areas were formed around the capital. These house 223,258 people: 27.9 per cent of the capital's population.

There are number of informal settlements, and little progress has been made in formalizing them in terms of availability of basic infrastructure and access to basic social services. This has led to:

- Unregistered land plots and house buildings in the informal settlements.
- In most of cases residential buildings in the informal settlements are constructed without project design documentation verified by the city architectural authority.
- In many residential buildings, residents have re-profiled, re-equipped and carried out additional constructions on their land plots for family business purposes, which differ from the functional purpose of housing.
- Many residential buildings in informal settlements are in environmentally unsafe areas, for example unauthorized land plots close to landfill sites or high voltage electrify transmission lines, putting them in danger as well as constant risk of eviction.
- There are problems of “invisible citizens”: without official identity documents people are invisible to the public administration system and have difficulties accessing basic services like education and health care.
- Informal settlements are huge residential areas with a dense population rate and often lack key infrastructures such as roads, sidewalks, water, sewage, gas and electricity supply, street lighting, and public green spaces.
- Construction of public facilities, such as kindergartens, secondary schools and clinics remains vital for access to education and healthcare.

The economic and social impact of the COVID-19 crisis are disproportionately borne by the poor and vulnerable communities of the Kyrgyz Republic. Internal migrants living in residential areas were the



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most vulnerable citizens, and during the pandemic they were faced with difficulties due to lack of identification documents and residence registration. However, during the quarantine period formalization of land plots and individual residential buildings was completely suspended.

Recently, processes for registering land plots and buildings were changed, making it easier for citizens, but paragraph 32 of the Regulations "On the provision of land for individual housing construction in the city of Bishkek" gives rights to registration from before June 1999 only. Unfortunately, information from municipal territorial units indicates that most unregistered land plots and building appeared after 2005. To solve this problem on November 13th, 2020 a new Law was passed with the following sections:

"On introducing amendments to some legislative acts in the sphere of land use"

"On introducing a moratorium on transfer (transformation) of irrigated arable land into other categories of land and types of land)"

"On transfer (transformation) of land plots", Criminal Code of the Kyrgyz Republic"

These jointly allow legalization of all land plots in residential areas, except those on unauthorized or dangerous land plots. The new Law will therefore make it necessary to amend paragraph 32 of the Regulation "On the procedure for granting land plots for individual housing construction in Bishkek".



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## 1. INTRODUCTION

The project “Post COVID-19 Recovery in Informal Settlements in the ECE Region” aims to strengthen the capacity of national and local governments in UNECE countries to address the needs of the most vulnerable people living in informal settlements. This would enhance socio-economic recovery following the pandemic and contribute to urban resilience in participating cities and countries. It will also build capacity in national and local authorities in the four pilot countries to develop plans for recovery and upgrading informal settlements. The Post COVID-19 Recovery Action Plan for Informal Settlements for countries in the ECE region has recommendations for the four pilot cities to upgrade informal settlements and support recovery from the COVID-19 pandemic.

The pandemic hit the most vulnerable people the hardest. This includes those in informal settlements in the ECE region, especially women, old people, young people and migrants. Informal settlements are particularly vulnerable to the impact of disease outbreaks, as disease monitoring and containment are challenging due to lack of adequate data to inform appropriate policy responses. Such data would include number of inhabitants per household, details of access to healthcare facilities and basic services, and means of employment and stability of work which could indicate the ability to enforce a quarantine. Urgent action is needed to enable residents to stay safe and healthy and thus increase resilience to future pandemics and natural disasters.

The UN Framework for the Immediate Socio-Economic Response to COVID-19 states that “The crisis will exacerbate inequalities especially in vulnerable settings and fragile locations such as informal settlements and slums, which are already underserved by social services, and where information and strategies such as testing, hand-washing, self-isolation and quarantine will be particularly difficult due to lack of space, water, resources and services.”

Post COVID-19 recovery plans need to prioritize the issue of informal settlements, especially the legalization of informal buildings. Integrating informal constructions into formal land markets provides clear ownership and security of tenure, and, through this, economic security to residents as it gives them access to credits and mortgages. In turn, security of tenure encourages residents to invest in their homes. Formalization is therefore a tool to increase security of tenure and ownership rights but also to protect and promote human rights. Furthermore, such newly-formalized settlements should be upgraded and connected with basic services and infrastructure to ensure access to adequate sanitation and facilities to safeguard against future pandemics. They should then be made liveable – energy efficient, healthy, with liveable and well-planned urban spaces, accessible services and good transport links.

The project contracted a short-term local consultant, Ms. Nurzat Abdyrasulova, to develop the report on post COVID19 recovery in the Bishkek informal settlements. The findings have been discussed at the Kyrgyzstan Local Stakeholder Workshop on the draft Post COVID-19 Recovery Action Plan for Informal Settlements in the UNECE Region. This on-line workshop took place Thursday, 10 December 2020.

These methods were used in preparing this report:



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- Data collection from open sources: internet media, public and municipal authority websites, and the legal database of the Ministry of Justice of the Kyrgyz Republic.
  - Requests for information, reports and other information from municipal authorities.
  - Request for information, reports and other information from NGOs, such as Public Union Arysh, Kyrgyz Family Planning Association, and the Eurasia Foundation of Central Asia.
  - Interviews with a representative of Capital Construction Department of the Bishkek City Hall, representatives of municipal territorial administrations, and representatives of the NGOs Public Union Arysh and the Kyrgyz Family Planning Association.
  - Desk review and development of recommendations.

The implications of this study are limited, however. There are 47 legally recognized informal settlements around Bishkek, plus unknown numbers of others, but this study was only able to research informal settlements that formed around years 1990-2005.

Given limitations of time and scope, this report focused on close analysis of five informal Bishkek settlements: **Archa-Beshik, Ak-Bosogo, Kalys-Ordo, Bakai-Ata and Ruhii-Muras**. It relies on pre-existing reports, news reports, and interviews with representatives of the Major office and Territorial Management Units of the Informal Settlements. The interviews were for finding primary information about this under-researched topic. Five municipal officials and two NGO representatives with over 20 years' experience with new settlements were interviewed.

The paper is organized in the following way. The first chapter introduces the study. The second provides general background on the country, on informal settlements in Bishkek, and on dilemmas the government faces in implementing policy for them. Chapters three and four provide a brief review of national legislation and institutional set-up related to informal settlements. Five and six cover the process of registration, and the formalization efforts of private properties. The next chapter presents the five settlements that were studied in this research. Finally, chapter eight analyzes the government's response to the COVID-19 pandemic. The conclusion summarizes the study's findings, stresses its implications within a broader context and suggests further research.

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## 2. BACKGROUND INFORMATION

The Kyrgyz Republic, is a landlocked country in Central Asia bordered by Kazakhstan, Uzbekistan, Tajikistan and China. Bishkek is the capital and largest city.

Since independence in 1991, Kyrgyzstan has had a democratic government, though it continues to endure ethnic conflicts, revolts, economic troubles, transitional governments and political conflict. Kyrgyzstan is a member of the Commonwealth of Independent States, the Eurasian Economic Union, the Collective Security Treaty Organization, the Shanghai Cooperation Organization, the Organization, the Turkic Council, the Türksoy community, and the United Nations.

Ethnic Kyrgyz make up the majority of the country's six and half million people, followed by significant minorities of Uzbeks and Russians. Kyrgyz is closely related to other Turkic languages, although Russian is still spoken and is an official language. a legacy of a century of Russification. 90 per cent of the population are Muslims, the majority being Sunni.<sup>1</sup>

The capital of Kyrgyzstan is Bishkek, located at an altitude of 700-900 meters above sea level. It is the largest city in the country with a population of 1,053,900 people.<sup>2</sup> Bishkek is the country's economic hub and largest scientific and educational centre. At the end of 2018, there were 45 higher education institutions in Bishkek, including 22 state and 23 non-governmental institutions. As Bishkek has about 70 per cent of the country's businesses, and 40 per cent of its economic activity<sup>3</sup>, it is a centre of attraction for internal migration.

Political events of the late 90s and March 2005 had a significant impact on internal migration and provoked waves of population movement from rural regions to the capital and northern regions. According to Bishkek City Hall, because of migration and other processes of the 90s and post-2005, about 47 residential areas were formed around the capital, where 223,258 people now live: 27.9 per cent of the capital's population.<sup>4</sup>

Formation of all these new settlements around Bishkek can be divided into three waves: during the first years of independence from 1989-1993, during the 2005 riots, and during the 2011 riots and ethnic conflict.<sup>5</sup> These are only the main waves. some informal settlements were formed at other times.<sup>6</sup>

The period from 2005 to 2007 also saw unauthorized seizure of about a dozen land plots in the Bishkek suburbs. According to the Department of Housing Improvement of Bishkek City Hall, most of the seized land was used to construct residential areas.

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<sup>1</sup> <https://en.wikipedia.org/wiki/Kyrgyzstan>

<sup>2</sup> [shorturl.at/brGKQ](http://shorturl.at/brGKQ)

<sup>3</sup> <http://www.stat.kg/ru/opendata/category/29/>

<sup>4</sup> Internal migration in the context of land relations. Ruslan Rakhimov.

<sup>5</sup> United Nations Human Settlements programme, *The Challenge of Slums: Global Report on Human Settlements 2003* (London and Sterling, VA: Earthscan Publications Ltd., 2003), 22.

<sup>6</sup> Jumagazy Sadyr uulu, interview by author, Bishkek, Kyrgyzstan, February 22, 2012.



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The history of land seizure in Kyrgyzstan, and in Bishkek in particular, goes back to the early 90s and is usually provoked by socio-economic instability and lack of a clarity on the part of the state.<sup>7</sup> The change of power during the "tulip" revolution in 2005 was accompanied by politicians' promises to give land to those in need, as a result of which the new government was unable to resist the seizures.<sup>8</sup>

Since 2005, there has been a surge of internal migration and land seizures in the suburbs of Bishkek. The internal migrants from southern regions mainly moved to the capital, and to developing cities in the Chui region, such as Kant and Tokmak, as well as some villages in the Issyk-Ata and Moskovsky districts, which are part of the Bishkek agglomeration. Due to the lack of developed infrastructure, production facilities in the regions, and imperfect local self-government reforms, there is a steady migration trend from rural Kyrgyzstan to Bishkek and its suburbs. Another reason for internal migration is the poor regional infrastructure, few production enterprises and imperfect local government reforms. Young people are especially active in intra-republican movement as they do not see prospects in rural areas and are looking for livelihoods in cities with a wide variety of labour applications.

Another migration since April 2005 has been observed from the southern regions of the Republic such as Osh, Jalal-Abad and Batken oblasts, to northern regions of Issyk-Kul oblast, or all settlements from Sary-Oi to Ananyevo village, or, especially to tourist places such as Cholpon-Ata and Bostery.

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<sup>7</sup> Internal migration in the context of land relations. Ruslan Rakhimov.

<sup>8</sup> [shorturl.at/mzEW](http://shorturl.at/mzEW)

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### 3. NATIONAL LEGISLATION FRAMEWORK AND PROCESS OF REGISTRATION OF INFORMAL SETTLEMENTS

#### 3.1 National legislation framework

The processes of residential area formation are directly related to the transformation of land from one category to another. It is a state function to implement these changes in purpose. Categories and types of land are specified in many documents, such as:

- Acts of local state administration and local self-government bodies on land plot allocation.
- Agreements on land plots, land registration and accounting documents.
- Documents certifying the right to a land plot.

These processes of land transformation involve much national and local legislation, which is still being developed based on social needs. This national and local legislation, which covers regulation of relations by land plots and individual residential premises, can be divided into the following:

The first group regulates the framework conditions:

- Constitution of the Kyrgyz Republic, 28 December 2016, № 218.
- Land Code of the Kyrgyz Republic, June 2, 1999, № 45.
- Civil Code of the Kyrgyz Republic dated January 5, 1998 № 1.
- The Law of the Kyrgyz Republic "On Urban Planning and Architecture of the Kyrgyz Republic" dated January 11, 1994, № 1372-XII.
- Law of the Kyrgyz Republic "On Local Self-Government", July 15, 2011, № 101.
- Law of the Kyrgyz Republic "On Administrative and Territorial Management" of April 25, 2008, № 65.
- Local community charter, November 18, 2002, № 358.

The second group directly regulates land plots and individual living quarters:

- The Law of the Kyrgyz Republic "On Individual Housing Construction in the Kyrgyz Republic" dated December 21st, 1991, № 689-XII.
- Law of the Kyrgyz Republic "On Transformation of Land Plots" of July 15th, 2013, № 145.
- The Law of the Kyrgyz Republic "On Amendments to Some Legislative Acts in the Field of Land Use (to the Laws of the Kyrgyz Republic "On Introduction of the Moratorium on Transformation of Irrigated Arable Land into other Categories of Land and Types of Land"), "On Transformation of Land Plots", Criminal Code of the Kyrgyz Republic", 13 November 2020.
- Law of the Kyrgyz Republic "On state registration of rights to immovable property and transactions with it", 22 December 1998, № 153.

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- Resolution of the Government of the Kyrgyz Republic "On Approval of the Regulations on the procedure for granting land plots for individual housing construction", May 6th, 2005, № 177.
  - Resolution of the Government of the Kyrgyz Republic "On Approval of the Model Regulations on the procedure for registration of regulatory legal acts of representative local self-government bodies", March 25th, 2010, № 184.
  - Resolution of the Government of the Kyrgyz Republic "On Approval of the Regulations on classification of construction objects characteristics and the order of state architectural and construction supervision over construction objects, reconstruction and other changes of real estate objects in the Kyrgyz Republic", February 10th, 2009, № 95.
  - Regulation "On the procedure for granting land plots for individual housing construction in the city of Bishkek", approved by the Bishkek City Kenesh on July 9th, 2007, № 339.
  - Resolution of the Bishkek City Kenesh, June 30th, 2016.
  - Resolution of the Government of the Kyrgyz Republic "On Approval of Rules for State Registration of Rights and Burdens (Restrictions) on Real Estate and Transactions with it", February 15th, 2011, № 49.
  - Regulation "On the procedure for technical inspection of immovable property", approved by the Resolution of the Kyrgyz Republic Government June 19th, 2009, № 388.
  - Regulation "On the procedure for issuing documents for design, construction and other changes of real estate objects and assessment of conformity of objects put into operation completed by construction in the Kyrgyz Republic", approved by the Resolution of the Government of the Kyrgyz Republic, January 17th, 2020, № 12.

### 3.2 The procedure of the land plots provision

The processes of registration of individual residential buildings are shared between local and territorial subdivisions of national level authorities and are also divided into registration of land plots and the buildings upon them.

The procedure for formation and provision of land plots under existing individual residential houses is stipulated in the Regulation "On the procedure for the provision of land plots for individual housing construction in the city of Bishkek," which was approved by the Bishkek City Council on July 9, 2007 № 339. The requirements of this Regulation apply to all urban planning and architectural activities involved in individual housing construction in Bishkek and establish a uniform procedure for provision of land plots for this purpose.

The Regulation gives citizens who own individual houses built before June 16, 1999 the right to apply for ownership of the land plot under and around their house. One problem for many applicants from informal settlements is paragraph 32: "On the provision of land for individual housing construction in

the city of Bishkek," as the formation of residential areas on the outskirts of Bishkek also took place after 2005.<sup>9</sup>

The Land Plot Plan gives 28 days to prepare from receipt of application<sup>10</sup>. It was confirmed by the Director of the Public Association "Arysh" Maamatkul Aydaraliev, who is engaged in solving residential problems including registration of individual residential buildings and land plots, that this is not a burdensome waiting time for applicants.

The procedure for registration of the right of ownership of a land plot is as follows:

1. For registration, citizens should comply with the statement in "Bishkekglavarchitecture".
2. The following documents must be attached to the application:
  - Confirmation of construction of an individual house in the period up to June 16, 1999.<sup>11</sup>
  - Written consent of adjacent land users.
3. ME "Bishkekglavarchitektura" carries out the formation of the land plot, with description of intentions, the land plot area and location (see Annex 1).
4. The State Register and the relevant authorized bodies are obliged to send their recommendation to Bishkekglavarchitektura within 5 working days.
5. Bishkekglavarchitektura must specify the land plot plan within 1 working day
6. Bishkekglavarchitektura transfers the land plot plan, with all materials attached, to a subdivision of Bishkek City Hall authorized to manage and dispose of municipal land resources.
7. This structural subdivision of the Bishkek City Hall then creates an information package which includes:
  - Location and address of the land plot with cadastral number, if any.
  - A copy of the Land Plot Plan with all materials attached.
  - Information about year of construction and other documents.
8. This package of documents must be brought to the attention of each member of the Commission three days before it meets.
9. Within three working days, members of the Commission of the Bishkek City Hall must study these materials, after which a meeting is held to decide whether or not to grant the land plot. The decision of the commission must be signed by all commission members present, and the secretary.

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<sup>9</sup> The Law of the Kyrgyz Republic "On Amending Certain Legislative Acts in the Field of Land Use" signed on November 13, 2020 (the Law of the Kyrgyz Republic "On Introduction of the Moratorium on Transfer (Transformation) of Irrigated Arable Land into Other Categories of Land and Types of Land"), "On Transfer (Transformation) of Land Plots", Criminal Code of the Kyrgyz Republic" allows to change the terms till November 23, 2020, and to legalize all available land plots in residential areas.

<sup>10</sup> Item 22 of the Regulation "On the procedure for granting land plots for individual housing construction in the city of Bishkek".

<sup>11</sup> Documents confirming the fact of construction of an individual residential building before June 16, 1999, may include: receipts of payment for utilities, receipts of payment of land tax, and other documents.

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10. An extract from the Commission meeting minutes is the basis for subsequent right to private ownership of the land plot.<sup>12</sup>

11. This extract, plus a certified copy of the land plot plan is given to the applicant within three days of the decision being made.

12. The land plot owner must also must pass initial state registration, which is carried out within seven working days from the date of application (see Annex № 2), in accordance with the Rules of state registration of rights to immovable property.<sup>13</sup>

### 3.3 The procedure for building registration

The owner of an illegal residential building also has to get state registration, which is carried out within seven working days from the date of application to the local registration body (see Annex №2). This is in accordance with the Rules of state registration of rights to immovable property and their limitations.<sup>14</sup>

At the same time, the applicant must provide documents proving the title to the property and its technical characteristics. How these documents are prepared is regulated by "On order of issuing documents for designing, construction and other changes of real estate objects and assessment of conformity of objects completed by construction in the Kyrgyz Republic that are put into operation"<sup>15</sup>.

In Bishkek, this process is the responsibility of Bishkekgglavarhitekture, which coordinates the interaction between infrastructure services, executive bodies of local government, individuals, and legal entities. It does this by:

- Preparing and issuing architectural, planning, engineering and technical conditions for facility design.
- Approving project documentation.
- Providing expertise in documentation design.
- Regulating the procedure for assessing construction standards.

After construction is completed, a building must have a use permit. In this case, the conformity assessment for permit in use of the completed construction of an individual house is carried out on a voluntary basis.

The approved Act of conformity assessment of an object put into operation completed by construction is the basis for the object operation and registration of rights to an object of real estate in the territorial authority of the authorized state body in the field of land resources and land legal relations, state registration of rights to immovable property, geodesy and cartography.

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<sup>12</sup> The commission shall meet at least twice a month.

<sup>13</sup> Approved by the Resolution of the Government of the Kyrgyz Republic dated February 15, 2011, № 49.

<sup>14</sup> Ibid.

<sup>15</sup> Approved by the Resolution of the Government of the Kyrgyz Republic dated January 17, 2020, № 12.



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The Annex No. 3 provides the procedure of submitting documents for conformity assessment and obtaining an assessment report.



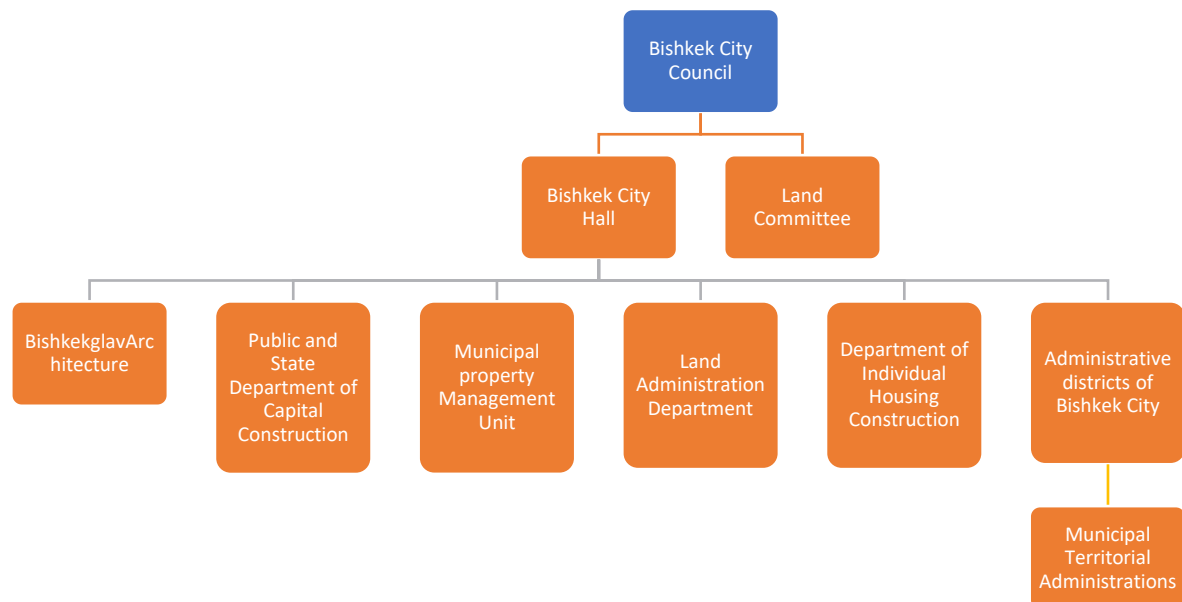
## 4. INSTITUTIONAL SETUP RELATED TO INFORMAL SETTLEMENTS

The Law on the Structure of the Kyrgyz Government, adopted by the Government Resolution No. 176 on 27 December 2007, created **the State Agency for Architecture and Construction** (Gosstroy) and **the State Agency for Land Resources under the Government of the Kyrgyz Republic** (Gosregister). These are the two main State agencies responsible for land and property registration, cadastre development and urban planning.

Bishkek City Hall involves the following municipal units in land management issues, as well as individual housing construction issues:

- Main Architectural Body of Bishkek City (Bishkekglavarchitecture).
- Public and State Department of Capital Construction.
- Management of municipal property Department.
- Land Administration Department.
- Department of Individual Housing Construction.
- Administrative districts of the Bishkek City Hall (Municipal Territorial Administrations).

The following diagram illustrates the Bishkek municipal institutions relevant to urban planning and property registration.



On the local government level, **the City Council** represents the highest elected representative body of local government in cities. Its responsibilities include approval of the city budget and programmes for social and economic development, levying of local taxes and duties, and the establishment of procedures and conditions for land use or use of other natural resources. It also considers and approves the administrative borders of the Bishkek rayons (districts), and, together with the city administration, approves construction projects.

The City Council of Bishkek also coordinates the development of master plans and ensures compliance with construction standards. Bishkek local government is responsible for allocating urban land for private use and ownership, in accordance with the master plan and the detailed city project plan. It also conducts land cadastre and land management projects. Together with the City Council, local government develops and supervises the implementation of programmes on land use and gives permission to carry out preparatory work before construction starts.

**The Land Committee of the City Council** of Bishkek supervises implementation of the 1999 Land Code within Bishkek city. It is also in charge of organizing auctions for allocating land-use rights, or for directly selling land without auction to potential clients on behalf of local government. It also represents the City Council of Bishkek vis-à-vis land users.

To implement the process of granting ownership rights to land plots for individual housing construction, a City Council Land Committee must consist of:

- Representatives of the Bishkek City Mayor's Office.
- Representative of the Bishkek Municipal Enterprise "Bishkekglavarchitektura".
- Representative of the Bishkek City Department of Land Management and Registration of rights to immovable property.

It may also include Representatives of the public.

**The Department of Individual Housing Construction** in Bishkek is part of City Hall. It develops and monitors procedures for land allocation and individual housing construction. The Department also monitors implementation of the legal framework for individual housing construction, designs the documents, sets norms, and exercises control over individual constructions. It also registers newly constructed and reconstructed buildings, including individual houses, and sets up State commissions to approve the completion of newly built houses. The Department must report information about newly built houses to the mayor and the city committee.

**The Public and State Department of Capital Construction** provides technical supervision on design and construction of housing and communal purpose buildings, highways, and also social and cultural buildings in residential areas.

**The Main Architectural Body of Bishkek City (Bishkekglavarchitecture)** is a division of City Hall. It designs development projects based on the current socio-economic development strategy with the agreement of the State Agency for Architecture and Construction and City Hall. The Architectural Body enforces construction norms, commissions the preparation of the master plan of Bishkek city, and supervises its implementation.

The main tasks of **Bishkekglavarchitecture** are:

- Conducting and implementing a unified strategic policy for Bishkek and its suburban area covering urban planning and architecture, implementation of work on the selection and preparation of documents for granting rights to land for all types of construction, and the regulation of urban areas and recreational areas.

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- Ensuring control over the Master Plan of the city, implementing high-quality integrated improvement of residential areas and infrastructure, ensuring compliance with urban planning principles on ecology, and developing nature protection zones and national parks.
  - Coordination of design, research and development, as well as surveying, construction, and repair work to comply with architectural and urban planning requirements.

The main tasks of the **Department of Municipal Property of the Bishkek City Hall** are:

- Management of real estate and land resources belonging to the municipality.
- Ensuring that all individuals and legal entities comply with civil and land legislation.
- Privatization of real estate and other property of Bishkek.
- Participation in developing and implementing urban land policy. This includes the methodology for assessing urban land, as well as the land fee and the procedure for its collection. It also develops the system for economic and legal regulation of land relations, including a mechanism for economic incentives for the best use of urban land.
- Considering applications for rights to land plots and preparing materials for the commission on land issues, including the organization and conduct of tenders.

**The Municipal Territorial Administration** is a territorial subdivision of the Bishkek City Hall. Its main functions are:

- Informing the population about decisions and current regulatory legal acts and organizing their implementation.
- Work with citizen appeals.
- Rendering assistance in solving everyday property issues.

**Bishkek City Department of Land Management and Registration of rights to immovable property under the State Agency for Land Resources**, has the following responsibilities:

- Registration of rights to immovable property.
- Maintaining a unified state register of rights and transactions of immovable property.
- Ensuring state protection of registered rights to immovable property.
- Maintenance of land cadastre and research work on use of land resources, land management, geodesy and cartography, as well as promoting best practice.
- Demarcation of lands with establishment (restoration) and fixation (designation) of borders in kind (on the ground), including administrative-territorial and territorial-production ones.
- Issuing and registering documents certifying rights to land plots.
- Development of state topographic-geodesic works, providing cartographic products, topographic-geodesic and surveying data and materials, as well as developing the geodetic network into a single-coordinate system.
- Organization of real estate valuation with involvement of state and independent appraisers.
- Providing information to local government bodies and all consumers who need data on real estate and rights to it.

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- Carrying out joint land inventory activities by local government.

To address the problems of individual housing construction in residential areas, Bishkek City Council adopted resolution № 339 on July 9<sup>th</sup>, 2007, which approved the regulations on provision of land for individual housing construction.

In addition, on requests by Bishkeklavarhitektura, the following bodies can be involved in the land plot registration process:

- Engineering and Technical Services Utilities that provide electricity, water, sewerage services, heat, and gas supply.
- Authorized bodies of Environmental, Sanitary-Epidemiological and fire supervision.
- The authorized body for Monument Protection to determine the conditions for protecting monuments if a land plot is in a monument protection zone.
- The authorized municipal body for maintenance and protection of green spaces, to address conditions for use of green spaces, including their demolition or replanting if the land plot contains green spaces in municipal ownership.

The Land Committee only resolves issues concerning new buildings. However, this leaves the problem of registering existing houses.

Procedures to register individual residential buildings were adopted on June 19<sup>th</sup>, 2009. Law № 388, approved the regulation: "On the procedure for technical inspection of immovable property". In accordance with this, local registration bodies:

- Carry out technical inspection of immovable property units.
- Issue a Technical Passport for the building.

Bishkek is involved in this process, guided by the Regulations "On the procedure for issuing documents for design, construction and other changes of real estate objects and assessment of conformity of the objects completed by construction to be put into operation in the Kyrgyz Republic".

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<sup>16</sup> Approved by the Resolution of the Government of the Kyrgyz Republic dated January 17, 2020, №12.

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## 5. MAJOR FORMALIZATION EFFORTS AND PROJECTS CONCERNING INFORMAL SETTLEMENTS

Many informal settlement formalization problems still exist, and progress in solving these, including making basic infrastructure and social services available, is insignificant. The Special Report of the Ombudsman of the Kyrgyz Republic "Informal settlement in Bishkek: the right to adequate housing and other social, economic and cultural rights"<sup>17</sup> identified the following issues:

- The main problems remain provision of electricity, hot water supply, heating, drinking water, sewerage, public transport and fire safety as well as lack of access to educational, healthcare, and cultural institutions. Many residential buildings in environmentally unsafe areas.
- Residential security remains a significant problem, since many residences are on illegally-seized land plots so vulnerable families constantly risk eviction.
- Disparities of wealth between districts may lead to social tension, and affect overall city security.

Many of the Report's recommendations concerned improving policy on property formalization, citizen registration, information awareness, public service access and infrastructure development. However, these have not been fully implemented. However, recently, the Vice-Mayor of Bishkek Ulan Azygaliyev, ME "Bishkekglavarhitektura" together with relevant Bishkek city municipal units began an inventory of 47 informal settlements using yard/household visits. The City Hall plans to complete this inventory process by the end of 2020.

Bishkek is also implementing many infrastructure projects. "Bishkek and Osh Urban Infrastructure Project" (BOUIP)<sup>18</sup> was implemented in 2008-2015, funded by The World Bank (\$ 14,350,000). It aims to improve living conditions in some semi-informal settlements in Bishkek (37) and Osh (8), the two largest cities of the Kyrgyz Republic, by increasing availability of basic infrastructure. The other three components of the project include smaller sub-projects supporting on a community level, providing institutional development support to city administrations and help with project implementation.

Bishkek City Hall also implemented similar projects using international credit and grant investment. They provided the following list of constructions:

- 21,146 km of roads worth \$ 3,204,925 financed by ARIS grant funds in 2008-2010.
- 6.4 km of roads, with approximately \$ 4,632,760 in grants from the Republic of Turkey.
- Archa-Beshik Factory, with grants from Gazprom-Kyrgyzstan.
- An outpatient clinic in Muras-Ordo Railway with money from the Republic of Turkey.

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<sup>17</sup> Special report of the Ombudsman of the Kyrgyz Republic "Informal Settlements of Bishkek: the right to adequate housing and other social, economic and cultural rights." 2017. Page 6.

<sup>18</sup> [http://www.aris.kg/en/proekty\\_aris/implemented\\_projects/bishkek\\_and\\_osh\\_urban\\_infrastructure\\_project](http://www.aris.kg/en/proekty_aris/implemented_projects/bishkek_and_osh_urban_infrastructure_project)



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- A school for 1020 pupils in the Kalys-Ordo settlement, partially financed by the Republic of China in 2014 with a donation of \$ 2,000,000.
  - A 387m<sup>2</sup> polyclinic on Ashar Street in Ak-Orgo settlement, funded by the Qatari Charity Organization for \$ 72,000.
  - A 15,084m<sup>2</sup> ambulance building on Ashar street in Ak-Orgo settlement, funded by the Qatar Charitable Organization.
  - A 4458m<sup>2</sup> clinic in Ak-Tala street - Anar street in Bakay-Ata settlement, also funded by the Qatari Charity Organization has been put out to tender.

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## 6. SELECTED INFORMAL SETTLEMENT OF THE STUDY

According to Bishkek City Hall, as a result of migration and other processes of the 90s and after 2005, internal migrants built houses in about 47 residential areas around the capital. Five of these informal settlement areas were considered for this study:

- ARCHA-BESHIK,
- AK-BOSOGO,
- KALYS-ORDO,
- BAKAI-ATA,
- RUHII-MURAS

Except where stated otherwise, all of these areas are governed at three levels - Bishkek City Hall, the local District Administration of Bishkek City Hall, and the local Municipal Territorial Administration (MTU). In all areas, development began after the geodetic breakdown of streets and roads was completed and started with the road network outline and installation of transformer substations. Land plot owners generally build one or two story houses, usually fenced, many with farm buildings.

Territories within "red lines" are supposed to be left for social-cultural and public spaces as well as special purpose structures under the jurisdiction of Bishkek City Hall. Municipal organizations are responsible for street lighting, water supply networks, roads, sidewalks with storm drainage, and green planting on main highways.

The dates and land sizes vary, but in all cases a 'secondary market' of real estate emerged. Primary owners of land plots began to sell, and mortgage offices and commercial banks used these to obtain loans. The real estate market included unregistered land plots and houses, with transactions using "private certificates".

Many residents built their residences in violation of city architectural authority design documentation, making it unacceptable by supervisory authorities and therefore are not state-registered. Furthermore, many residents have carried out additional construction on land plots to support businesses, even though the general plan of development did not allow this.

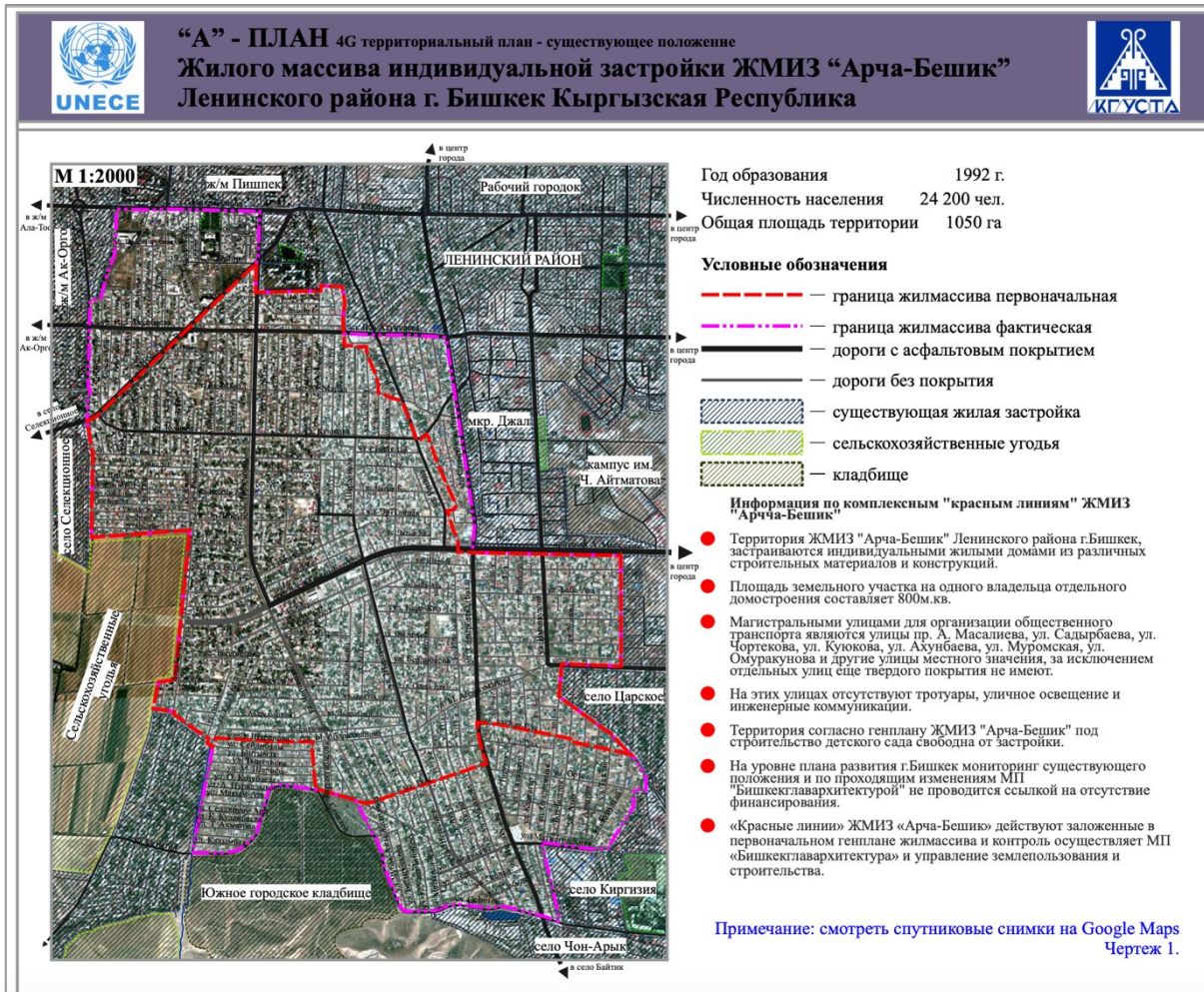
Furthermore, many residents are not registered owners of land or buildings built after 2000. This is because of clause 32 of the Regulation "On the procedure for granting land plots for individual housing construction in Bishkek", grants ownership of land plots under existing houses only to owners of houses built before June 16<sup>th</sup>, 1999.

### 7.1 "ARCHA-BESHIK" settlement.

Archa-Beshik has a large number of individual developments, and is in Lenin district in the south-western part of the city. Officially allocated territory for housing and communal services Archa-Beshik of 1050 hectares. There are living 35,605 people.



Picture 1. The existing territorial Plan of the “Archa-Beshik” settlement.



Development began in Beshik around 1992, though land plots were allocated for individual house construction from 1989. Land plots of 800m<sup>2</sup> were allocated by Lenin District Administration to individual developers, according to the General Plan and Development Project of Archa-Beshik. The ‘secondary market’ emerged about thirty years ago.

Currently, Archa-Beshik has the greatest number of houses and people in Bishkent. There are about nine thousand individual houses, approximately (about 8701 households), each housing around 5.1 people, or 45,900 people in total.

Serving these are 13 commercial kindergartens, four secondary schools for around 2,500 pupils, two polyclinics, four pharmacy outlets, and “Frunze” - a large shopping center. There are also 239 kiosks and small stores, 13 baths, and 18 beauty salons. Archa-Beshik also has 16 playgrounds for young children, and one public sports ground.

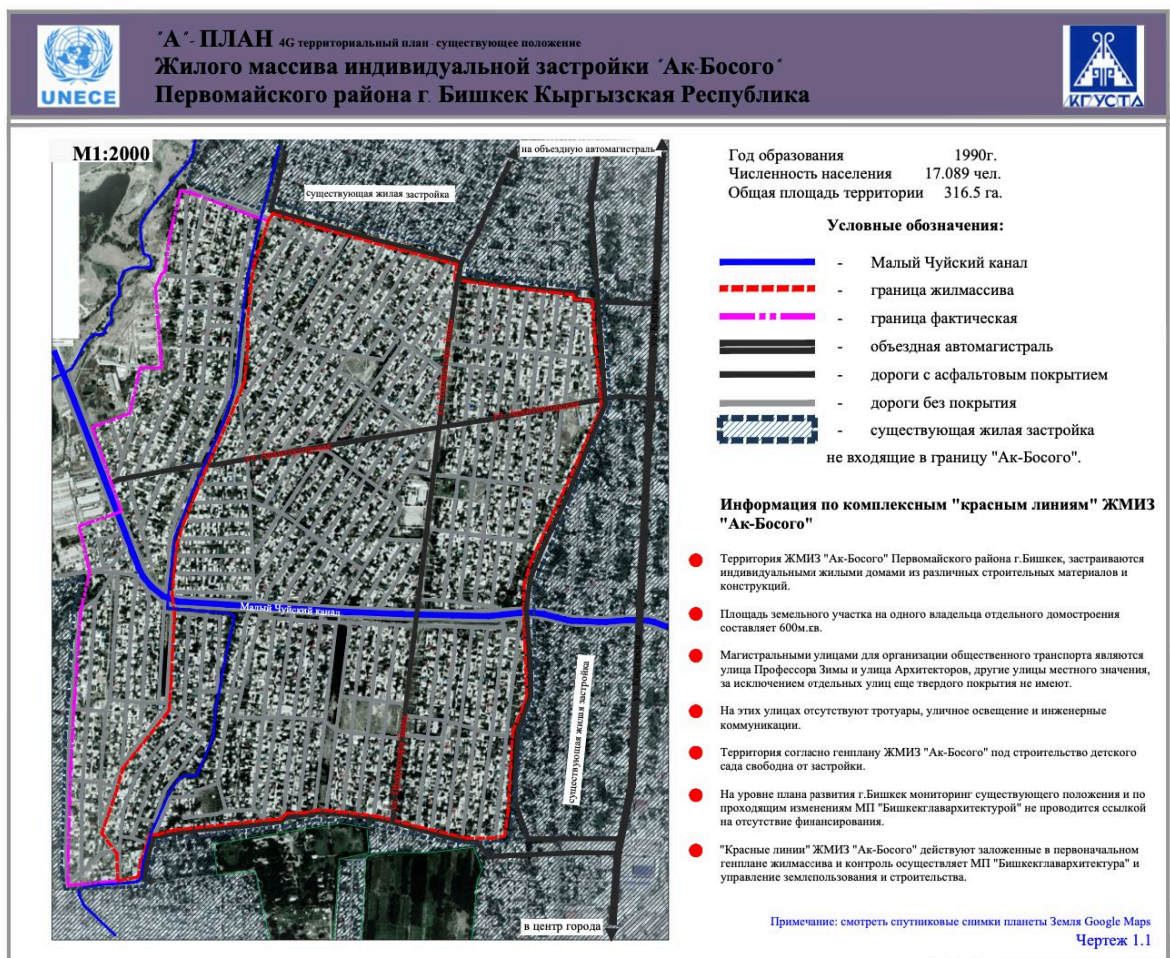


## 7.2 "AK BOSOGO" settlement.

Ak-Bosogo also has many individual houses and is the Pervomaisky district in the northern part of the city. The officially allocated area for the Ak-Bosogo housing and utilities infrastructure is 316.5 hectares, with a population of 15,328. The local MTU is 16.

Development officially began in 1990, though individual house construction land was allocated a year earlier. Individual developers were allocated 500m<sup>2</sup>. The 'secondary market' emerged in this area about thirty years ago.

Picture 2. The existing territorial Plan of the "Ak-Bosogo" settlement.



There are now over 3,500 households in Ak-Bosogo, with about 20,000 residents living in the accommodation described. There is one municipal kindergarten for 140 children, one municipal secondary school for 754 pupils, one state family medicine center (polyclinic), three pharmacies and a large Frunze shopping center. In addition, there are 103 trade pavilions and small stores, 6 baths, 13 hairdressing - beauty salons. The Ak-Bosogo has 9 children's playgrounds, 2 standard size soccer fields and one public sports ground.

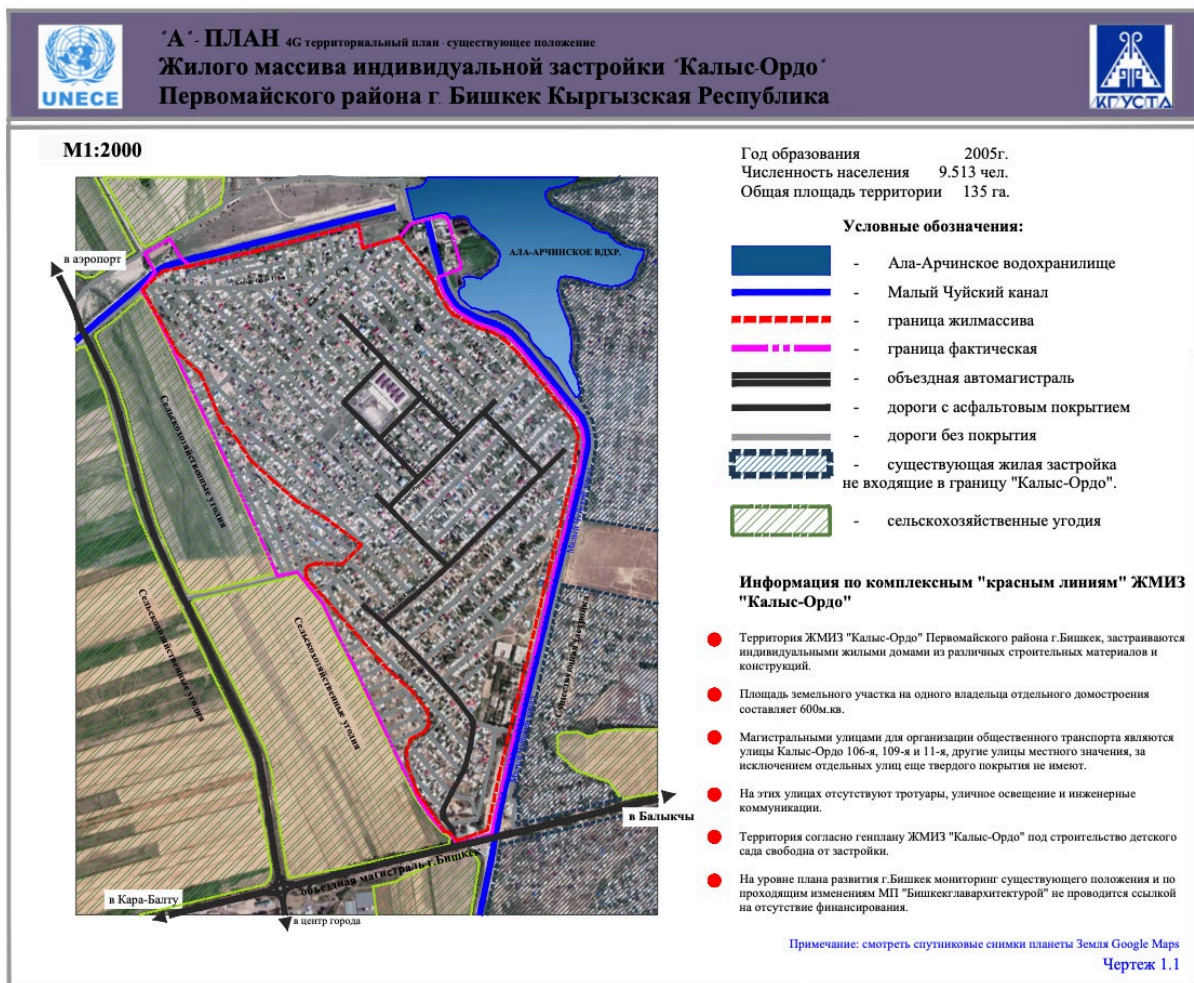
According to an MTU 16 Department of Housing and Communal Services specialist, Mr. A.Molodokadyrov, an inventory of land plots was carried on nearly 100 per cent of the territory. It revealed that 880 households do not have official titles due to being built after 2000 .

### 7.3 "KALYS-ORDO" settlement

Kalys-Ordo is a residential area of individual houses, located in the Pervomaisky district of Bishkek in the northern part of the city. The official territory for its housing and utility system is 135 hectares, and houses 9,513 people. The local MTU is 16.

Development began in 2005, and land plots of 400 and 600m<sup>2</sup> were allocated to individual developers. The 'secondary market' began almost immediately thereafter. Residential blocks with businesses attached are mainly located in the western, northern and eastern parts.

Picture 3. The existing territorial Plan of the Kalys-Ordo settlement





There are around 2 thousand individual dwellings in this area. There are two commercial kindergartens for 280 children, one public secondary school for 1020 pupils, one state family medicine center (polyclinic) and two pharmacy units on the territory of the Kalys-Ordo. Besides, there are 54 shopping pavilions and 37 trade booths, 6 baths, 2 hairdressing salons (beauty salon).

In addition, the Kalys-Ordo health center has 5 children's playgrounds, one standard size soccer field and one public sports ground. There is a police station of the City Police Department and two namazkans (a prayer house) are in operation. There are no other cultural and art institutions on the territory of the city.

The results of sociological survey conducted by Bishkek City Hall show that there are not enough social facilities in terms of quantity, comfort and accessibility. Education and healthcare organizations are overloaded, so residents must apply to other city territories. 89 per cent of residents do not have official property documents, and for 535 houses this is because they were built after 2000.

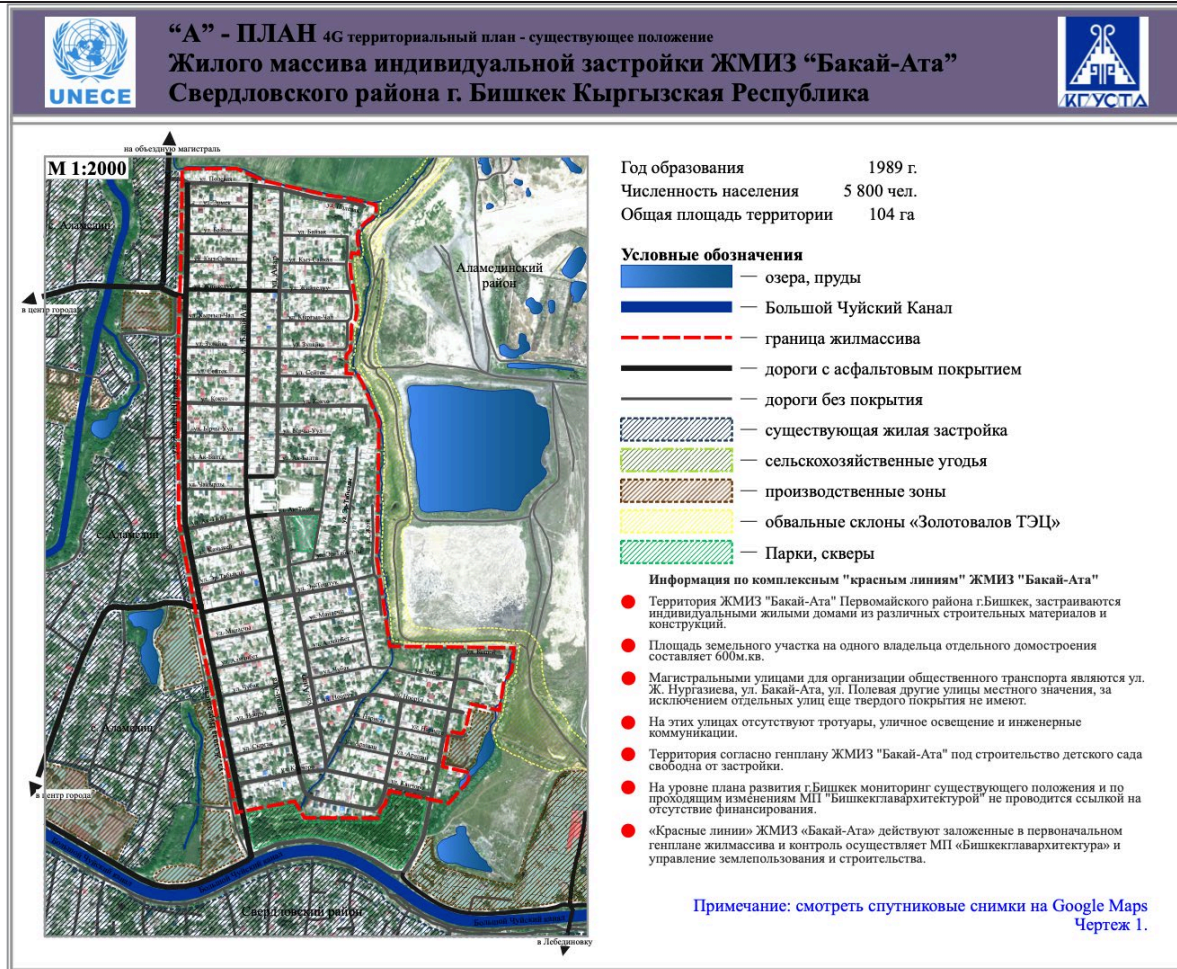
#### 7.4 "BAKAY-ATA" settlement.

This residential area is in the Sverdlovsk district, in the north-eastern part of the city. Its official territory is 104 hectares, with 5,288 residents. The local MTU is number 21.

Development began in 1989, with land plot sizes of 600m<sup>2</sup>, and the 'secondary market' began around thirty years ago.

Picture 4. The existing territorial Plan of the "Bakay-Ata" settlement.





At present, there are more than one thousand households (1,148) in the Bakay-Ata. At present, there is one municipal kindergarten for 80 children, one secondary school for 754 pupils, one family medicine center (policlinic) and one pharmacy. Besides, there are 29 shopping pavilions and small stores, 11 bathhouses, 4 beauty salons.

In addition, the Bakay-Ata has 5 children's playgrounds, 1 standard size soccer field and 1 public sports ground. Unlike other residential areas of Bishkek, the Bakay-Ata has Municipal Library #24, a children's creative center and Post Office #8. There is also a separate police station from the City Police Department, 1 mosque is in operation. There are no other cultural and art institutions.

There are only three types of health care specialists: pediatricians, therapists and gynecologists. For other health care, patients must apply the central part of the city.

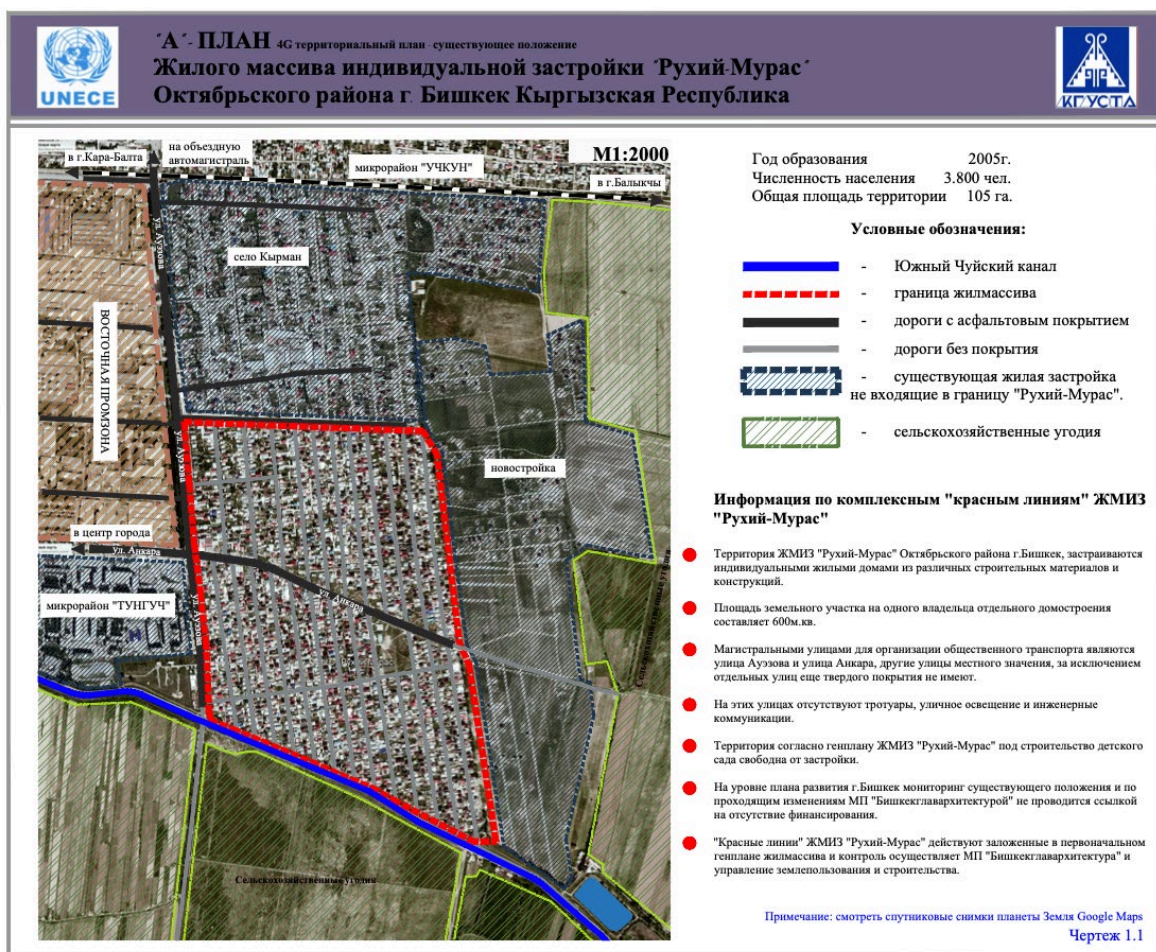
The results of sociological survey by the Bishkek City Hall on residents there are not enough social facilities in terms of quantity, comfort and accessibility. Education and health care organizations are overloaded, so residents must apply to other territories.

The MTU 21 head of Housing and Communal Services, Construction and Transport, Mr K. Orozanov, shared information from the area survey, showing 56 households have unregistered buildings or land plots.

## 7.5 "RUHII-MURAS" settlement

This settlement is located in Oktyabrsky district in the eastern part of the city. Its official territory is 50 hectares, with 3800 population, and the local MTU is 6. Development began in 2005, and land plots were 400m<sup>2</sup>. The 'secondary market' began almost immediately, and most unregistered business constructions are in the northern and eastern parts.

Picture 5. The existing territorial Plan of the Ruhii Muras settlement.



One additional problem for this area was that during development it was not part of the administrative-territorial border of Bishkek. This has been a major obstacle in the legal solution of many housing problems. It should be solved by current legislation which redefines the urban boundary of Bishkek and includes these territories. At present, there are about one thousand households in Ruhii Muras.

At present, there is one secondary school for 350 pupils on the territory of Ruhii Muras and there are no pre-school institutions or health care facilities. In addition, there are 8 pavilions and small stores, three canteens and four baths. Lack of social facilities is compensated by the existing social and



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cultural facilities in the Tunguch neighborhood, which is located in the southwestern part of the Ruhii-Muras housing estate through Auezov Street. Ruhii Muras Housing Estate also has two children's playgrounds, one standard size soccer pitch and one public sports ground, and one namazkana (a praying house). There are no other cultural, art or religious institutions.

Mr S. Satygulov, the leading specialist with MTU 6, revealed that 70% of the area has been inventoried so far. However, as housing development was organized in 2005, many households have unregistered buildings and plots.<sup>19</sup>

## 7. COVID-19 IMPACT AND RESPONSE

The first cases of COVID-19 in the Kyrgyz Republic were detected on 18th March 2020. The entire country was placed on an emergency footing on 22nd March, with some very strict lockdown episodes in Bishkek, Osh, and some other parts of the country during March-May 2020. Like many other countries, the Kyrgyz Republic then imposed border restrictions with neighboring countries and suspended all international and domestic flights.

These measures have significantly impacted the country's economic and social stability, but did not prevent the subsequent surges in COVID-19 infections and deaths. In addition to overwhelming pandemic response systems, COVID-19 has reduced the health system's abilities to respond to other urgent medical needs.

A state of emergency and curfew regime was introduced in the three largest cities: Bishkek, Osh, Jalal-Abad, and also in some other areas. Most employees worked remotely, public transport and taxis were stopped, and all educational institutions and kindergartens in the country were closed for almost two months. Curfew violators were detained and fined. However, when the quarantine was eased in May the Ministry of Health declared its actions successful as there were only 1,002 registered cases of Covid-19 in the 6.5 million population, and only 12 deaths. Most cases came from other countries, including Kyrgyz migrants from Russia forced to return home due to the pandemic.

Kyrgyzstan removed the restrictions slowly over the next month until all sectors of the economy began to work, including public transport and markets. The number of registered cases of Covid-19 then increased to two thousand.

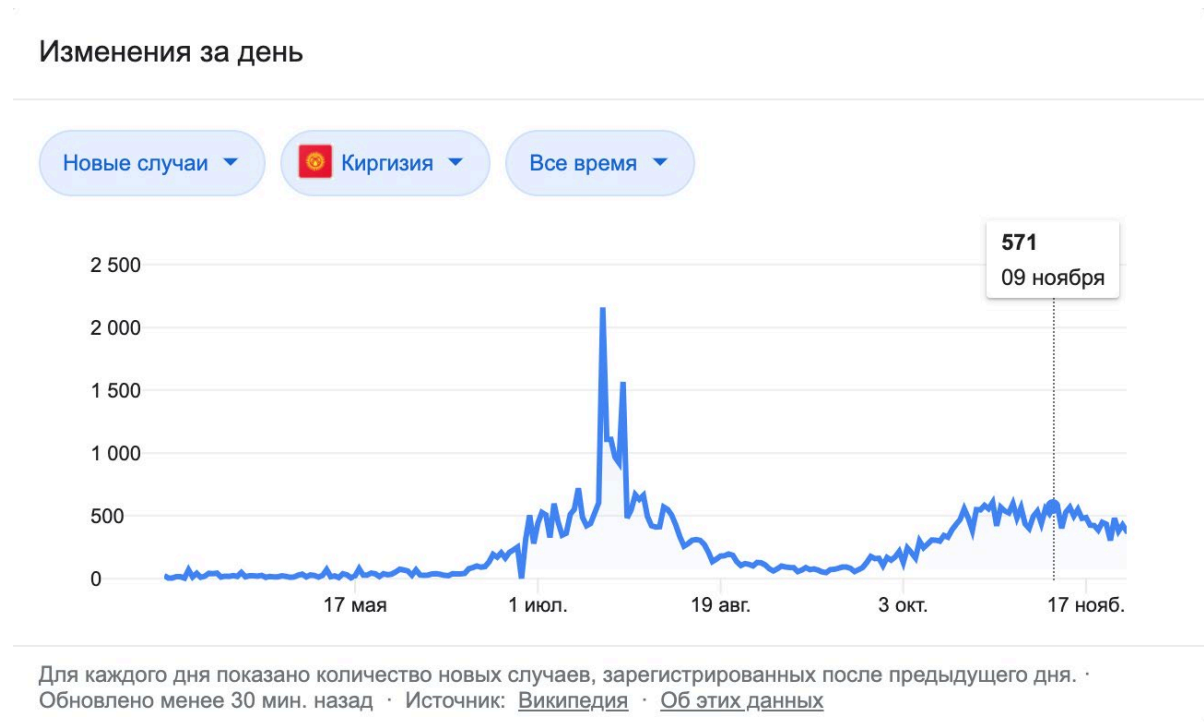
Then in June, as soon as all restrictive measures were lifted, the number of infections began to grow exponentially: during quarantine, 25-80 cases of the disease were detected daily, but from mid-June onward, some days saw from 300-700. The biggest peak was over 2100 in mid-July.

To date, 71,791 people have been infected, of whom 24,032 people, 33.5 per cent, are from Bishkek city. A total of 1,262 people died from Covid-19, with the highest peak death rate in July. The regions most affected were Bishkek and Osh cities, some parts of Issyk-Kul oblast, Karasuu rayon in Osh oblast, and Chui oblast.

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<sup>19</sup> The exact data was not provided as the inventory was not completed.

Figure 6. The dynamic of the Covid-19 statistic of the Kyrgyz Republic<sup>20</sup>.



On July 1, the authorities acknowledged that there were not enough hospital beds or ventilators, and opened day-station hospitals to reduce the burden. Beds, equipment and medicines were donated – the Kyrgyz business community offered hotels, and ventilators were crowdfunded. Health workers became ill due to intensive additional work in poor conditions and a lack of personal protective equipment. The latter were sorely lacking at the start of the infection’s spread, resulting in many doctors needing sick leave. Volunteers, residents and students at the medical institute volunteered to work at regular and day-station hospitals.

According to the joint ADB/UNDP report<sup>21</sup> the economic and social burdens of the COVID-19 crisis were disproportionately borne by the poor and vulnerable communities of the Kyrgyz Republic. Informal sector workers in particular were badly affected, especially those in urban areas.

Private expenditure on nonfood items and services has reduced: a 15 per cent decline in retail trade volume was recorded during the first half of 2020. Sharp declines in domestic demand drove a 5.3 per cent reduction in gross domestic product (GDP) for January–June.

Finances were also affected by the dependance of the Kyrgyz Republic on remittances from labour migrants, and these were down 25 per cent for January–May 2020 compared with the same period for the previous year. The trend is estimated to continue downwards at 20–25 per cent over 2020 and afterward.

<sup>20</sup> [www.covid.kg](http://www.covid.kg)

<sup>21</sup> “COVID-19 in the Kyrgyz Republic: Socioeconomic and Vulnerability Impact Assessment and Policy Response”. ADB/UNDP. August 2020.

With these combined trends GDP of the Kyrgyz Republic is estimated to fall by 10 per cent in 2020. The most affected economic sectors will be tourism, trade, consumer services and construction - each can expect reduction of 20 per cent or more.

Assuming only a moderate growth in labour supply, the Republic's unemployment rate is estimated to rise to 13.6 per cent in 2020. However, if there is a worst-case increase of 500,000 in labour supply, it could jump to 21 per cent. The southern oblasts of Batken, Jalal-Abad, and Osh are expected to suffer the greatest impact of falling remittances and returning migrants.

The Economic Policy Research Institute's survey in May–June showed 52 per cent of all poor households reported deterioration of their financial situation. Of those adversely affected, 65 per cent had a female breadwinner, 65 per cent were living in Bishkek or Osh cities and 58 per cent were not recipients of social welfare benefits. Furthermore, during January–March, the number of reported domestic violence cases rose by 65 per cent compared to the same period in 2019.

Also, according to information from NGOs<sup>22</sup> internal migrants in Bishkek and Osh were particularly vulnerable because they tend to live on daily earnings. During quarantine, therefore, they were unable to earn money, and as most of them are not registered, Municipal Territorial Units did not include them in lists of recipients of social support.

The primary needs they faced are:

- Acute food shortage. The assistance provided by the state was not systematic. For example, the Lenin Akimiat of the Children Protection Center (CPC) submitted a list of 40 families that needed food, but only 3 families received it.
- Lack of access to special medication. For example, children with asthma and epilepsy were left without medication. Causes include lack of parental income for medicines, inability to travel to buy them, and lack of official status leading to no medical support for prescriptions or clinic attendance.
- Children could not receive distance education because of lack of televisions or telephones to watch lessons. In addition, most internal migrant parents do not have the necessary education to help their children with homework.

According to Ms. Natalia Shipp from the CPC: "The main problem of inclusion for internal migrants is lack of registration at their place of residence. While benefits for low-income families and other social benefits can still be formalized in legal new buildings, it is not yet possible in illegal ones. These families are left out of distribution of humanitarian assistance because of they are unregistered.

In the project "Improvement of access of internal migrants living in illegal settlements of Bishkek and Osh to state and municipal services in the conditions of the pandemic and after", representatives of municipal territorial departments, block managers (people appointed by the municipal

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<sup>22</sup> Swiss Federal Department of Foreign Affairs project "Improvement of access of internal migrants living in illegal settlements in Bishkek and Osh to state and municipal services in the conditions of pandemic and after". Kyrgyz Alliance for Family Planning, Child Protection Center, Arysh, Advocacy Center for Human Rights.





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administration for communication and coordination of this territory), and community leaders noted that internal migrants were already the most vulnerable citizens in terms of access to state and municipal services. During the pandemic these vulnerabilities were exacerbated due to lack of registration.

In addition, many internal migrants, due to lack of knowledge coupled with no way to register with health care organizations, had to use private medical centers for assistance. These require a high fee, whereas the obligatory state medical insurance policy gives basic medical services and tests free of charge.

Finally, the director of "Arysh" reported that during quarantine the registration of land plots and individual residential buildings was completely suspended.

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## 8. CONCLUSIONS AND RECOMMENDATIONS

### 8.1 Conclusions

The informal settlements of Bishkek city are densely populated areas inhabited by low-income internal migrants. According to Bishkek City Hall, there are 47 informal settlements on the outskirts of the city, housing around 223,000 thousand people live - about 30 per cent of the Bishkek population. These settlements were formed in three main waves:

- During the first years of independence from 1989-1993.
- During the 2005 riots.
- During the 2010 riots and ethnic conflict.

In each case, there was socio-economic instability and an uncertain government position on the issue. The process of "squatting" of land was not given a clear political assessment, which led to its rapid growth, forming a dense belt of residential areas around Bishkek. The process of creation of informal settlements continues, and according to some sources there are now 53.

One problem for many owners of individual residential buildings in informal settlements is paragraph 32 of the Government Regulation "On the provision of land for individual housing construction in the city of Bishkek." This states that only constructions built before 16<sup>th</sup> June 1991 are eligible for legalization. However, informal residential areas on the outskirts of Bishkek were created not only in the early 90's, but after 2005.

The situation should now change with the adoption of the new amendments to the Law of the Kyrgyz Republic. These include "On introducing amendments to some legislative acts in the field of land use (to the laws of the Kyrgyz Republic", "On introducing moratorium on transfer (transformation) of irrigated arable land into other categories of land and types of land", and "On transfer (transformation) of land plots". The latter allows two months to introduce necessary changes in government and local regulations related to land transformation and land plots legalization.

There are many cases when residential buildings have deviations from documentation agreed with the city architecture authority. As a result, they are not accepted for use by the relevant supervisory authorities. It could be argued therefore, that the state registration service of the city does not conduct a real official registration of real estate in Bishkek. A related problem is alteration or addition to existing buildings, often with a functional difference from residential use, such as small businesses. Furthermore, many residential buildings in informal settlements are in areas that are unsafe for living. Not only are these houses potentially dangerous, but their occupants are also under constant risk of eviction.

Due to the lack of an overall plan for the informal residential areas, there is usually insufficient land for social infrastructure such as kindergartens, schools and medical facilities. Access to public education, health care and cultural institutions remains a problem for people in informal

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settlements. Informal settlement infrastructure is also often lacking, requiring development of roads, sidewalks, lighting, electricity, gas, water and sewage, as well as landscaping.

Other problem for people in informal settlements is absence of identification documents such as passports and birth certificates. This lack renders citizens invisible to state administration, giving them significant difficulties accessing basic education and health care services. This was sharply evident during the COVID-19 pandemic where internal migrants in informal settlements were left without state support due to lack of these documents. The state of emergency affected them in the following ways:

- No daily wage and a real threat of starvation.
- Unable to get free medical care or afford life-saving medicines.
- Increased psychological and family burden, aggravated by the stress of uncertainty and the need to teach children online while lacking the skill or technical tools to do so.
- The close attention to COVID-19 has meant that other acute diseases have been neglected.

Finally, during quarantine, legalization of land plots and individual residential buildings in residential areas was completely suspended.

## 8.2 Recommendations:

The Law of the Kyrgyz Republic signed on November 13th, 2020 "On introducing amendments to some legislative acts in the sphere of land use included:

- a. to the Laws of the Kyrgyz Republic "On introducing a moratorium on transfer (transformation) of irrigated arable land into other categories of land and types of land".
- b. "On transfer (transformation) of land plots".
- c. Amendments to the criminal code.

This law can potentially allow amendment of paragraph 32 of the Regulation "On the procedure for granting land plots for individual housing construction in Bishkek" to remove the restriction on formalizing only land plots from before 1999.

Cases where buildings are built to organize labour and small business activity should be regulated by the Act "On the procedure for issuing documents for the design, construction and other changes in real estate and assessing the conformity of the objects put into operation completed construction in the Kyrgyz Republic", which was adopted in early 2020.

As part of Mayor's Office's ongoing efforts to create an inventory of land plots and a unified registry of informal settlements, it is necessary to:

- Identify residential houses in informal settlements located in unsafe areas and begin relocation by providing other land plots, or compensation to citizens.



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- Identify citizens living without identity documents and assist them in obtaining these.

To ensure convenient physical access to public education, health care and cultural institutions in residential areas, a Master Plan and Plan of Detailed Planning needs to be drawn up to acquire the necessary land for construction of these infrastructure facilities.



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## ANNEX I. LIST OF INTERVIEWS

1. Ms.A.Kochorbeva, specialist of OGUKS
2. Mr.B.Zheenbaev, head of MTU №4.
3. Mr.A.Molodokadyrov, specialist of the Department of Housing and Communal Services, construction and transport MTU No.16
4. Mr.K.Orozakanov, head of the Department of Housing and Communal Services, Construction and Transportation at MTU No.21
5. Mr.S.Satygulov, the leading specialist of MTU No.6
6. Mr.M.Aydaraliev, Director of the Public Association "Arysh"
7. Ms.N.Shipp, Director of Children Protection Center

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## ANNEX II. LIST OF SOURCES

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3. <http://www.stat.kg/ru/opendata/category/29/>
4. United Nations Human Settlements programme, *The Challenge of Slums: Global Report on Human Settlements 2003* (London and Sterling, VA: Earthscan Publications Ltd., 2003), 22
5. Jumagazy Sadyr uulu, interview by author, Bishkek, Kyrgyzstan, February 22, 2012
6. Internal migration in the context of land relations. Ruslan Rakhimov
7. [Shorturl.at/mzEW](http://Shorturl.at/mzEW)
8. Constitution of the Kyrgyz Republic 28 December 2016 №218
9. Land Code of the Kyrgyz Republic No. 45 of June 2, 1999
10. Civil Code of the Kyrgyz Republic dated January 5, 1998 №1
11. The Law of the Kyrgyz Republic "On Urban Planning and Architecture of the Kyrgyz Republic" dated January 11, 1994 № 1372-XII
12. Law of the Kyrgyz Republic "On Local Self-Government" of July 15, 2011 № 101
13. Law of the Kyrgyz Republic "On Administrative and Territorial Management" of April 25, 2008 № 65
14. Local community charter No. 318 of November 18, 2002
15. The Law of the Kyrgyz Republic "On Individual Housing Construction in the Kyrgyz Republic" dated December 21, 1991 № 689-XII
16. Law of the Kyrgyz Republic "On Transfer (Transformation) of Land Plots" of July 15, 2013 № 145
17. The Law of the Kyrgyz Republic "On Amendments to Some Legislative Acts in the Field of Land Use (to the Laws of the Kyrgyz Republic "On Introduction of the Moratorium on Transfer (Transformation) of Irrigated Arable Land into Other Categories of Land and Types of Land"), "On Transfer (Transformation) of Land Plots", Criminal Code of the Kyrgyz Republic" dated 13.11.2020
18. Law of the Kyrgyz Republic "On state registration of rights to immovable property and transactions with it" dated 22 December 1998 # 153
19. Resolution of the Government of the Kyrgyz Republic "On Approval of the Regulations on the procedure for granting land plots for individual housing construction" dated May 6, 2005 N 177.

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20. Resolution of the Government of the Kyrgyz Republic "On Approval of the Model Regulations on the procedure for registration of regulatory legal acts of representative local self-government bodies" dated March 25, 2010 № 184
  21. Resolution of the Government of the Kyrgyz Republic "On Approval of the Regulations on classification of construction objects characteristics and the order of state architectural and construction supervision over construction objects, reconstruction and other changes of real estate objects in the Kyrgyz Republic" dated February 10, 2009 № 95
  22. Regulation "On the procedure for granting land plots for individual housing construction in the city of Bishkek", approved by the Bishkek City Kenesh on July 9, 2007 № 339
  23. Resolution of the Bishkek City Kenesh dated June 30, 2016
  24. Resolution of the Government of the Kyrgyz Republic "On Approval of Rules for State Registration of Rights and Burdens (Restrictions) on Real Estate and Transactions with it" dated February 15, 2011 № 49
  25. Regulation "On the procedure for technical inspection of immovable property", approved by the Resolution of the Kyrgyz Republic Government dated June 19, 2009 № 388
  26. Regulation "On the procedure for issuing documents for design, construction and other changes of real estate objects and assessment of conformity of objects put into operation completed by construction in the Kyrgyz Republic", approved by the Resolution of the Government of the Kyrgyz Republic dated January 17, 2020 № 12
  27. Resolution of the Government of the Kyrgyz Republic dated January 17, 2020 № 12
  28. the Resolution of the Government of the Kyrgyz Republic dated February 15, 2011 № 49



## ANNEX III. PROCEDURE FOR FORMING LAND PLOTS

Title to land plots for individual housing construction is granted to the formed land plots. A land plot is considered to have been formed if:

- a) the land plot is free from the rights of third parties (except for the rights fixed by servitudes).
- b) the land plot has established borders.
- c) the land plot has established types of permitted use and other necessary town-planning regulations.
- d) information on the availability or absence of engineering communications, the maximum permitted capacity, terms and cost of connection to engineering communications, as well as information on planned development of engineering communications in the given area, possible capacity of planned engineering communications, terms and cost of connection to engineering communications in the given land plot.
- e) agreed by the relevant services on the use, demolition, relocation of green spaces in the given land plot (if any).

1. For the land plot under consideration, the Bishkekglavarhitektura within 10 working days prepares a diagram of the land plot, made on a topographic basis at a scale of 1:500, which are applied:

- a) land plot boundaries with indication of coordinates of corner points or georeferencing of land plot boundaries to existing real estate objects or geodesic signs.
- b) existing routes of engineering and technical networks passing through the land plot.

2. At the stage of work on the formation of land plots Bishkekglarhitektura provides interaction with engineering and technical services to determine the preliminary technical conditions of connection to engineering and technical communications, in order to obtain relevant conclusions and other necessary documents. That is why Bishkekglavarhitektura sends requests with a copy of the land plot scheme simultaneously no later than the next day from the date of preparation of the land plot scheme:

- a) to the Bishkek City Department of Land Management and Registration of Rights to Immovable Property (hereinafter - Gosregister) to obtain a conclusion on the possibility or impossibility of providing a land plot in accordance with the land and other legislation of the Kyrgyz Republic, clarify the boundaries of the land plot, the existence of rights of third parties, encumbrances and limitations on this land plot and coordination of land plot scheme.
- b) to engineering and technical services that provide electricity, water supply and sewerage, heat and gas supply to obtain preliminary technical specifications.

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c) the authorized bodies of environmental, sanitary-epidemiological and fire supervision to obtain an appropriate conclusion.

d) to the authorized body for monument protection to determine the conditions for protecting historical and cultural monuments (in the event that a land plot is located in the monument protection zone).

e) the authorized municipal body for maintenance and protection of green spaces to resolve the issue of conditions for using green spaces, including their demolition or replanting (if the land plot contains green spaces in municipal ownership).

3. Within 5 working days the engineering and technical services<sup>23</sup> mentioned above are obliged to send to Bishkek - preliminary technical specifications, and the authorized bodies have the corresponding conclusion.<sup>24</sup> Absence of opportunity to connect to engineering networks is not an obstacle for granting ownership rights to the land plot.

4. Bishkekvarhitektura prepares the Plan of land plot of the established form in 2 copies within 7 working days on the basis of received materials.

The Land Plot Plan includes the following<sup>25</sup>:

a) Graphical material in the form of a scheme of land plot made on topographic basis at a scale of 1:500 on which are applied:

1) land plot boundaries with indication of coordinates of corner points or georeferencing of land plot boundaries to existing real estate objects or geodesic signs.

2) existing routes of engineering and technical networks passing through the land plot.

3) Design routes of the engineering networks and connection points to them, as well as the route of carrying out the engineering communications falling into the construction zone.

4) building lines, red, yellow lines.

5) The boundaries of water protection zones, sanitary protection zones and sanitary protection zones.

6) organization of passages to the site.

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<sup>23</sup> The preliminary technical conditions specify the information on the presence or absence of engineering communications, the maximum permitted capacity, terms and cost of connection to engineering communications, as well as in the absence of engineering communications - information on the planned development of engineering communications in the area, possible capacity of planned engineering communications, terms and cost of connection to them.

<sup>24</sup> The conclusions of authorized bodies shall contain information on the possibility of providing a land plot and construction, as well as in cases envisaged by legislation - conditions, restrictions and requirements on compliance with the relevant legislation.

<sup>25</sup> When preparing the Land Plot Plan, it is ensured that borders are established on the ground and a corresponding entry is made in the Plan.



7) Possible location of parking spaces with indication of their number (if required).

b) text material providing conclusion on possibility or impossibility to provide the land plot in accordance with the land and other legislation of the Kyrgyz Republic, parameters (characteristics) of the land plot, including information on seismicity and presence of dangerous engineering, geological and anthropogenic phenomena.

If a land plot is located in areas of relevant restrictions, the Land Plan indicates the presence of additional town planning regulations:

1) on sanitary, water protection and other environmental conditions of development and land use.

2) protection of historical and cultural monuments.

Depending on the location of the land plot and functional purpose of the object, the following additional requirements shall be established:

1) Requirements for landscaping and facades.

2) Requirements for organization of parking spaces with indication of their number (if required) and passages to the land plot, including temporary ones, for the period of construction.

3) Requirements for removal of engineering and technical communications (except for those that are privately owned) from the construction site.

c) preliminary technical conditions for connection of the object to engineering networks, issued by engineering and technical services.

d) conclusions of the corresponding authorized bodies.

5. The land plot plan is signed by the head of Bishkek Architecture.<sup>26</sup>

6. The State Register and the corresponding authorized bodies mentioned above are obliged to send the corresponding conclusion to Bishkekgavarhitektura within 5 working days.

7. If necessary, Bishkekgavarhitektura within 1 working day on the basis of received materials, the State Register specifies the Plan of land plot.

8. Then Bishkekgavarhitektura transfers the Land Plot Plan with all materials attached to it to a structural subdivision of the Bishkek City Mayor's Office which is authorized to manage and dispose of municipal land resources.

<sup>26</sup> The total term of preparation of the Land Plot Plan is 28 working days from the date of receipt of a petition by a structural subdivision of the Bishkek City Mayor's Office vested with authority to manage and dispose of municipal land resources.

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9. The structural subdivision of the Bishkek City Mayor's Office empowered to manage and dispose of municipal land resources for each land plot proposed for provision of an individual dwelling house for construction is forming an information package which includes:

- Location of the land plot (address), cadastral number of the land plot (if any).
- A copy of the Land Plot Plan with all the materials attached to it.

10. The formed package shall be brought to the attention of each member of the Commission three days prior to its meeting in accordance with the established procedure.

11. Within three working days the members of the Commission of the Bishkek City Mayor's Office shall study the received materials of the citizens of the Kyrgyz Republic on provision of land plots for individual housing construction, after which a meeting shall be held at which the decision on provision of land plots or refusal to provide them shall be taken. The decision of the commission shall be formalized by an appropriate protocol which shall be signed by all present commission members and the secretary.

12. Extract from the minutes of the commission meeting, is the basis for the decision of the Bishkek City Mayor's Office for the subsequent execution of the state act on the right of private ownership of the land plot. The extract from the resolution of the Bishkek City Mayor's Office on granting a land plot for individual housing construction in Bishkek and a certified copy of the Plan of the land plot is handed over to the applicant within three days after the decision is made.



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## ANNEX IV. INITIAL STATE REGISTRATION OF RIGHTS TO A UNIT OF IMMOVABLE PROPERTY

1. Initial state registration of rights for a unit of immovable property is carried out within 7 (seven) working days from the date of application to the local registration body at the location of the unit of immovable property.

2. State registration of rights to immovable property the right for which was earlier registered in local registration body is carried out within 2 (two) working days.

3. At the same time rights resulting from transactions with immovable property that do not require obligatory notary certification are registered within 3 (three) working hours.

4. For registration of rights and encumbrances (limitations) on a unit of immovable property the following documents are provided:

- application.
- for an individual - an identity document.
- documents of title for the unit of immovable property.
- document containing technical characteristics of an immovable property unit.





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## ANNEX V. PROCEDURE OF SUBMISSION OF DOCUMENTS FOR CONFORMITY ASSESSMENT AND OBTAINING THE ASSESSMENT REPORT

1. To assess the conformity of the object put into operation completed by construction, the applicant, within 10 days after the end of construction of the object, sends an application to the Bishkek City Hall.

2. The application should include the following documents:

1) acts certifying the completion and acceptance of all stages of construction, author's supervision and work performance logs.

2) executive and technical documentation (executive surveys, acts of hidden works).

3) Confirmations on connection of the object to external networks of engineering and technical support, issued by the corresponding engineering and technical services.

4) test certificates for elevators and escalators issued by relevant organizations.

5) test certificates of installed engineering and technological equipment.

6) certificate of the cost of work performed, signed by the customer and the general contractor.

7) certificates of acceptance of automatic fire detection and extinguishing systems and confirmation of compliance with design solutions.

3. Assessment of conformity of the project documentation put into operation of the object completed by construction and requirements of technical regulations is carried out by the authorized state body on supervision and control in the field of architectural and construction activity or its territorial bodies **within 10 working days from the date of application acceptance** and is issued in the form of an act of conformity assessment of the object completed by construction.

4. If Bishkekgglavarhitektura will not take the appropriate decision on the conformity or non-conformity of the object put into operation completed by the construction within the period specified in the previous paragraph, the object is considered to be in accordance with the design documentation and regulatory and technical documents, and at the request of the customer Bishkekgglavarhitektura is obliged within three days to issue an act of conformity assessment of the object completed by the construction.

UNITED NATIONS ECONOMIC COMMISSION FOR EUROPE

## Post COVID-19 Recovery for Informal Settlements in the UNECE region

City of Bishkek, Kyrgyzstan  
Assessment Report

