

Executive summary of the draft Assessment Report

Bishkek, Kyrgyzstan

The history of the land seizure in Bishkek, Kyrgyzstan, goes back to the early 90's 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, as a result of migration and other processes of the 90's and after 2005, about 47 residential areas were formed around the capital, where 223,258 people live, which is 27.9% of the capital's population.

There are several problems regarding formalization of informal settlements over the years and progressive efforts to solve them have been made, including the availability of basic infrastructure and access to basic social services. Such issues include but are not limited to:

- Unregistered land plots and house buildings in the informal settlements.
- In most of the cases, the residential buildings in the informal settlements are constructed without project design documentation verified by the city architectural authority.
- Another important legal problem in selected informal settlements is that 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 areas that are not environmentally safe for living, which remains a significant problem for citizens, as such residential buildings exist on unauthorized land plots (close to landfill sites, high voltage electrify transmission lines, etc.) and these households are at constant risk of eviction.
- There is the problem of the “invisible citizens”, which don't have the official identity documents (passports, birth certificates). These citizens remain invisible to the public administration system and have significant difficulties in accessing basic services of educational and health care.
- Informal settlements are huge residential areas with dense population rate and require key infrastructures intervention related to construction of roads, sidewalks, water, sewage systems, gas and electricity supply systems, street lighting, and public green spaces.
- Construction of the public facilities, such as kindergartens, secondary schools, and medical clinics remains the key for the access to education and healthcare.

The economic and social burdens 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 most vulnerable citizens to access state and municipal services, and during the pandemic were faced with one-on-one difficulties due to lack of identification documents and registration at the place of actual residence. But during the quarantine period, formalization of land plots and individual residential buildings in residential areas were completely suspended.

During the last years business processes for registration of land plots and buildings were changed and made much easier for citizens, but paragraph 32 of the Regulations "On the provision of land for individual housing construction in the city of Bishkek" is giving rights to register land plot and buildings that were constructed before June 1999 only. But by the information from municipal territorial units most of unregistered land plots and buildings were constructed after 2005.

To solve this problem on November 13, 2020 the Kyrgyz Republic signed the law "On introducing amendments to some legislative acts in the sphere of land use (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"), "On transfer (transformation) of land plots", Criminal Code of the Kyrgyz Republic" allows to legalize all land plots in residential areas, except those which are on unauthorized land plots (close to landfill sites, high voltage electrify transmission lines, etc.). Therefore, it is necessary to amend paragraph 32 of the Regulation "On the procedure for granting land plots for individual housing construction in Bishkek" in accordance with this Law.

For solving such challenges, it is necessary:

1. That buildings used for family small businesses should be registered in line with the Regulations "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".

2. To identify residential houses in new buildings that are located in areas that are not safe for residence and to start the procedure of forced resettlement by providing citizens compensation or in accordance with the Regulations "On the procedure for granting land plots for individual housing construction in the city of Bishkek", land plots in another place.

3. To identify citizens who live without documents (passports, birth certificates) and assist them (social security services of the Bishkek City Mayor's Office in conjunction with the MTU) in obtaining the necessary documents.

4. To ensure convenient physical access to educational, health care and cultural institutions in residential areas, it is necessary to implement a set of measures from the development of the Master Plan.