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**“Post COVID-19 Recovery in Informal Settlements in the ECE Region” Emergency response and building back better, Bishkek City Assessment Report Summary (FIG # 11720)**

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**Key Words:** COVID 19, Informal Settlements, Formalization, Pandemics, Resilience, Build Back Better, United Nations, City Assessment, Bishkek, Kyrgyzstan

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## **SUMMARY**

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

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 was completely suspended.

Given the limitations in terms of time and scope, the report is focused on close analysis of five informal settlements of Bishkek: Archa-Beshik, Ak-Bosogo, Kalys-Ordo, Bakai-Ata and Ruhii-Muras. The paper relies on available sources of the existing reports, news reports and interviews held with the relevant representatives of the Major office and Territorial Management Units of the Informal settlements. The interviews had the purpose of finding primary information about this quite under-researched topic, and five municipal officials, two NGO representatives (with over 20 years of experience of work with new settlements) were interviewed.

The history of the land seizure in Kyrgyzstan, 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, as a result of migration and other processes of the 90s and after 2005, about 48 residential areas were formed

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around the capital, where 223 thousand 258 people live, which is 27.9% of the capital's population.

There are number of the informal settlement's formalization problems exists and progress in solving the issue over the years of their existence, including the availability of basic infrastructure and access to basic social services is insignificant:

- 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 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 located in areas that are not environmentally safe for living, which remains a significant problem for citizens, as such residential buildings are 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 are 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 organizations.
- Informal settlements are huge residential areas with dense population rate and require key infrastructures need on development of roads, sidewalks, water, sewage, gas and electricity supply engineering systems, street lighting, public green spaces.
- Construction of the public facilities, such as kindergartens, secondary schools, polyclinics remains the key for the access to education and healthcare.

During the last years business processes for registration of land plots and buildings were changed and make that 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 do registration for land plot and buildings that arose before June 1999 only. But by the information from municipal territorial units the most of unregistered land plots and building were appeared after 2005. To solve this problem on November 13, 2020 was sign the Law of the Kyrgyz Republic "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 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.

## **INTRODUCTION**

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The project “Post COVID-19 Recovery in Informal Settlements in the ECE Region” aimed to strengthen the capacity of national and local governments in UNECE countries to address the needs of the most vulnerable groups of population living in the informal settlements. This would enhance the socio-economic recovery following the pandemic and contribute to urban resilience in participating cities and countries. It also builds the capacities of the national and local authorities for the development of recovery from COVID-19 pandemic and upgrading informal settlements plans.

The COVID-19 pandemic hit the most vulnerable people the hardest. This includes those living 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 can be particularly challenging due to the lack of adequate data that could be used to inform appropriate policy response. Such data would include the number of inhabitants per household, details on the access to adequate healthcare facilities and basic services, 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.”

The post COVID-19 recovery plans need to address the issue of informal settlements as the priority. Such plans should include, firstly, 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 the 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 residents have access to adequate sanitation and facilities that would safeguard them against future pandemics. They should then be made livable – energy efficient, healthy, with livable and well-planned urban spaces, accessible services and good transport links. There are 47 legally recognized and unknown numbers of informal settlements around Bishkek. This study looked at the informal settlements that formed around years 1990-2005.

Given the limitations in terms of time and scope, the report is focused on close analysis of five informal settlements of Bishkek: **Archa-Beshik, Ak-Bosogo, Kalys-Ordo, Bakai-Ata and Ruhii-Muras**. The paper relies on available sources of the existing reports, news reports and interviews held with the relevant representatives of the Major office and Territorial Management Units of the Informal settlements. The interviews had the purpose of finding primary information about this quite under-researched topic,

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and overall, five municipal officials, two NGO representatives (with over 20 years of experience of work with new settlements) were interviewed.

## 1. BACKGROUND INFORMATION

Due to the fact that Bishkek is the city of concentration of the majority of economic agents (about 70%) and economic activity (more than 40% of GDP)<sup>1</sup> of the country, it is a center of attraction for internal migration flows.

Political events of the late 90s and March 2005 had a significant impact on the dynamics of internal migration in the country and provoked waves of population movement from rural regions of the country to the capital and northern regions. According to the Bishkek City Hall, as a result of migration and other processes of the 90s 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.<sup>2</sup>

Formation of all these new settlements around Bishkek could be divided into three waves: (1) during the first years of independence from 1989-1993, (2) during the 2005 riots, and (3) during 2011 riots and ethnic conflict.<sup>3</sup> These are only main waves, some informal settlements were formed in times which do not fit the delineation into the mentioned three waves.<sup>4</sup>

The period from 2005 to 2007 was also marked by an unauthorized seizure of about a dozen land plots in the Bishkek suburbs. According to the Department of Housing Improvement of the Bishkek City Hall, most of the seized land was used for the construction of residential areas. The history of the land seizure in Kyrgyzstan, in Bishkek in particular, goes back to the early 90s and is usually provoked by socio-economic instability and lack of a clearly defined position on the part of the state.<sup>5</sup> The change of power during the "tulip" revolution in 2005 was accompanied by promises of politicians to give land to those in need, as a result of which the new government was unable to resist the seizures.<sup>6</sup>

Since 2005, there has been a surge of internal migration and land seizures in the suburbs of Bishkek. The inflow of internal migrants from the southern regions mainly went, in addition to the capital, to developing cities in the Chui region, such as Kant, 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 the internal migration is due to the lack of

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<sup>1</sup> <http://www.stat.kg/ru/opendata/category/29/>

<sup>2</sup> Internal migration in the context of land relations. Ruslan Rakhimov.

<sup>3</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>4</sup> Jumagazy Sadyr uulu, interview by author, Bishkek, Kyrgyzstan, February 22, 2012.

<sup>5</sup> Internal migration in the context of land relations. Ruslan Rakhimov.

<sup>6</sup> [shorturl.at/mzEW](http://shorturl.at/mzEW)

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developed infrastructure, production enterprises in the regions and imperfection of local self-government reforms.

The youth of Kyrgyzstan are especially active in intra-republican movements as they do not see the prospects in rural areas and are looking for livelihoods in cities with a wide variety of labor applications.

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

## **2. NATIONAL LEGISLATION FRAMEWORK AND PROCESS OF REGISTRATION OF INFORMAL SETTLEMENTS**

### **2.1 National legislation framework**

The processes of formation of residential areas are directly related to the transformation of land from one category to another and is a state function to implement changes in their main purpose.

Category of lands and type of land are specified in a number of documents, such as 1) acts of local state administration and local self-government bodies on land plot allocation; 2) agreements on land plots; 3) land registration and accounting documents; 4) documents certifying the right to a land plot.

To elaborate further, these processes of land transformation affect a large layer of national and local legislation, which is also being developed based on the needs of society. National and local legislation, which covers the issues of regulation of relations by land plots and individual residential premises, can be conventionally divided into the following:

For brevity, the groups of the legislation regulating the framework conditions have been excluded in this summarized version of this document but are considered important aspects of the underlying legal structure (Steven Nystrom).

### **2.2 The procedure of the Land plots provision**

The processes of registration of individual residential buildings are intertwined between local and territorial subdivisions of national level authorities and are also divided into registration of land plots and buildings built on these land plots.

The procedure for the 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.

This Regulation defines the main requirements for the provision of land plots for individual housing construction in the city of Bishkek. The requirements of this Regulation apply to all subjects of urban planning and architectural activities involved in individual housing construction in the city of Bishkek and establish a uniform procedure and conditions for the provision of land plots for individual housing construction.

In accordance with paragraph 32 of this Regulation, citizens of the Kyrgyz Republic owning individual houses built before June 16, 1999, have the right to apply for the right of ownership of the land plot under the existing house with the adjacent land plot. Problem for many owners of individual residential buildings in the informal settlements is paragraph 32 of the Regulations "On the provision of land for individual housing construction in the city of Bishkek," the formation of residential areas on the outskirts of Bishkek took place not only in the late 90's, but after 2005.<sup>7</sup>

The total period of preparation of the Land Plot Plan is 28 working days from the date of receipt of the application of the authorized body<sup>8</sup>, which is not a burdensome period for applicants and it was confirmed during the survey of the Director of the Public Association "Arysh" Maamatkul Aydaraliev, who is engaged in solving problems of residents of residential areas, including the registration of individual residential buildings and land plots.

The step by step procedure for registration of the right of ownership to the land plots is important but has been excluded from this summarized version for brevity (Steven Nystrom).

### **2.3 The procedure of the building's registration**

Owner of an individual residential building also has to pass the initial state registration which is carried out within 7 (seven) working days from the date of application to the local registration body at the location of a unit of immovable property (see Annex №2), in accordance with the Rules of state registration of rights and encumbrances (limitations) of rights to immovable property and transactions with it.<sup>9</sup>

At the same time for registration of rights and encumbrances (limitations) on a unit of immovable property an applicant should provide documents of title to a unit of immovable property and a document containing technical characteristics of a unit of immovable property. Processes of preparation of these documents are regulated by the Regulation "On order of issuing documents for designing, construction and other changes of real estate objects and

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<sup>7</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>8</sup> Item 22 of the Regulation "On the procedure for granting land plots for individual housing construction in the city of Bishkek".

<sup>9</sup> Ibid.

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assessment of conformity of objects completed by construction in the Kyrgyz Republic that are put into operation".<sup>10</sup>

In Bishkek, this process is the responsibility of Bishkekglavarhitekture, which coordinates the interaction between engineering and technical services engaged in the connection of networks of engineering support (electricity, gas, heat, water and sewerage), the executive bodies of local self-government, individuals and legal entities, regardless of the legal form of organization, in the process:

- Preparation and issuance of architectural, planning and engineering and technical conditions for design of the facility;
- approval of project documentation;
- expertise of design documentation, as well as regulates the procedure for assessing the conformity of the object put into operation completed by construction.

In accordance with the above Regulations after completion of construction, the object is subject to permit in use. 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.

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

### 3. INSTITUTIONAL SETUP RELATED TO INFORMAL SETTLEMENTS

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

The Bishkek City Hall involves the following municipal units in addressing issues of land management and individual housing construction in residential areas:

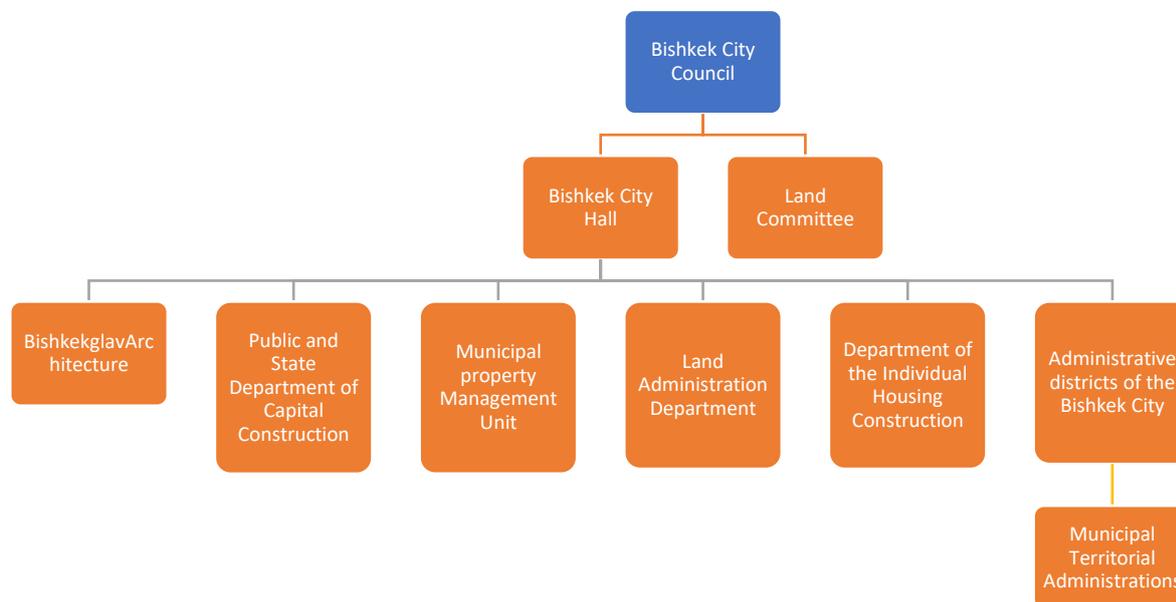
- The Main Architectural Body of Bishkek City (Bishkekglavarchitekture)
- Public and State Department of Capital Construction
- Management of municipal property Department
- Land Administration Department
- Department of Individual Housing Construction

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<sup>10</sup> Approved by the Resolution of the Government of the Kyrgyz Republic dated January 17, 2020, № 12.

- Administrative districts of the Bishkek City Hall (Municipal Territorial Administrations)

The following scheme is the illustration of the Bishkek municipal institutions relevant for the urban planning and property registration procedure.



On the local government level, **the City Council** represents the highest elected representative body of local self-government in cities. The competence of the City Council includes, inter alia: approval of the city budget and programmes for social and economic development in the city; levying of local taxes and duties; and the establishment of procedures and conditions for land use or for the use of other natural resources in accordance with national legislation.

The City Council of Bishkek considers and approves administrative borders of the rayons of Bishkek city, and, together with the city administration, approves construction projects in Bishkek.

In terms of housing construction, the City Council of Bishkek coordinates the development of master plans and ensures compliance with construction standards. The local self-government of Bishkek is responsible for allocating urban land for private use and ownership in accordance with the master plan and the detailed project plan of the city. They also conduct land cadaster and land management projects. Together with the City Council, they develop and supervise the implementation of programmes on rational land use and give permission to carry out preparatory work before the actual construction starts.

**The Land Committee of the City Council** of Bishkek supervises the implementation of the 1999 Land Code within the territory of Bishkek city. The Committee 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 the local self-government. It also represents the City Council of Bishkek vis-à-vis land users.

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In order to implement the process of granting ownership rights to land plots for individual housing construction in accordance with this Regulation, a City Council Land Committee consists 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;
- May include Representatives of the public.

**The Department of Individual Housing Construction** in Bishkek is part of the City Hall. It develops and monitors procedures for land allocation and individual housing construction. The Department also monitors the implementation of the legal framework for individual housing construction and designs the required documents, sets norms and exercises control over individual constructions. It also registers newly constructed and reconstructed buildings including individual houses and sets up a competent State commission that approves the completion and operation of newly built houses. The Department is responsible for reporting to the mayor and to the city committee on statistics about the number of newly constructed houses.

**Public and State Department of Capital Construction** carries out functions of the customer and technical supervision on designing and construction of objects of housing and communal purpose, highways, and also objects of social and cultural life in zones of individual housing construction (housing estates, new buildings) of a city of Bishkek.

**The Main Architectural Body of Bishkek City (Bishkekglavarchitecture)** is a division of the City Hall of Bishkek. It designs development projects based on the socio-economic development strategy that is in force at the time with the agreement of the State Agency for Architecture and Construction and the 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 that are solved by **Bishkekglavarchitecture** are:

- Conducting and implementing a unified strategic policy on the territory of Bishkek and the suburban area in the field of urban planning and architecture, the implementation of work on the selection and preparation of documents for the granting of rights to land for all types of construction, the regulation of urban areas and recreational areas in accordance with approved urban planning documentation and land use rules;
- Ensuring control over the implementation of the Master Plan of the city, the implementation of high-quality integrated development and improvement of residential areas, engineering infrastructure, compliance with the project's urban planning principles on ecology and development of industrial, suburban, recreational, nature protection zones and national parks;

- Coordination of design, research and development, as well as survey, construction and repair and construction work with regard to architectural and urban planning requirements.
- The main tasks that Bishkekglavarchitecture solves are the following:
- Carrying out and implementation of a unified strategic policy on the territory of Bishkek and its suburban area in the field of urban planning and architecture, implementation of work on the selection and preparation of documents in granting rights to land plots for all types of construction, regulation of urban areas and recreational areas in accordance with approved urban planning documentation and land use rules;
- Providing control over the implementation of the Master Plan of the city, the implementation of high-quality integrated development and improvement of residential areas, engineering infrastructure, compliance with the urban planning principles adopted by the project on ecology and development of industrial, suburban, recreational, nature protection zones and national parks;
- Coordination of design, research and development, as well as survey, construction and repair and construction work with regard to 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 in municipal property of Bishkek;
- ensuring compliance of all individuals and legal entities with the requirements of civil and land legislation of the Kyrgyz Republic;
- Privatization of real estate and other property of Bishkek;
- Participation in the development and implementation of urban land policy, including the methodology and criteria for assessing urban land, the amount of land fee and the procedure for its collection, the system of economic and legal regulation of land relations, which includes a mechanism for economic incentives for the highly effective use of urban land, effective and rational land use;
- Consideration of applications for granting rights to land plots in the city of Bishkek and preparation of relevant materials for the commission on land issues, including the organization and conduct of tenders for granting rights to land plots in the city of Bishkek.

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

- Informing the population about decisions and current regulatory legal acts of the Kyrgyz Republic and local government of Bishkek, organization of their implementation;
- Work with appeals of citizens;
- Rendering assistance in solving issues of everyday life support of population.

Additionally, in addressing the issues of individual housing construction in residential areas is involved **Bishkek City Department of Land Management and Registration of rights** to

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immovable property under the State Agency for Land Resources under the Government of the Kyrgyz Republic, whose main objectives are:

- Registration of rights to immovable property;
- Maintaining a unified state register of rights to units of immovable property (unified state register of rights) and transactions with it;
- Ensuring state protection of registered rights to immovable property;
- Maintenance of land cadastre and monitoring of land, research work on the use of land resources, land management, geodesy and cartography, as well as the introduction of science and best practices in production;
- Demarcation of lands with establishment (restoration) and fixation (designation) of borders in kind (on the ground), including administrative-territorial and territorial-production ones;
- Execution, issue and registration of documents certifying the rights to the land plot;
- Development of state topographic-geodesic works in order to meet the needs of the republic with cartographic products, topographic-geodesic and surveying data and materials, as well as the development of the geodetic network in a single coordinate system;
- Execution of topographic-geodesic works and development of geodetic network;
- 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;
- Carrying out joint land inventory activities by local self-government bodies.

To address the problem issues of individual housing construction in residential areas of Bishkek City Council adopted a resolution dated July 9, 2007, № 339, which approved the Regulations on the provision of land for individual housing construction in Bishkek.

In addition, by means of requests of BishkekIavarhitektura the following bodies are involved in the process of registration of land plots:

- Engineering and Technical Services Utilities that provide electricity, water supply and sewerage, heat and gas supply to obtain preliminary technical specifications;
- Authorized bodies of Environmental, Sanitary-Epidemiological and fire supervision to obtain a corresponding conclusion;
- 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);
- The authorized municipal body for maintenance and protection of green spaces to address the issue of conditions for use of green spaces, including their demolition or replanting (if the land plot contains green spaces in municipal ownership).

On the basis of the decision of the Land Committee shall be resolved only issues to begin registration of land plots at the Bishkek City Department of Land Management and registration of rights to immovable property. But there is also the problem of registration of already built individual houses.

Procedures of the registration of individual residential buildings was adopted by the Decree of the Government of the Kyrgyz Republic on June 19, 2009, № 388, which approved the Regulations "On the procedure for technical inspection of immovable property". In accordance with the Regulation, local registration bodies at the location of immovable property units (in Bishkek, this is the Bishkek City Department of Land Management and Registration of Rights to Immovable Property) carry out technical inspection of immovable property units by means of the Regulation:

- Carrying out technical inspection of immovable property units;
- Issuing a Technical Passport of the building.

Bishkek is involved in this process, which is guided in its actions 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".<sup>11</sup>

#### **4. MAJOR FORMALIZATION EFFORTS AND PROJECTS REGARDING INFORMAL SETTLEMENTS**

There are number of the informal settlement's formalization problems exists and progress in solving the issue over the years of their existence, including the availability of basic infrastructure and access to basic social services 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>12</sup> identified the following key issues:

- The main problems for citizens living in informal settlements so far remain the issues of providing electricity, hot water supply, heating, drinking water, sewerage, access to public transport, ensuring fire safety, as well as issues of access to educational, healthcare, and cultural institutions. Many residential buildings in the informal settlements are located in environmentally not secure areas for living;
- Security of residence also remains a significant problem for citizens, since many residential buildings built on illegally seized plots of land remain illegal and vulnerable families need of government support are at constant risk of eviction;

<sup>11</sup> Approved by the Resolution of the Government of the Kyrgyz Republic dated January 17, 2020, №12.

<sup>12</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.

- The existing contrasts in the socio-economic development of the districts create favorable conditions for the growth of social tension and conflicts and affect the overall security of the city.

There were number of recommendations in the Report regarding the policy improvement on properties formalization, citizen registration, information awareness, public service access and infrastructure development. However, these recommendations have not been fully implemented.

To the date, according to the protocol order of the Vice-Mayor of Bishkek Ulan Azygaliyev, ME "Bishkekglavarchitektura" together with the relevant Bishkek city municipal units made a verification of construction areas of 47 informal settlements of Bishkek and sent to the four administrative districts for inventory. The mayor's office of Bishkek began an inventory of land plots and individual residential buildings in residential areas of the informal settlements by way of yard/household visits. The City Hall plans to complete this inventory process by the end of 2020.

International support donor organization Bishkek is implementing number of infrastructure projects. The World Bank supported project (USD 14,35 millions) "Bishkek and Osh Urban Infrastructure Project" (BOUIP)<sup>13</sup> was implemented in 2008-2015 aiming to improve the living conditions in selected semi-informal settlements in Bishkek (37) and Osh (8), the two largest cities of the Kyrgyz Republic, by increasing the availability of basic infrastructure to the residents of these areas (others limited for brevity Steven Nystrom).

## 5. SELECTED INFORMAL SETTLEMENT OF THE STUDY

According to the Bishkek City Hall, as a result of migration and other processes of the 90s and after 2005, about 47 residential areas were formed around the capital, where internal migrants built their houses. Following five of the residential areas from informal settlements were considered in the framework of this study: ARCHA-BESHIK, AK-BOSOGO, KALYS-ORDO, BAKAI-ATA, and RUHII-MURAS.

### 5.1 Residential area "ARCHA-BESHIK"

Archa-Beshik is a residential area of individual development, located in Leninsky district of Bishkek in the capital of the Kyrgyz Republic, in the south-western part of the city. Officially allocated territory for housing and communal services Archa-Beshik of 1050 hectares, 35,605 people live on this territory. Administrative Management and Maintenance of the territory is governed in three levels - Bishkek City Hall, Lenin District Administration of the Bishkek City Hall and Municipal Territorial Administration (MTU) No. 4.

The year of education and the beginning of development of Archa-Beshik is considered 1992, although the land plots were allocated for the construction of individual houses since 1989. Land plots of 800 sq.m. were allocated for one individual developer according to the General

<sup>13</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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Plan and Development Project of Archa-Beshik. Construction began after the geodetic breakdown of streets and roads, with the beginning of construction of the road network in the dirt version and power lines with the installation of transformer substations. The owners of the land plots built dwelling houses in one and two-storied variants, usually with a fenced area, many residents built the necessary farm buildings.

At the official boundaries of the territory of Archa-Beshik, the allocation of land to each individual developer at the beginning of the development of the residential area was carried out in accordance with the decision of the Lenin District Administration of Bishkek. The territories within the boundaries of "red lines" of main streets, intra-block streets and passages, as well as land plots, were left for development of social-cultural and public, special purpose objects and they are under the jurisdiction of the Bishkek City Hall. Backbone engineering communications - power lines with means of street lighting, water supply networks, roads, sidewalks with irrigation network, green plantings on the main highways are on the balance of municipal operating organizations.

Graphic removed for brevity, Steven Nystrom of the existing territorial Plan of the residential area "Archa-Beshik"

Almost thirty years ago, with the beginning of mass construction of the Archa-Beshik housing and utility plant, a "secondary market" of real estate also appeared. This phenomenon is associated with land plots, the primary owners of which began to sell to others, mortgage offices and commercial banks took them to obtain the necessary loans. The real estate market also includes unregistered land plots and house-building. There were transactions between citizens on land plots and buildings by "private certificate".

In addition, there are many cases of residents who have built their residential buildings with deviations and violations of the design documentation agreed with the city architectural authority. As a result, house-building is not accepted for operation by the relevant supervisory authorities. On this basis, the state registration services of the city do not conduct official registration of real estate in Bishkek. Such blocks of residential development are mainly located in the western, southern and eastern part of "Archa-Beshik".

Another important legal problem in Archa-Beshik is the fact that in many residential buildings for the organization of labor activity and family small business, residents have reoriented, reequipped and carried out additional construction on their land plots, different from the functional purpose of housing. At the same time, the general plan of development of Archa-Beshik, apart from the construction of individual residential buildings, did not provide for other purposes of land use. At present, the Archa-Beshik housing estate has about 9 thousand households (about 8701 yards) of individual house-building, with a family factor of 5.1 in the housing estate, about 45 thousand 900 residents are estimated to live. Archa-Beshik housing estate is the largest among housing estates in Bishkek by area and population.

Now, there are 13 commercial kindergartens, 4 secondary schools (for 104, 600, 754 and 960 pupils), 2 family medicine centers - polyclinics, 4 pharmacy outlets, a large shopping center

"Frunze". Besides, there are 239 pavilions and small stores, 13 baths, 18 beauty salons. Of the sports facilities, the Archa-Beshik has 16 playgrounds for young children and one public sports ground.

## **5.2 Residential area "AK BOSOGO"**

Ak-Bosogo is a residential area of individual development, located in Pervomaisky district of Bishkek, the capital of the Kyrgyz Republic, in the northern part of the city. The officially allocated area for Ak-Bosogo housing and utilities infrastructure is 316.5 hectares, with 15,328 population. Administrative management and maintenance governed in three levels - the Bishkek City Hall, Pervomaiskaya District Administration of the Bishkek City Hall and MTU No. 16.

The year of education and the beginning of development of Ak-Bosogo is considered 1990, although land for the construction of their own individual houses were allocated since 1989. A land plot with the area of 500 sq. m. was allocated for one individual developer according to the General Plan and the Ak-Bosogo Housing and Utility Complex Development Project. The construction began after the geodetic breakdown of streets and roads, with the start of road network construction in the dirt version with power lines and transformer substations. To date, all sections have been built up by individual developers in one and two-story variant at their own expense, mainly using local building materials, with a fenced area, many built and necessary farm buildings.

The territories within the boundaries of "red lines" of main streets, intra-block streets and passages, as well as land plots left for development of objects of social-cultural and public and special purpose are being commissioned by the Bishkek City Mayor's Office. Main engineering communications - power lines with elements of street lighting, water supply networks, roads, sidewalks with irrigation network, green areas on the main transport highways are on the balance of the city operating organizations.

Almost thirty years ago, with the beginning of mass construction of Ak-Bosogo housing and utilities enterprise, the "secondary market" of real estate also appeared. This phenomenon is associated with land plots, the primary owners of which began to sell to others, mortgage offices and commercial banks took them to obtain the necessary loans. The real estate market also includes unregistered land plots and house-building. There were transactions between citizens on land plots and buildings by "private certificate".

In addition, there are many cases of residents who have built their residential buildings with deviations and violations of the design documentation agreed with the city architectural authority. As a result, house-building is not accepted for operation by the relevant supervisory authorities. On this basis, the state registration services of the city do not conduct official registration of real estate in Bishkek. Such blocks of residential development are mainly located in the western, southern and eastern part of Ak-Bosogo.

Another important legal problem in Ak-Bosogo is the fact that in many residential buildings for the organization of labor activity and family small business, residents have reoriented,

reequipped and carried out additional construction on their land, different from the functional purpose of housing. At the same time, the general plan of development of Ak-Bosogo housing and communal enterprise did not provide for other purposes of using the land plot besides the construction of individual residential buildings.

Now, there are more than 3.5 thousand households (3,513) in Ak-Bosogo and about 20 thousand residents live in the housing estate. 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.

As a result of an interview with the specialist of the department of housing and communal services, construction and transport of MTU No. 16 Mr. A. Molodokadyrov, that an inventory of land plots was carried out on the territory of "Ak-Bosogo" and almost 100% of the territory was covered.

880 households are not registered their land plots and buildings, which were built in the 2000s. The reason is legislation barrier existing in the clause 32 of the Regulation "On the procedure for granting land plots for individual housing construction in Bishkek", which gives the right to grant ownership of a land plot under an existing house only to owners of individual houses, which were built before June 16, 1999.

### **5.3 Residential area "KALYS-ORDO"**

Kalys-Ordo is a residential area of individual development, located in Pervomaisky district of Bishkek in the northern part of the city. The officially allocated territory for the Kalys-Ordo housing and utility system is 135 hectares with 9,513 population. Administrative management and utility services are provided by the Bishkek City Hall, Pervomayskaya District Administration of the Bishkek Hall and MTU No. 16.

The year 2005 is considered to be the year of establishment and the beginning of development of Kalys-Ordo residential area. A land plot of 400 and 600 sq. m. was allocated for one individual developer according to the General Plan and Development Project of Kalys-Ordo. To date, individual developers all plots are built up and continue construction of residential houses in one and two-floor variant, with fenced territory and landscaping free from buildings, at their own expense, own forces - "economic way" mainly using local building materials. Graphic removed for brevity, Steven Nystrom of the existing territorial Plan of the residential area Kalys-Ordo.

The territories within the boundaries of "red lines" of main streets, intra-block streets and passages, as well as land plots left for construction of social-cultural and public, special purpose objects are under commissioning by the Bishkek City Hall. Main engineering communications - electric lines with elements of street illumination, water-supply networks, roads, sidewalks with irrigation network at the same time serving as storm water drainage to divert surface water

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from the carriageway of roads and sidewalks, green plantings in the main streets are on the balance of the city operating organizations.

Almost for the period of fifteen years, with the beginning of mass construction of Kalys-Ordo, also appeared a "secondary market" of real estate. This phenomenon is associated with land plots, the primary owners of which began to sell to others, mortgage offices and commercial banks took them to obtain the necessary credits. In other words, the real estate market also includes unregistered land plots and house-building.

In addition, there are many cases of residents who have built their residential buildings with deviations and violations of the design documentation agreed with the city architectural authority. As a result, house-building is not accepted for operation by the relevant supervisory authorities. On this basis, the state registration services of the city do not conduct official registration of real estate in Bishkek.

Another important legal problem in Kalys-Ordo is the fact that in many residential buildings for the organization of labor and family small business, residents repurposed, re-equipped and conducted additional construction on their land, different from the functional purpose of housing. At the same time, the general plan of development of Ak-Bosogo housing and communal enterprise did not provide for other purposes of using the land plot besides the construction of individual residential buildings. Such residential blocks are mainly located in the western, northern and eastern parts of Kalys-Ordo housing estate.

In Kalys-Ordo of individual house-building there are about 2 thousand households (1,945). 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 the Bishkek City Hall among the residents of the Kalys-Ordo housing and public utility Kalys-Ordo show that there are not enough social facilities on the territory in terms of quantity, comfort and accessibility. Education and health care organizations are reloaded and therefore the residents of Kalys-Ordo have to apply for social services in other territories of the city.

According to the sociological survey data of the city 89% of residents of this residential area do not have official property documents for their house and land plot. For 535 households, built in the 2000s, both land plots and buildings on these land plots are not registered due to the legislation restriction on the Regulation "On the procedure for granting land plots for individual housing construction in Bishkek", which gives the right to apply for the granting of ownership

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of a land plot under an existing house only to owners of individual houses built before June 16, 1999.

#### **5.4 Residential area "BAKAY-ATA"**

Residential area of individual development Bakay-Ata is located in Sverdlovsk district of Bishkek, in the north-eastern part of the city. Officially, the territory allocated for the Bakay-Ata housing estate is 104 hectares, with 5,288 residents. Administrative management and service is provided on three levels: the Bishkek City Hall, the Sverdlovsk Municipal Mayor's Office and Municipal Territorial Administration (MTU) No. 21.

The year 1989 is considered to be the year of formation and the beginning of development of the Bakay-Ata residential area. A land plot with an area of 600 sq. m. was allocated for one individual developer according to the Master Plan and the Bakay-Ata Housing and Utilities Complex development project. The construction was started after the geodetic breakdown of streets and roads, the construction of the road network in the draft version and the construction of power transmission lines and transformer substations. To date, all sections have been built up by individual developers at their own expense and using local construction materials. Developers built residential houses in one-two-story variant, as a rule, with a fenced area, almost at most developers built and the necessary farm buildings.

The territories within the "red lines" of the main streets, intra-block streets and passages, as well as land plots left for development of social, cultural and public and special purpose objects are under the jurisdiction of the Bishkek City Hall. Main engineering communications - power lines, with means of street lighting, water supply networks, roads, sidewalks with irrigation network, greenery on the main highways are on the balance of urban operating organizations. Almost thirty years ago, with the beginning of mass construction of the Bakay-Ata housing and utilities enterprise, the "secondary market" of real estate also appeared. This phenomenon is associated with land plots, the primary owners of which began to sell to others, mortgage offices and commercial banks took them to obtain the necessary loans. In other words, the real estate market also includes unregistered land plots and house building. There were transactions between citizens on land plots and buildings by "private certificate".

In addition, there are many cases of residents who have built their residential buildings with deviations and violations of the design documentation agreed with the city architectural authority. As a result, house-building is not accepted for operation by the relevant supervisory authorities. On this basis, the state registration services of the city do not conduct official registration of real estate in Bishkek.

Another important legal problem in Bakay-Ata is the fact that in many residential buildings for the organization of labor activity and family small business, residents have reoriented, reequipped and carried out additional construction on their land plots, different from the functional purpose of housing. At the same time, the general plan of construction of Bakay-Ata housing estate did not provide for other purposes of using the land plot besides the construction of individual residential buildings.

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Public Administration of Capital Construction of the City Hall of Bishkek: Solving the Problems of Informal Settlements in the City of Bishkek (11720)

Nurzat Abdyrasulova, Bakytbek Statybekov (Kyrgyzstan) and Steven Nystrom (USA)

FIG Congress 2022

Volunteering for the future - Geospatial excellence for a better living

Warsaw, Poland, 11–15 September 2022

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.

In the functioning health care organization, the number of specialties is limited to three: pediatricians, therapists and gynecologists. In other areas of health care, patients have to apply to other health care organizations located in the central part of the city.

The results of sociological survey conducted by the Bishkek City Hall among residents of the Bakay-Ata show that there are not enough social facilities on the territory in terms of quantity, comfort and accessibility. Education and health care organizations are reloaded and therefore the residents of Bakay-Ata have to apply for social services in other territories of the city.

As a result of an interview of the head of the department of housing and communal services, construction and transport of MTU No. 21 Mr.K.Orozakanov it was revealed that an inventory of land plots has finished on the territory of ZhMIZ "Bakai-Ata".

Fifty-six households have neither land plots nor buildings on these land plots registered.

### **5.5 Residential area "RUHII-MURAS"**

Ruhii-Muras is a residential area of individual developments located in Oktyabrsky district of Bishkek in the eastern part of the city. Officially allocated territory for Ruhii Muras according to the Decree of the Government of the Kyrgyz Republic is 50 hectares, 3800 population. Three levels of administration and service are provided by the Bishkek City Hall, Oktyabrskii Municipal Mayor's Office and Municipal Territorial Administration (MTU) # 6.

The year 2005 is considered to be the year of formation and the beginning of development of the Ruhii Muras Housing and Utilities Complex. Land plots with an area of 400 sq. m. were allocated for one individual developer under the General Plan and Development Project of Ruhii-Muras. The construction of residential buildings began after the geodetic breakdown of streets and roads, with the beginning of road network construction in the dirt version, power lines and installation of transformer substations. Individual developers built houses in one-two-floor variant on all plots at their own expense, mainly using local building materials, with a fenced area and many developers built and necessary farm buildings.

The territories within "red lines" of main streets, intra-block streets and passages, as well as land plots left for development of social-cultural and public and special purpose objects are being commissioned by the Bishkek City Mayor's Office. Main engineering communications -

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power lines with means of street lighting, water supply networks, roads, sidewalks with irrigation network, greenery on the main highways are on the balance of the city operating organizations.

In fifteen years, with the beginning of mass construction of Ruhii Muras Residential Complex, a "secondary market" of real estate has also appeared. This phenomenon is associated with land plots, the primary owners of which began to sell to others, mortgage offices and commercial banks took them to obtain the necessary loans. In other words, the real estate market also includes unregistered land plots and house building. There were transactions between citizens on land plots and buildings by "private certificate".

In addition, there are many cases, residents who have built their residential buildings with a deviation and violations of the project design documentation verified by the city architectural authority. As a result, housing construction is not accepted for operation by the relevant supervisory authorities. On this basis, the state registration services of the city does not conduct official registration of real estate in Bishkek. In this case, the general plan of development Ruhii-Muras in addition to the construction of individual residential construction other purposes of land use were not provided. Such residential blocks are mainly located in the northern and eastern parts of Ruhii-Muras housing estate.

Another important legal problem in Ruhii-Muras is that in many residential buildings for organization of labor activity and family small business, residents have re-profiled, re-equipped and carried out additional constructions on their land plots, which differ from the functional purpose of housing.

The allocated territory for the development of Ruhii-Muras residential area was not yet part of the administrative-territorial border of Bishkek, which was the main obstacle in the legal solution of many problems of the housing estate.

This problem should be solved on the basis of existing legislative acts of the Kyrgyz Republic, by developing the Project of new urban boundary of Bishkek and inclusion of these territories on the basis of the General Plan of Bishkek (in the General Plan of Bishkek - 2006, these territories were not included in the urban territory). According to the General Plan of Bishkek, according to the laws of the Kyrgyz Republic (Constitution of the Kyrgyz Republic, Constitutional Law "On the Government of KR", Land Code of KR, Law of KR "On Local Self-Government", Law of KR "On Urban Planning and Architecture" and other regulatory legal acts), development of the project of administrative-territorial border of Bishkek with further approval in the Government of Kyrgyz Republic, adoption of the official Law in the Parliament of the Republic and signing by the President of Kyrgyz Republic. At present, there are about one thousand households (exactly 995) in the 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 grocery pavilions and small stores, 3 canteens and 4 baths. Lack of social facilities is compensated by the existing social and 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 2 children's playgrounds, one standard size soccer pitch and one public sports ground, and 1 namazkana (a praying house). There are no other cultural, art or religious institutions.

As a result of an interview of the leading specialist of MTU No. 6 Mr. S. Satygulov was revealed that an inventory of land plots is carrying out on the territory of Rukhii-Muras and already covered 70% of the territory. Since the housing estate was organized in 2005, many households have not registered both land plots and buildings on these land plots.<sup>14</sup>

## **6 COVID-19 IMPACT AND RESPONSE**

The first cases of COVID-19 in the Kyrgyz Republic were detected on 18 March 2020. The entire country was placed on an emergency footing on 22 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 these did not prevent the deepening of the crisis, with subsequent surges in COVID-19 infections and deaths. In addition to overwhelming the Kyrgyz Republic's pandemic response systems, COVID-19 has reduced the health system's abilities to respond to other urgent medical needs.

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

Kyrgyzstan removed the restrictions slowly over the course of a month: one after another, all sectors of the economy began to work, including public transport and markets. Then the number of registered cases of Covid-19 increased to 2 thousand.

But in June, as soon as all restrictive measures were lifted, the number of infected people began to grow exponentially: during quarantine, from 25-80 cases of the disease were detected every day, and from mid-June on some days there were from 300 to 700. The biggest peak of the infected people reached over 2100 in the mid of July.

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<sup>14</sup> The exact data was not provided as the inventory was not completed.

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The statistic of the Covid-19 to the date is 71,791 people were infected, where 24,032 people, 33,5% from the total are from Bishkek city. Total 1,262 people died from Covid-19, the highest peak of the death happened in July. The geographic regions most affected by the pandemic were Bishkek and Osh cities, some parts of Issyk-Kul oblast, Karasuu rayon in Osh oblast, and Chui oblast (graphic removed for brevity, Steven Nystrom).

On July 1, authorities acknowledged that hospital beds, like ventilators, were not enough - and decided to open day station hospitals to reduce the burden on hospitals. For the bed, equipment and medicines were collected from anyone who wanted to donate - Kyrgyz businessmen offered their hotels, funds for the purchase of ventilators were collected through crowdfunding. Health workers became ill due to intensive extracurricular work in poor conditions and a lack of personal protective equipment. They were sorely lacking at the beginning of the spread of the infection, with the result that many doctors went to sick leave. Volunteers, residents and students of the medical institute went to work free of charge at the hospitals and daily station hospitals.

Due to the joint ADB/UNDP report<sup>15</sup> the economic and social burdens of the COVID-19 crisis are being disproportionately borne by the poor and vulnerable communities of the Kyrgyz Republic. One social group which is adversely affected by this crisis are workers in the informal economy, particularly those in urban areas.

Private expenditures on nonfood items and services has reduced, as a 15% decline in the volume of retail trade was recorded during the first half of 2020. Sharp declines in domestic demand drove the 5.3% reduction in gross domestic product (GDP) reported for January–June. The Kyrgyz Republic is also dependent on remittances from labor migrants, and these remittances were down 25% year-on-year for January–May 2020. Continued downward trends, estimated at 20%–25% over the course of 2020 and beyond.

Considering the combined effects of these trends, estimation is that the Kyrgyz Republic's GDP will fall by 10% in 2020. The most-affected sectors of the economy are tourism, trade and consumer services, and construction—each of which can expect reduction in gross value added of 20% or more.

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

The Economic Policy Research Institute's survey in May–June has shown 52% of all poor households reported either some or significant deterioration of their financial situation. The proportion of those adversely affected was especially high among households with a female

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<sup>15</sup> “COVID-19 in the Kyrgyz Republic: Socioeconomic and Vulnerability Impact Assessment and Policy Response”. ADB/UNDP. August 2020.

breadwinner (65%), those living in Bishkek or Osh cities (65%), and those who are not recipients of social welfare benefits (58%).

During January–March, the number of reported domestic violence cases rose by 65% compared to the same period in 2019.

Also, according to information from NGOs<sup>16</sup> that worked with internal migrants during the pandemic in Bishkek and Osh, this category of citizens was particularly vulnerable because these people live on daily earnings only. During the quarantine period these people were unable to earn money, and because most of them do not have a registration in the place, the Municipal Territorial Units did not include them in the lists of recipients of social support.

The primary needs they faced are the following:

- Acute food shortage. The assistance provided by the state was not systematic and was chaotic. For example, the Leninsky Akimiat of the Children Protection Center (CPC) submitted the list of 40 families that needed food, only 3 families received food;
- Lack of access to special medications. For example, children with asthma and epilepsy were left without medication. Firstly, there is no money to buy them because their parents had no income at all; secondly, they could not leave the residential areas to buy medicines; thirdly, in informal settlements they cannot get prescriptions because of the illegal status and they are not assigned to the neighborhood clinic.
- Children in residential areas could not receive distance education because they do not have televisions or telephones to watch lessons. In addition, most internal migrant parents themselves are not sufficiently educated to help their children with homework.

According to Ms. Natalia Shipp from the CPC: "The main problem of internal migrants in including them in state/municipal mechanisms/ social support schemes is the lack of registration at their place of actual residence. While benefits for low-income families and other social benefits can still be formalized somehow in legal new buildings, it is not yet possible in illegal ones. And these families practically do not get into the process of distribution of humanitarian assistance because of the absence of a registration.

In the framework of 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 the municipal territorial departments, quarters' managers, communities' leaders noted that internal migrants were previously the most vulnerable citizens in terms of access to state and municipal services, and during the pandemic were face to face with difficulties due to lack of registration at the place of their actual residence.

In addition, many internal migrants, due to ignorance and the lack of a mechanism to register with health care organizations, had to go to private medical centers rather than state ones for assistance, where they have to pay high fee, while the obligatory medical insurance policy

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<sup>16</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, Avocacy Center for Human Rights.

allows them to receive basic medical services and take tests free of charge, if a citizen is insured on the territory of the Kyrgyz Republic, but for some reasons lives in another settlement.

As for the process of registration of land plots and individual residential buildings, the director of "Arysh" said that during the quarantine period these processes were completely suspended.

## 7 CONCLUSIONS AND RECOMMENDATIONS

Informal Settlements of Bishkek city are densely populated areas inhabited by internal migrants with low income. According to Bishkek City Hall information, there are 47 informal settlements were formed on the outskirts of the city, where about 223 thousand people live (about 30% of the Bishkek population). The formation of all these new settlements around Bishkek can be divided into three main waves:

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

This was provoked by the socio-economic instability in the country and the uncertain position of the state on this issue. The formation of informal settlements took place from 1989 to 2012, the process of "squatting" of land was not given a clear political assessment, which led to their rapid growth, forming a dense belt of residential areas around Bishkek. The process of formation of informal settlements continues, and according to some data their number is approaching 53.

Problem for many owners of individual residential buildings in the informal settlements of Bishkek is paragraph 32 of the Government Regulation "On the provision of land for individual housing construction in the city of Bishkek," which states that land and building legalization can be applied only for the cases which has been built before 16<sup>th</sup> June 1999. However, as it was already mentioned above the formation of residential areas on the outskirts of Bishkek took place not only in the early 90's, but after 2005. Therefore, there were no legal basis for registration of land plots and individual residential buildings, which appeared after June 16, 1999. The situation should change now with the adoption of the new amendments to the Law of the Kyrgyz Republic "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", signed on November 13, 2020, "On transfer (transformation) of land plots", Criminal Code of the Kyrgyz Republic)" allows within the two month period to introduce necessary changes in the government and local regulations related land transformation and land plots legalization.

There are many cases when residential buildings are built with deviations and violations from the project documentation agreed with the city architecture authority. As a result, housing construction is not accepted for operation by the relevant supervisory authorities. On this basis, the state registration service of the city does not conduct official registration of real estate in Bishkek. In most cases, structures in residential areas are built without construction documentation approved by Bishkekgglavarhitektura. Another important problem is related to the re-profiling, alteration of existing buildings and/or the addition of additional buildings with

a functional difference from residential use. Some owners of the residential buildings for the organization of labor and family small business, reoriented tenants, re-equipped and conducted additional construction on their land, different from the functional purpose of housing.

There are residential buildings in the informal settlements are located in areas that are unsafe for living, which remains a significant problem for citizens, as such residential buildings built on unauthorized land plots remain unregulated and these households are under constant risk of eviction.

Due to the lack of a Master Plan and Detailed Plan of the residential area, the most of the land has been allocated for residential construction and in some cases, there is not enough land for the construction of social infrastructure (kindergartens, schools, medical facilities). To date, issues of access to public educational, health care and cultural institutions remain common problems for citizens living in informal settlements. There are not sufficient number of the public social facilities, including schools, kindergartens, polyclinics and cultural objects. The infrastructure of the informal settlements needs the development of roads, sidewalks, lighting, electricity, gas, water and sewage, as well as landscaping.

Other problem of the citizens in informal settlements is the absence of the identification documents (passports, birth certificates) and these citizens remain invisible to the state administration system and have significant difficulties in accessing basic services of educational and health care organizations, which were sharply shown the case during the COVID-19 pandemic.

Internal migrants living in informal settlements proved to be the most vulnerable group of citizens, who during the pandemic were left without state support due to the lack of legal documents, consequently legal registration. The state of emergency and quarantine disproportionately affected the vulnerable population:

- No daily wage and faced the real threat of starvation
- Unable to get free medical care and the cost of life-saving medicines price
- Psychological and family burden increased; aggravated by the stress of uncertainty and the need to teach children online (lacking necessary skills and knowledge or the most basic technical tools used for online education)
- Close attention to fight against COVID-19, and patients with other acute diseases have been neglected

During the quarantine period, legalization of land plots and individual residential buildings in residential areas was completely suspended.

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

- 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",

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allows to change the terms till November 23, 2020, and legalize all available land plots in residential areas. 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, to remove the restriction of the formalization only for the land plots before 1999. In cases where buildings are built to organize labor activity and family small business, different from the functional purpose of housing 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 literally in early 2020.

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

- Identify residential houses in informal settlements that are located in unsafe areas and begin the procedure of forced relocation with the provision of other land plots or compensation to citizens;
- Identify citizens living without identity documents (passports, birth certificates) and assist them (the social security service of the Bishkek Mayor's Office together with the MTU) in obtaining the necessary documents. To ensure convenient physical access to public educational, health care and cultural institutions in residential areas, it is necessary to implement a set of measures starting from the development of the Master Plan, the Plan of Detailed Planning to the acquisition of the necessary land (in case of absence in municipal ownership) for the construction of social infrastructure facilities.

#### **ANNEX I LIST OF INTERVIEWS**

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

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