

**REPUBLIC OF KAZAKHSTAN
MINISTRY OF TRANSPORT AND COMMUNICATIONS
COMMITTEE FOR ROADS**



**SOUTH WEST ROADS PROJECT:
WESTERN EUROPE – WESTERN CHINA
INTERNATIONAL TRANSIT CORRIDOR
(CAREC1b & 6b)**

**RESSETTLEMENT ACTION PLAN
South Kazakhstan Region**

**FINANCED BY INTERNATIONAL BANK FOR RECONSTRUCTION
AND DEVELOPMENT AND REPUBLIC OF KAZAKHSTAN**

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ABBREVIATIONS

ADB	Asian Development Bank
AP	Affected Person/People
CR	Committee for Roads
EBRD	European Bank for Reconstruction and Development
GRP	Gross Regional Product
IsDB	Islamic Development Bank
IFI	International Financial Institutions
KZT	Kazakhstan Tenge
LARF	Land Acquisition and Resettlement Framework
LARS	Land Acquisition and Resettlement Survey
NGO	Non Governmental Organization
OP	Operational Procedure
PMC	Project Management Consultant
PIB	Public Information Book
RAP	Resettlement Action Plan
RK	Republic of Kazakhstan
ROW	Right of Way
SSICOL	State Scientific Industrial Center on Land
TOR	Terms of Reference
WB	World Bank
WE-WC	Western Europe Western China

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GLOSSARY

Affected Persons	People, households, or legal entities affected by project-related changes in use of land, water, natural resources, or income losses. Persons subjected to such changes are considered affected regardless of their legal status, or the legal status of the assets they may lose.
Compensation	Payment in cash or kind to which the affected people are entitled in order to replace the lost asset, resource or income.
Cut-off-date	Date after which people entering into the project area or initiating property improvements within the project area WILL NOT BE considered eligible for compensation or any other assistance, i.e., they are not included in the list of APs as defined by the census.
Entitlement	Entitlement means the range of measures comprising compensation in cash or kind, relocation cost, income rehabilitation assistance, transfer assistance, income substitution, and business restoration which are due to APs, depending on the type, degree and nature of their losses, to restore their social and economic base.
Household	Household means all persons living and eating together as a single-family unit and eating from the same kitchen whether or not related to each other. The census used this definition, and the data generated by the census forms the basis for identifying a household unit.
Income restoration	Income restoration means re-establishing income sources and livelihoods of APs.
Involuntary Resettlement	Any resettlement, which does not involve willingness of the persons being adversely affected, but are forced through an instrument of law.
Land acquisition	Land acquisition means the process whereby a person is compelled by a public agency to alienate all or part of the land she/he owns or possesses, to the ownership and possession of that agency, for public purposes in return for fair compensation.
Rehabilitation	Assistance provided to affected persons to supplement their income losses in order to improve, or at least achieve full restoration of their pre-project living standards and quality of life.
Socially vulnerable population	Population, who have income less than living wage, By the January 1 st 2011 as per the information of Statistic Department of South Kazakhstan region. The living wage in South-Kazakhstan region is 13 156 kzt.

1. Executive Summary

- 1.1 The President and Government of the Republic of Kazakhstan are giving top priority to the reconstruction of the transit route from the border with China at Khorgos to the border with Russia at Syrm. This is the country's principal link in the international transit corridor from China to Europe often characterized as the New Silk Road. The World Bank (WB), Asian Development Bank (ADB), Islamic Development Bank (IsDB), European Bank for Reconstruction and Development (EBRD) and other international financial institutions (collectively referred to as IFIs) have been invited to participate in this major task with the Ministry of Transport and Communications (MOTC) as the executing agency (EA) and the Committee of Roads (CR) as the Implementing agency. Two sections were recently completed, from Aktobe to Karabutak-Irgiz and Almaty to the Kyrgyz border [478 kilometers (km)]. The Government will fund a section from Karabutak to the border with

Kyrgyzstan through its own budget (215 km). WB, ADB, IsDB and EBRD are preparing to co-finance three major sections, as follows:

- ADB/IsDB (Zhambyl Oblast) from the border with Kyrgyzstan to the South Kazakhstan border (480 km)
 - WB – from Shymkent to the Kyzylorda-Aktobe Oblast border (1,062 km)
 - EBRD (Almaty Oblast) from the Chinese border to Almaty and Aktobe Oblast on the basis of concessions (301 km) and from Aktobe via Syrym to the Russian border (102 km).
- 1.2 In physical terms, reconstruction of almost 2,000 km of the highway will entail upgrading about 900 km of the existing two-lane highway within current rights of way, widening about 660 km from two to four lanes and constructing bypasses around densely populated areas. Reconstruction of much of the corridor will be rather simple and straightforward, but some sections will require more complex inputs from soil testing and new surveying to preparing detailed designs and environmental assessments; determining needs for land acquisition and relocation; consulting local officials and stakeholders to gain support; and planning and managing the logistics of getting labor, machinery and materials to many remote locations.
- 1.3 The reconstruction and widening of the road will greatly benefit this area. The increased mobility of people, goods and services will remove a major bottleneck to attaining rapid economic development. For rural communities on the roadside, it will improve access to markets, schools, hospitals, other public services and generate new employment opportunities.
- 1.4 Despite its essentially positive aspects, road improvement works will have some adverse socioeconomic impacts on people living along the highway.
- 1.5 The RAP of SKO covers only the project parts comes under South Kazakhstan Region and does not include Kyzylorda Bypass and Temirlanova Bypass parts of the World Bank project (Separate RAPs for Kyzylorda and Temirlanova Bypass are prepared). Following are the key sections come in South Kazakhstan Region:

Rayon / city	Location	comments
Turkestan Bay pass	2101 – 2111 km km Lot 2 (2057 – 2111 + 310) and Lot 3 (2111 + 310 – 2135)	Flyover at the adjoin section of the M 32 road with existing Turkestan bypass road at the km 2114 road sign and flyover at the contiguity section of the existing Ikan settlement bypass road with the Ibata settlement.
Ordabassy Rayon	2164-2200 Km, 2208 - 2251 Lot 4 (2135-2183) and Lot 5 (2183- 2216+100)	This section of road is very important for provision of local, inter-regional and especially inter-state automobile freight and passenger transportation, ensuring transport links of the RK and Russian Federation.
Baidibek Rayon	Km 2181 – km	The road section passes through Baidibek

	2208	Rayon
Arys Rayon	Km 2200 – km 2203 Lot 6 2231 – 2260 km	The road section passes through Arys district territory and affect on land plots of village Darmine.
Shymkent Bypass Ordabassy Rayon	Km 2231 of M – 32 to km 674 Of A – 2 (Lot 7) –	Long bypass with flyover and clover leaf junctions with existing roads.
Sairam Rayon	From Km 6.60 – km 674	Aksukent, Assil, Komesbulka, Kainarbulka, Kurlik, Taskensu, Beli void, Oshpeti, Tespe, Shirkin, and Jailau of Sairam District will be affected under construction of Shymkent Bypass.

- 1.6 The updated RAP of SKO also includes (Annexure C) the details of 81 land plots of 18 households (2 private firms) acquired and compensated in 2009. The updated RAP mainly focuses on future actions like land acquisition, compensation disbursement procedure, RAP specific information dissemination, consultation, participation procedures, disclosure requirements, institutional arrangements and grievance redress mechanism, internal as well external monitoring and evaluation systems and methodology etc. This RAP updates an earlier drafts prepared in 2009, taking into account recently completed detailed design, advance tracing, a Land Acquisition and Resettlement Survey (LARS) and Socioeconomic Survey conducted by “GeoDATAPlus” during March 2009.
- 1.7 Following table is a summary of affected land, structures and people. This table also includes 81 land plots of 18 households already acquired and compensated in 2009.

Table 1: Land to be acquired for the project

Resettlement impact	Land to be acquired (purchase)		Total Area (hectares)	Households affected by land acquisition	
	Updated	Already compensated in 2009		Updated	Already compensated in 2009
Residential land	30 ha	-	30 ha	109	-
Agricultural land	437 ha	5 ha	442 ha	422	3
Commercial land	25 ha	13 ha	38 ha	208	15
State land	1130 ha	-	1130 ha	-	-
Total	1622 ha	18 ha	1640 ha	739	18

Table 2: Type of structures and magnitude of impact

Type of structure	Partially affected		Fully affected		Total
	Updated	Already compensated in 2009	Updated	Already compensated in 2009	
Houses only	3	-	50	-	53

Commercial structures (Shops, commercial buildings and petrol stations)	5	-	70	10	85
Total	8	-	120	10	138

The above table includes 10 owners who have already been compensated in 2009. Table 13 shows 128 owners who have still not received the compensation. The total 138 includes 128 + 10 (Already compensated in 2009).

Table 3: Affected households and status of legal titles

Sr. no.	Rayon	No of households affected by the project		Type of Household			
				Legal title		Claim ownership but no title	
				Updated	Already compensated in 2009	Updated	Already compensated in 2009
1	Turkestan	308	1	308	1	-	-
2	Ordabassy	226	6	226	6	-	-
3	Baidibek	23	3	23	3	-	-
4	Arys	16	-	16	-	-	-
5	Sairam	139	6	139	6	-	-
6	Shymkent	26	2	26	2	-	-
7	Tolibi	1	-	1	-	-	-
	Total	739	18	739	18	-	-

- 1.8 The project requirement for land is estimated at 1640 ha. including State land of 1130 ha. and 18 ha. which has already been compensated in 2009. Total 757 households (including 18 in 2009) will be affected by land acquisition. Along with land total 138 structures (including 10 already compensated in 2009) will also be affected by the project out of which 130 will be fully affected and 8 partially. All the 757 affected households (including 18 from 2009) are with legal title.
- 1.9 This Resettlement Plan is based on the Land Acquisition and Resettlement Framework (LARF) prepared in 2009. The LARF reviews RK laws and regulations and their applicability to the project, and includes special arrangements necessary to bring project resettlement principles and practice into line with IFI policy requirements.
- 1.10 In adapting the LARF principles into a plan of action, the RAP takes into account recently completed detailed designs, advance tracing, and census lists of Affected People. It is based on Land Acquisition and Resettlement Survey (LARS), Socioeconomic Survey conducted

by “GeoDATAPlus” LLP during 2009, visits undertaken to the field, discussions with the affected people and other stakeholders, and meetings with relevant officials.

- 1.11 Prior to surveys, several consultation meetings were held to inform the affected people about the project, the entitlements package and other matters of concern to them. A brochure containing relevant information was also distributed to them. This information sharing and consultative approach greatly facilitated the task of gathering information from the Affected People, and helped the Affected People overcome their resettlement fears.
- 1.12 It is necessary to note that in South Kazakhstan region most of the agricultural lands are mainly privately owned, unlike other regions of the Republic of Kazakhstan. However most of land plots along the corridor are leased.
- 1.13 The total cost of the Resettlement Plan is estimated at 4 017 383 951 KZT, or USD 27 329 140 at the current exchange rate. The budget includes all costs related to land acquisition, relocation, rehabilitation, income restoration, administrative costs, resettlement implementation monitoring, and contingencies.
- 1.14 A urgent implementation schedule has been prepared. The estimated duration of project implementation is 30 months from the beginning of the summer 2010 to early 2014. Land acquisition, payment of all compensation, and other resettlement activities will be completed before the commencement of civil engineering works, except in sections where no land is to be acquired.
- 1.15 Finally, it needs to be noted that although some people will be affected by the project, their reaction to the project is generally positive. People are happy that the reconstruction and widening of the road has been planned in a manner that will minimize adverse socioeconomic impacts, saving them from much disruption. They see this project as potentially very beneficial to them.

2. The Project

2.1 Introduction.

This Resettlement Plan has been prepared in accordance with World Bank Policy on Involuntary Resettlement (OP 4.12, December 2001), Republic of Kazakhstan Resettlement Policy Framework on Involuntary Resettlement (2008) including Legal Framework and Practices, Kazakhstan Land code, and Land Acquisition and Resettlement Framework. This Plan updates an earlier draft prepared in 2009, taking into account recently completed detailed design, advance tracing, a Land Acquisition and Resettlement Survey (LARS) and Socioeconomic Survey conducted by “GeoDATAPlus” during March 2009.

- 2.2. The Resettlement Plan establishes the remedial measures essential for mitigation of adverse impacts of the ‘South-Kazakhstan Oblast’ section under Western Europe – Western China Project financed by WB, and how, when and by whom these measures must be implemented. The ‘South-Kazakhstan Oblast’ section is one of the several subprojects under the International Transit Corridor from China border to Russia border along the route Chorgos-Almaty-Kordai-Taraz-Shymkent-Kyzylorda-Aktobe.
- 2.3 During 2009, census of affected households was conducted in which 18 APs losing 81 land plots were identified. After consultation and agreement of compensation cost, all these 18 people (including 2 private firms) have been compensated during October 2009. The amount of total compensation disbursed in 2009 is 373 522 192 KZT out of which 252 980 628 KZT is for land and 120 541 564 KZT is for structures. A separate report of 18 APs and 81 plots compensated in 2009 is attached to this RAP as annexure C.

2.4 Area of Construction works/Zone of impact

- 2.5 The Population of South Kazakhstan Region is 2,426,300. The region is divided into 11 districts. There are four major cities of regional supervision (Shymkent, Turkestan, Arys, Kentau) in South-Kazakhstan Region. Zhetysai, Sary-Agash, Shardara, Lenger are the district centers. The number of municipal type villages is seven. Shymkent is a regional center with 576,500 in population.

Name of the District	District center
Baidibek	Shayan village
Kazygurt	Kazygurt
Maktaaral	Zhetysai
Ordabasy	Temirlanovka village
Otpap	Shoulder village
Sairam	Aksuent village
Saryagash	Saryagash town
Suzak district	Sholakkorgan village
Tolebi district	Lenger town
Tulkubas	Turar Ryskulov village
Shardara	Shardara town

- 2.6 The area of South-Kazakhstan region is 117,300 square km. (Ref. The Agency for Civil Service Affairs of RoK).

2.7 Project description

- 2.8 The Project has five components, the first two of which entail the most relevant social and environmental issues and impacts.

Component 1: Upgrade and reconstruction of road sections within Kyzylorda Oblast (excluding the bypass to Kyzylorda). This component will finance the upgrade and reconstruction of road sections in Kyzylorda Oblast totaling about 834 km with a design oriented towards increased road safety. These works are not covered in this RAP.

Component 2: Upgrade and reconstruction of road sections within South Kazakhstan Oblast, including bypasses at Kyzylorda and Shymkent cities. It is proposed that the entire alignment between Kyzylorda and Shymkent will be upgraded from 2 lanes to 4 lanes.

Component 3: Project Management Consultants (PMC). The consultant services will assist the Committee with the management of all activities associated with the projects as part of a joint effort by all IFIs and the Government to ensure efficient and transparent implementation of the WE – WC Corridor program. The PMC will also impart transfer of knowledge to MOTC staff as part of the capacity building effort.

Component 4: Institutional Development. The component comprises consulting services, technical studies, the provision of equipment, and training to strengthen the internal management and operations of the Committee, particularly to improve road sector planning, programming, budgeting, implementation of safeguards mitigations, and to improve the efficiency of road maintenance practices. Technical assistance will be provided for the preparation of a road safety improvement plan and an action plan for the development of road services along the Corridor.

Component 5: This will finance consulting services for supervision of civil works under Components 1 and 2, and will also include review of detailed engineering designs and supervision of the implementation of Environment Management Plans prepared.

2.9 Alignment Conditions

2.10 Highway sections of the South Kazakhstan Oblast

2.11 2057-2135 km Lot 2 (2057-2111+310) and Lot 3 (2111+310-2135)

The designs for the reconstruction of the 2057-2135 km section of Border of Russian Federation (Samara) – Shymkent Road are being developed by Shymkent Kazdorproject LLP. The road is designed as Technical Category I and lies mostly within the jurisdiction of Turkestan Rayon, following the existing route M-32. Turkestan is bypassed along an existing alignment to the north of the city center. Ikan village is to be bypassed from km 2123 to km 2135. There the projected road passes arable lands.

2.12 2135-2231 Km Lot 4 (2135-2183) and Lot 5 (2183-2216+100)

This road section is being designed by Geoproject Institute JSC. The road is designed as Technical Category I and follows the existing route M-32. Settlements along the road include Yenbekshi, Tortkol, Spatayevo, Zhienkum, Yekpendy and Temirlanovka villages.

2.13 From km 2231 of M-32 to km 674 of A-2 (Shymkent Bypass), Lot 7

The projected Shymkent Bypass is a part of M-32 Border of the Russian Federation – Samara – Shymkent Road and A-2 Khorgos – Almaty - Shymkent – border of the Republic of Uzbekistan Road. The section starts at km 2231, the length and the width of the road total 36.5 km and 70 m respectively, resulting in a land take for the road alone of 255.5 ha. Growing urbanization and considerations of city and international traffic relief necessitated reconstruction of the old road and construction of a new road to connect populated centers to one another and to industrial centers and population service centers.

- 2.14 One of the issues considered in construction of the Shymkent Bypass is preservation of historical and cultural monuments including structures and monuments connected with historical events, structures having scientific and art value (ancient structures, burial places, archaeological objects) and unique natural reserves and national parks.
- 2.15 Prospecting works identified ten archaeological monuments in the vicinity of the construction site of the future Shymkent Bypass. Among them are ancient settlement Khurlug, a three-hectare complex of medieval *ribads*, four burial grounds, two isolated burial mounds and two late settlements.
- 2.16 The surveyed section of Shymkent Bypass has shown that it is of a great archaeological value. The archaeological monuments located there were built along the Great Silk Way and are, at least, two thousand years old.
- 2.17 Security blocks and fences will be installed around all identified monuments at a distance of at least 50 m from their boundaries including emergency zones for an entire period of reconstruction. The legislation of the Republic of Kazakhstan prohibits all construction works within the security zones of historical and cultural monuments.
- 2.18 Temporary loss.** Reconstruction of the road will require temporary land use for the entire period of construction to accommodate concentrated off-the-way borrows soil, a construction camp, parking of road-building equipment and road-building materials warehousing sites.
- 2.19 If private lands are to be used temporarily, contractors will be required to negotiate with landowners for use on a voluntary basis. Contract terms require contractors to also ensure that, upon completion of construction works, lands will be returned to land users in their original condition. All affected irrigation systems will be restored.

2.20 Objectives of the Resettlement Plan

This Resettlement Action Plan (RAP) provides details on the likely impacts resulting from land acquisition for the project and the mitigation measures that will be put in place to address these adverse impacts. Except for the Temirlanovka road segment which remains undetermined, this updated RAP is based on detailed designs and takes account of all persons, parties, properties, businesses and formal or informal livelihoods affected by the project. It presents the actions the RK Government will take to ensure that all losses incurred due to the project are compensated according to Kazakh legislation and World Bank operational policies.

2.21 The main objectives of the RAP are to:

- Provide details on the policies governing land expropriation, the range of adverse impacts and entitlements.
- Present a strategy for achieving the objectives of the resettlement/ land acquisition policy.

- The RAP main objective is to identify/quantify affected people and specify the nature or amounts of compensation and assistance to provided.
- Provide a framework for implementation of the stated strategies to ensure timely acquisition of assets, payment of compensation and delivery of other benefits to project Affected People (APs).
- Provide details on the public information, consultation and participation, and grievance redress mechanisms in project planning, design and implementation.
- Provide identified sources and estimates of required resources for implementation of the RAP.
- Provide a framework for supervision, monitoring and evaluation of resettlement implementation.

2.22 Socioeconomic Profile of Affected population

- 2.23 To obtain information on the socio-economic profile and living conditions of the affected persons and further assess the impacts of land acquisition on them, census and socio economic survey was conducted in the month of November and December 2009. The information under socioeconomic survey was obtained from the people engaged in agricultural and commercial activities.
- 2.24 A team of South-Kazakhstan Oblast Roads Department specialists and ten local interviewers fluent in the Kazakh language conducted the socioeconomic survey Based on a list of potentially affected persons provided by South-Kazakhstan Oblast Roads Department; the interviewers in coordination with the heads of the rural settlements conducted the survey. In case of the unidentified addresses of APs, the heads of settlements provided the information. All the interviews were arranged in the house of potentially APs.
- 2.25 The interviews were conducted from 28 October until 17 December 2009 using structured questionnaires translated into Kazakh.
- 2.26 The proposed road goes through Baidibek, Ordabassy and Sairam Rayons, as well as through Shymkent and Turkestan towns.
- 2.27 On the whole, the survey covered a total of 232 households with an estimated combined membership of 1486 people. Most affected households (43.8%) have 5 to 6 members. For estimation purposes, an average of six persons per household is assumed.
- 2.28 More than 50% of surveyed APs reside in villages within Turkestan Town Administration, followed by Sairam and Shymkent towns. Very few are residing in Baidibek Rayon. Following table provides details of surveyed villages.

Table 4: Surveyed villages where affected households reside

Rayon	Village	Households surveyed	Percent
Baidibek	Zhienkum	1	0.43%

	Total:	1	0.43%
Ordabassy	Kainar	2	0.86
	Kokaral	2	0.86
	Токсансай	2	0.86
	Tortkol	2	0.86
	Uyalyzhar	1	0.43
	Shubar	15	6.46
	Total:	24	10.34
Sairam	Aksukent	2	0.86
	Assil	16	6.89
	Belyie Vody	2	0.86
	Kolkent	1	0.43
	Kainar Bulak	1	0.43%
	Komeshbulak	3	1.29%
	Kurlyk	7	3.01%
	Oshakty	4	1.72%
	Taskensu	4	1.72%
	Tespe	6	2.58%
	Shyrkin	3	1.29%
	Zhailau	1	0.43%
	Total:	50	21.55%
Shymkent	Shymkent	27	11.63%
	Kaipas-2	2	0.86%
	Arys	3	1.29%
	Bozaryk	2	0.86%
	Temirlan	1	0.43%
	Yntymak	8	3.44%
	Total:	43	18.53%
Turkestan	Bayan-Batyr	2	0.86%
	Birlik	6	2.58%
	Bypass road	5	2.15%
	Stary Ikan	74	31.89%
	Kyzylorda highway	1	0.43%
	Turkestan	6	2.58%
	Shornak	4	1.72%
	Yntymak	16	6.89%
	Total:	114	49.13%
	Grand Total:	232	100.0%

- 2.29 In terms of ethnic composition, majority of the affected households are Kazakhs (54.8%) and Uzbeks (43.7 %). None of these ethnic groups maintain cultural and social identifies separate from the mainstream Kazakhstan's society fitting the WB definition of Indigenous Peoples. They have full and equal access to institutions and economic opportunities as the rest of the population.
- 2.30 Heads of the affected households have a mean age of 49.5 years old. Most are between 30–59 years old (70.2%). In total 20 women are household heads and three of them are 70 and

older. In terms of marital status, 90% of household heads are married. Majority of the household heads (70.1%) have secondary education, and 21.4% have undertaken higher education.

- 2.31 According to sample survey of family households for 2008 (*analytical note of the Oblast Statistics Department No. 010-2-11/1 dated 25 September 2009*), the proportion of the poor relative to the value of the living-wage was 13.0% and relative to the value of the food basket 0.8%.
- 2.32 As compared to 2007, the poverty index relative to the value of the living-wage decreased by 1.3 percentage points and relative to the value of the food basket – by 0.2 percentage points.
- 2.33 Indicators of uneven distribution of population's income for the previous three years are given in the table below:

Indicator	In percent		
	2006	2007	2008
Share of population with the income below the living-wage	14.1	14.3	13.0
Share of population with the income below the value of the food basket	1.6	1.0	0.8
Income ratio of 10% most and least well-off population	4.8	4.7	4.4

- 2.34 A majority of surveyed APs depend on agriculture where land is the primary income source. The number of households engaged in trading and non-agricultural activities is relatively small (7).
- 2.35 Obtained information on incomes and expenditures is subjective in its nature and likely did not reflect an accurate picture (expenditures indicated in questionnaires exceed the incomes earned by the APs). Table 5 shows the number of interviewed people. Most of the interviewed people do not want to provide information of their income and expenditure and not interested in disclosing their financial status.
- 2.36 Following table shows reported monthly incomes and expenditures of the surveyed households covered by the survey.

Table 5: Monthly incomes and expenditures of the households covered by the survey

No.	Incomes per 1 person, in KZT	Number of households	
		income	expenditures
	5,388 and below	3	
1	10,000 and below	20	46
2	10,001 – 20,000	66	36
3	20,001 – 30,000	38	19
4	30,001 – 40,000	14	7
5	40,001 – 50,000	4	7
6	50,001 – 60,000	1	4

7	60,001 – 70,000	1	2
8	70,001 – 80,000	-	3
9	80,001 – 90,000	1	4
10	90,001 – 100,000	-	2
11	101,000 – 110,000	1	1
12	140,000 – 150,000	-	2
13	150,000 – 160,000	-	1
14	170,000 – 180,000	-	1
	Total:	147	135
	Mean =	21,441	27,054
	sd =	13,471	31,945

2.37 In addition to compensation for the losses incurred including the lost income from agricultural production and business, persons defined as vulnerable to hardship will receive Targeted Social Assistance according to the Land Acquisition and Resettlement Framework.

2.38 Analysis of obtained data on incomes and expenditures showed that 147 APs completed questionnaires on income and 135 - on expenditures. Other interviewed APs refused to provide information on their incomes and expenditures. According to them, they did not keep records on income and expenditures.

During the interview, 36 APs were classified as vulnerable. See Table below.

Table 6: Vulnerable affected persons identified in the sample household survey

Sr. no	Name	District	Sex
1.	Malbayev Shuhrat	Turkestan city	male
2.	Usmanov Aibek	Turkestan city	male
3.	Abdullayev Nurali	Turkestan city	male
4.	Yuldashev Amirali	Turkestan city	male
5.	Nisanbekova Akylzat	Turkestan city	female
6.	Sultanov Babir	Turkestan city	male
7.	Tabynbayev Yerik	Turkestan city	male
8.	Osantayev Kanat	Turkestan city	male
9.	Beisenova Asemkul	Turkestan city	female
10.	Sherubayev Kalamkas	Turkestan city	female
11.	Isakov Gibratulla	Turkestan city	male
12.	Kilybayev Abdashim	Turkestan city	male
13.	Bektimirov Sabit	Turkestan city	male
14.	Amotov Sunatulla	Turkestan city	male
15.	Ametov Muhamedali	Turkestan city	male

16.	Zhakypov Maulen	Baidibek district	male
17.	Dauletov Zhomart	Baidibek district	male
18.	Yernazarov Almaz	Ordabasy district	male
19.	Begindik Yahiya	Ordabasy district	male
20.	Kunbolatov Otaubek	Ordabasy district	male
21.	Ryshtay Kaysar	Ordabasy district	male
22.	Kenzhebay Zhumakhan	Ordabasy district	male
23.	Malikov Zhaymerden	Ordabasy district	male
24.	Sarypbekova Tamara	Ordabasy district	male
25.	Bektursynov Yesbolgan	Ordabasy district	male
26.	Kunbolatov Yerali	Ordabasy district	male
27.	Zhunysbay Baydulla	Ordabasy district	male
28.	Abdiyeva Kaldan	Ordabasy district	female
29.	Akhanova Kilimkul	Ordabasy district	female
30.	Koshkarkyzy Naushan	Ordabasy district	female
31.	Kopenov Askhat	Ordabasy district	male
32.	Kulymbet Sagyndyk	Ordabasy district	male
33.	Otegen Isatay	Ordabasy district	male
34.	Shoke Altay	Ordabasy district	male
35.	Tursynbai Aman	Ordabasy district	male
36.	Zhumabekov Marat	Ordabasy district	male

- 2.39 There is a special program on payment of lump-sum allowance to socially vulnerable people of the community in the Republic of Kazakhstan. This special program is implemented according to the guidelines provided into the ‘State Targeted Public Assistant Act, No. 246-II of July 17, 2001. All the district Akimats has registration of vulnerable people with specifications. According to the provisions of the Act, the vulnerable people receive fixed lump-sum public assistant every month. Socially vulnerable population is the population, who have income less them minimum living wage. At the date of January 1, 2011 the minimum income wage is 13 156 kzt for South-Kazakhstan region as per the information of Statistics Department of South-Kazakhstan region. The vulnerable people are classified as socially and economically vulnerable people based on degree of vulnerability. In South-Kazakhstan region 36 owners are socially vulnerable people, who property is subjected to acquisition, including 15 persons from Turkestan city, 2 persons from Baidibek region, and 19 persons from Ordabasy. All 36 vulnerable affected people have income less than the minimum subsistence level of 13 156 KZT. Along with benefit of the ‘State Targeted Public Assistance’, the vulnerable APs who are physically capable for

work will be considered for employment in their relevant region on priority. Along with it, as per the document on resettlement and operational policy of World Bank each social vulnerable person will be paid one-time compensation (minimum living wage X 12 months = 13 156 X 12 =157872 KZT. The amount paid to each household will not be disclosed. Also there is understanding about this procedure between the World Bank and the Republic of Kazakhstan. More over, the healthy members of such families will be given a priority for employment during Reconstruction of International Transit Corridor “Western Europe – Western China” Project implementation and the Committee for Roads MToC will assists these people with employment.

- 2.40 The Act also provides other benefits to these people like exemption from taxes (for lands, for transport, etc).
- 2.41 All the 36 vulnerable APs of the project have been included into the list of respective district Akimats and will be socially and economically supported.
- 2.42 In case other vulnerable people are identified during the implementation of the RAP they will be entitled to the same compensation as the 36 vulnerable people who have already been identified.

3. POLICY, LEGAL AND ADMINISTRATIVE FRAMEWORK

- 3.1 In Kazakhstan, although most land is owned by the State, it can be privately owned, transferred, sold or rented to individuals. State land also is commonly leased for private purposes, generally for 49 years. Once land is in private hands, the State can reclaim it only for specific uses, including road construction, and only after compensating the owner for the asset and other losses.
- 3.2 Kazakhstan's laws and regulations regarding land and land ownership derive from the Constitution, which states that land (surface and underground) is in principle owned by the State, but can also be privately owned (Article 6.3). Article 26.3 also states that *No one may be deprived of property unless stipulated by a court decision. Forcible alienation of property for public use in extraordinary cases stipulated by law may be exercised on condition of its equivalent compensation.*
- 3.3 The Land Code of the Republic of Kazakhstan (CODE No. 442 of 20 June 2003) covers the *reservation* of land for State Needs, stating that *A land plot may be reserved for state needs by way of purchase or by granting an equivalent land plot with the consent of the owner or land user* (Article 84.1). Road construction is one of several grounds for purchasing private land or terminating long-term leases (Article 84.2.4). In the case of land under lease, the land user is compensated for the full amount of losses and may be granted an alternative plot (Article 84.4). The availability of suitable land to swap varies from one location to another, however.
- 3.4 Landowners and users must be notified of the decision to purchase a year in advance, unless the owner or user agrees to release the land more quickly (Article 85.2). If part of a land plot is reserved and the remainder of the plot can not be used as before (creating orphaned parcels), then the whole plot should be purchased (Article 86 Para 2).
- 3.5 The price of a land plot purchased for state needs is *determined by agreement with the owner or land user* (Article 87.1). The payment price includes *the market value of a land plot or rights to it and of real estate situated on it, as well as all losses caused to the owner or land user due to loss of a land plot, including losses that they incur in connection with the premature termination of obligations to third parties* (Article 87.2). If the owner or land user agrees, another plot of equal value can be substituted instead of cash compensation (Article 87.3).
- 3.6 If an owner disagrees with the decision to purchase (reserve) or disagrees with the price offer or other conditions of the purchase, the authority that issued the decision to purchase can file a lawsuit to ask the court to purchase the plot (Article 88 Para 1) after the year of notification has passed (Article 88 Para 2). In disputed cases, the land cannot be accessed until the court adjudicates a settlement that specifies levels of compensation and losses (Article 166.7). Compensation must be paid to the owner or user before the reservation is processed by the rayon level office of the Land Resources Management Committee and registered at the Registration Service Committee, which is required before civil works can begin on the land involved.
- 3.7 When residences are affected, the Law on Housing Relations also applies. If a house is demolished for State Need, the owners can choose either to receive a new residence or receive compensation at the market value of the house. An owner who chooses the replacement option can select a home from a list of available homes. If the value of the selected house is higher than the market value of the building to be demolished, the exchange is completed; if the cost of the selected building is lower than the market value of the one to be demolished, the owner is compensated in cash for the difference. Disagreements over the evaluation are settled in court.

- 3.8 Although the legal framework for reserving land and compensating owners is clear, procedures are not fully defined. The process was once regulated by Government Resolution No 403, On the Approval of Provisions for Procedures to Withdraw and to Buy Out Land Areas for State Needs (8 April, 1996). The resolution expired in February 2005, however, and has not been replaced. The calculation of “market value,” in particular, is subject to interpretation in the absence of standardized procedures, and officials are thought to set values below actual transaction values. Final design teams frequently commission professional assessors to prepare land acquisition estimates, but there is some questions regarding the extent to which their estimates are based on site-specific information. During meetings with respective APs and assessors, the National Resettlement Specialist conform and convinced that estimates are fully in line with the criteria’s of replacement cost.
- 3.9 Efforts taken by Social Safeguard Unit of PMC
- 3.10 The National Resettlement Specialist assisted local government and GosNPCzem in:
- a. Assessing the impact, guiding rayon and town Akimat of South Kazakhstan Oblast;
 - b. Individual meeting with affected people to conform that estimates are fully in line with the replacement cost criteria;
 - c. Conducting public consultation meetings;
 - d. Conducting capacity building trainings at Oblast and Rayon level;
 - e. Participated in public hearing in Kazhimukan village of Ordabassy rayon of SKO regarding the project Temirlanovka by-pass on 29th of June 2010.
 - f. Conducted workshops with population of relevant rayons and towns of SKO regarding the issues that appear during the process of land plots and real estate acquisition for reconstruction of the road “Western Europe-Western China”, including Turkestan;
 - g. Advise to APs regarding resolution of their issues and problems;
 - h. The International Resettlement Specialist has been involved in designing structure of RAP of SKO, Drafting RAP of SKO and Rayon specific RAPs, Kyzyl-Orda Bypass RAP etc.
 - i. Field assessment and accordingly advise to local CR, especially regarding collection of relevant data and information.
 - j. The National Resettlement specialist can be contact through his mobile phone or in the Regional Department of Roads, SKO office.
- 3.11 Land Acquisition Practices**
- 3.12 The feasibility study for an investment includes a proposed alignment and estimates of the amount of land to be acquired permanently; the amount of land needed temporarily for staging, construction sites and borrow pits; and the number of buildings that would be demolished; and estimated cost of acquisition, rental and restoration of affected lands. The document is sent to the Oblast and rayon levels for review and comments. It is then sent to Astana, for a national road. Meanwhile, the rayon administration issues a decree identifying the area affected by changes in the alignment and designating the land as subject to reservation (expropriation). At this point, the Oblast roads committee requests the local Land Resources Management Committee to freeze land transactions in the area identified for land acquisition for bypasses, for example, to prevent speculation. At the same time, owners are notified that their land may be acquired. This notification was carried out along the corridor in late 2007, over a year before the final design was completed, thus preparing for quick action once the final design is completed and accepted.
- 3.13 The final design is prepared in an interactive manner, involving intensive field work and ongoing consultations with local officials, particularly on the rayon level. The design process generally starts with a meeting of all relevant officials in the Oblast—agriculture, land resources, registration, utilities, public works, and others—to inform them of the tentative alignment and requesting information that should be taken into account in the final design. The final design includes detailed maps of individual landholdings to be affected,

- complete ownership data from the cadastre, and estimated compensation for acquisition and losses. Design companies subcontract specialized services for the preparation of the final design including, for the first time in 2008, the services of licensed property assessors.
- 3.14 Once the alignment is agreed with local officials, the design team obtains cadastral maps and ownership records and asks the Akimat of the rayon to call affected owners together to discuss the land acquisition process. The data are then given to the licensed assessors who are responsible for determining the “market value” of the property to be acquired and negotiating compensation with owners. Although there is established precedent for assessing urban property values, rural property assessment is rather new, and transactions are not common in many areas. To determine rural property values, the assessor takes into consideration soil quality, productivity, trees, and other production characteristics, in addition to recent land transactions, if there are examples available. The assessors are expected to negotiate with owners and sign agreements, if possible, which are used for purposes of estimating project costs, but are not binding. Once the Akimat approve the final alignment, the CR can proceed with acquisition or expropriation. If the owners and CR cannot agree terms, the CR can initiate a court appeal after the one-year notification period ends. If the CR or owner appeals to the court, the court renders a decision that includes the amount of compensation to be given to the owner. Judgments are said to be impartial, favoring either the government or the owner, depending on the case. Land cannot be accessed until compensation is completed and the title is transferred.
- 3.15 The previous practice was for the rayon Akimat to establish a valuation commission that included officials and landowners, without specialized inputs. The use of licensed assessors was expected to reduce claims and result in a smoother acquisition process, but the final results will be seen once the acquisition process begins.
- 3.16 The final design identifies possible locations for work camps, storage and staging facilities, borrows pits and other sites for temporary use during construction. Contractors can use the information to estimate costs and logistics, but are not required to use the recommended sites. Civil works contracts will require the contractors to be responsible for the temporary land use and reinstatement of all land required outside of the right of way for construction camps, offices, borrow pits, materials storage sites, materials processing sites and haul roads. The contractors will select the land parcels they require and they will be responsible for negotiating agreements with land owners to use the land and extract materials. If a contractor fails to obtain an agreement with a landowner, the contractor must select an alternative site and negotiate a new agreement. No land can be occupied involuntarily for temporary construction purposes. Contractors are assumed to prefer to rent State land, rather than private property, but the choice is theirs. In either case, the arrangements must be subject to a written agreement between the contractor and the owner and lands are required to be returned to their original state after work is concluded.
- 3.17 Involuntary Land Acquisition/Resettlement Principles**
- 3.18 The Government has agreed to apply the following principles in the acquisition of private land and resettlement of households for investments on the Corridor, which reflect the principles incorporated into the LARF, consistent with resettlement policies of the World Bank and other IFIs. The principles apply in case of temporary or permanent impacts on households resulting from loss of land, structures or other fixed assets; changes in land use or business; restrictions on the use of land, housing or businesses. The principles apply to *all* “affected persons”, *including those without formal licenses or titles*, who experience impacts as the result of land acquisition or resettlement for State Needs.
- a. Avoid or minimize land acquisition and resettlement

- b. Affected People are entitled to be compensated at full replacement cost for their lost assets, incomes and businesses, including temporary losses or impacts, without adjustments for depreciation or deductions for any other purpose.
- c. Compensation (and other forms of assistance, as warranted) should enable Affected People to improve, or at least restore, their pre-project incomes and standard of living.
- d. Affected People must be consulted in resettlement planning
- e. Affected People must be fully informed of their compensation options
- f. Land-for-land swap is the preferred compensation for lost agricultural land if it is available, unless an affected person chooses cash compensation
- g. Costs of transfer of property—purchase or swap—are waived or borne by the investor, including taxes, fees, documentation and court appeals
- h. Compensation will be made giving equal consideration to women and men
- i. Lack of formal title or use agreement does not bar affected persons from entitlements or assistance required to achieve the objectives of the policy
- j. Relocated affected persons receive relocation and transition subsistence allowances
- k. Special attention should be given to households headed by women and other vulnerable persons and appropriate assistance provided to assure that their living standards are maintained or improved
- l. Land acquisition and resettlement are executed as part of the Project and fully funded
- m. Compensation will be fully provided before land can be entered for civil works or demolition.

3.19 Principles of Resettlement Planning and Implementation

The majority of permanent Project impacts will cluster around bypasses and large intersections, where most land acquisition will occur. Demolition of structures is also expected to occur most commonly in bypass areas, particularly at the start and end of a bypass, or where existing simple road crossings are replaced by clover leaf type intersections. Other demolition may be needed where alignments are revised (e.g. curve radii) to reduce traffic hazards and improve visibility. In addition, some demolition of walls and other structures will be needed to reclaim existing rights of way.

3.20 Once final designs are completed and accepted by the Rayon and Oblast, they are passed to CR for final review and approval.

This RAP has been subsequently prepared, based on the following steps:

- An inventory of land use and users and their properties such as owned or leased land, enterprises, structures, or agricultural activities
- Local consultations to engage affected persons in the design of the Plan
- Publication of the plan for comment
- Submission of the final plan and cost estimates to the World Bank for concurrence before funding is authorized.

3.21 These steps also provide the basis for future tracking impact on Affected People as well as the effectiveness of RAP implementation and determine whether additional mitigation measures should be developed. A socioeconomic assessment to supplement current

information will be executed early in project implementation to establish a baseline for monitoring and evaluation.

- 3.22 Sections 5 and 6 of updated RAP describe the procedure that has been followed to identify all potentially affected APs and to inventory land or other assets they may lose because of the project. These sections also describe measures taken to ensure that The APs have been (and will continue to be) informed about the project and its potential impacts, and consulted on how to minimize or otherwise mitigate any negative impacts or losses, and to estimate the costs associated with land acquisition. In accordance with Kazakhstan regulations and the LARF, and in the process described above, cost estimates have been refined based on final designs through negotiations with the affected persons. Also early in project implementation social and economic assessments of affected households and bypass areas will be carried out to provide a baseline for monitoring impacts of the project in order to determine whether any additional mitigation measures are needed to achieve the fundamental principle of ensuring that livelihoods are not negatively affected by the project.

3.23 Additional Measures

- 3.24 Land and Housing Codes in Kazakhstan regarding the acquisition of land and assets for State needs are mostly concordant with the World Bank's OP 4.12 in most topics. In the absence of standard regulations and procedures, implementation may vary in practice, however. The steps described below ensure more consistent implementation and compliance with Bank policies and international good practice during implementation. Under terms of the RAP Entitlements Matrix, all entities required to relocate by the project will receive a transitional allowance sufficient to cover transport expenses and livelihood expenses for one month due to relocation. For households required to relocate, prior to displacement a lump sum allowance will be paid in the amount of 35,000 KZT and for shops or enterprises required to relocate, prior to displacement a lump sum allowance calculated as 2,500 KZT per square meter of operating space will be paid.

- 3.25 **Encroachment and Informal Land Use:** The Land Code does not entitle encroachers to compensation for the loss of access to the lands they use informally, but it does not explicitly say they cannot be compensated. There is small encroachment on the existing Corridor, with possible exclusion of several kiosks, restaurants and technical service station, illegally built in the area of right of way and especially around crossings and some spreading of farm yard to the right of way. Detailed projects identified structures that should be demolished or relocated. All owners were informed about such possibility at the end of 2007 and provide the opportunity to discuss the procedures and rights with akimats.

- 3.26 The *type of informal land use which does not involve visible structures* was also investigated. This type of use would for example involve informal agriculture (gardens, small fields) encroaching on the ROW or animal or poultry husbandry or setting up seasonal roadside produce stands. During field surveys along the proposed alignment no such informal use was observed. Land close to the road is not used for informal agriculture and is not essential for animal husbandry. Widening or reclamation of the ROW will thus not affect these types of informal livelihoods. Where new bypasses will be built the land area to be taken is insignificant in comparison to the vast existing reserves of rangeland and grazing lands. Thus the crucial element in terms of grazing impacts will not be to replace lost land, but to ensure unhindered and safe movement of animals across the alignment. In the final design by means of animal underpasses, following locations are identified for animal underpasses in consultation with local APs and designed in a way to be freely passable in all seasons. All the 24 underpasses are designed jointly by the design institutions and South-Kazakhstan Department CoR, MoTC, RK and have been agreed and

approved by local village akimats and local people. The location fixed for these underpasses are based on places of permanent animal pass. The underpasses have been designed as metal culvert with width of 4m and height 2.5m. Along with it, during construction the temporary underpasses will be constructed in the places where the future underpasses will be constructed and cattle will pass on the same underpasses.

Table 7: Underpasses in South Kazakhstan Region

Lot No	km	Units
2	Km 2057 – km 2111	2
3	Km 2111 – km 2135	1
4	Km 2135 – km 2183	8
5	km 2183 – km 2217	3
6	Km 2231 – km 2260	4
7	Km 2231 – km 674	6
Total		24

- 3.27 According to Kazakh legislation the CR may expect the owners of temporary structures to move outside the right of way at their own expense. When the encroachment consists of cropping on informally occupied land, the users will be allowed to harvest standing crops and offered the opportunity to rent alternative land.
- 3.28 However, in the context of this Project and regarding the issue of *land use without title* the Borrower has clearly committed to adhering to WB safeguards policies during Project implementation, including the World Bank's procedures for compensating land users without formal title equally to those with formal titles. Moreover, the Committee for Roads reconfirmed in a meeting with World Bank safeguards specialists in March 2009 that a methodology for compensating informal land users has been designed and will be applied during Project implementation: Land users encroaching within the ROW as well as land users without title on bypass alignments will be assisted by the Committee for Roads to obtain a formal title before physical Project implementation starts. This entitles them to compensation according to standard Kazakh legal framework. Upon request by the Committee the Bank's position was reaffirmed in a letter to the Ministry of Transport & Communication dated 10 March 2009.
- 3.29 Currently the expected losses of most of the affected land owners as well as owners / users without formal title have already been evaluated and are included in the overall resettlement budget. In many cases (involving owners with formal titles) agreements have been reached with the authorities on compensation arrangements, although the CR will take steps to ensure that the arrangements are uniform throughout the corridor. The assets of land users without title have been evaluated by exactly the same criteria as those with titles. All the land users without title have been registered and received legal registration in the month of Dec 2010.
- 3.30 Land Swaps vs. Cash Compensation:** The Land Code offers owners the option to swap land or buildings in lieu of compensation. In some areas, alternative lands may not be readily available. Nonetheless, all affected persons will be informed of the option and all local administrations have been requested to assess the availability and location of substitute lands. Where land is available for swap, officials involved in the land acquisition process are instructed to offer affected persons the option to swap land and buildings for compensation instead of cash, if they choose. However, there are no equal alternative lands plot available in project area, cash compensation will be offered to those APs from respective project area.

4. Land Acquisition and Resettlement documents

- 4.1 The Land Acquisition and Resettlement Framework (LARF) under the Project signed by RK Government and IFIs specifies eligibility of compensations and assistance for rehabilitation and gives detailed information on the entitlements related to each type of impacts as well as describes the procedures of valuation, grievance redress, consultations, information disclosure and monitoring/evaluation. This document combines the legal framework and land acquisition practice existing in Kazakhstan and best international practice implemented in the policies of International Financial Institutions (IFI) including WB.
- 4.2 The table below describes the losses, valuations and compensation measures to be implemented.

Entitlement and Compensation Matrix

Asset	Specifications	Affected People	Compensation Entitlements
Permanent Loss			
Arable Land, Private Ownership	All Land Losses irrespective of severity of impact	Owner	<ul style="list-style-type: none"> • Land for land compensation with plots of equal value and productivity to the plots lost; or • Cash compensation for affected land at replacement cost (market value) with no deductions for taxes, transaction, registration or transfer costs • If the residual portion of a plots is too small to use, the whole plot is purchased and compensated or exchanged
		Long Term Leaseholder	<ul style="list-style-type: none"> • Cash compensation, market value of gross yield (3-year average), renewed lease in alternative plot
		Short Term Leaseholder	<ul style="list-style-type: none"> • Cash compensation, market value of gross yield (3-year average)
		Sharecropper	<ul style="list-style-type: none"> • Cash compensation, market value of share of lost harvest • Provision of livelihood restoration assistance, either through alternative land for sharecropping or other employment type
		Agricultural worker	<ul style="list-style-type: none"> • Cash compensation equal to salary in cash and kind for rest of agricultural year
		Encroachers and informal users of ROW and	<ul style="list-style-type: none"> • Cash compensation equal to market value of lost harvest • Provision of livelihood restoration assistance, either through

		acquired land	alternative land for sharecropping or other employment type
	Severe impact – more than 10% of productive agricultural land acquired	Owner, Leaseholder	<ul style="list-style-type: none"> • Cash compensation equal to market value of two crop years • Land for land compensation with plots of equal value and productivity to the plots lost; or • In case no equal alternative land plots available, cash compensation for affected land at replacement cost (market value) with no deductions for taxes, transaction, registration or transfer costs • If the residual portion of a plots is too small to use, the whole plot is purchased and compensated or exchanged
		Sharecropper	<ul style="list-style-type: none"> • Cash compensation equal to twice market value of share of lost harvest • Provision of livelihood restoration assistance, either through alternative land for sharecropping or other employment type
Arable Land, State Ownership	All losses, irrespective of severity of impact	Long Term Leaseholder	<ul style="list-style-type: none"> • Cash compensation, market value of gross yield (3-year average); compensation for trees or other fixed assets; renewed lease in alternative plot
		Short Term Leaseholder	<ul style="list-style-type: none"> • Cash compensation, market value of gross yield (3-year average); compensation for trees or other fixed assets, renewed lease in alternative plot
		Encroachers/squatters	<ul style="list-style-type: none"> • Cash compensation equal to market value of lost harvest; access to land for lease, if available • Provision of livelihood restoration assistance, either through alternative land for sharecropping or other employment type
Residential and commercial Land		Owner	<ul style="list-style-type: none"> • Land for land compensation, plot comparable in value to lost plot, or • Cash compensation for affected land at full replacement cost free of taxes, registration and transfer costs

		Renter, Leaseholder	<ul style="list-style-type: none"> • 1-3 months allowance
		Squatter	<ul style="list-style-type: none"> • Free or leased plot on State land
Houses, Buildings and Structures		Owners of permanent structures	<ul style="list-style-type: none"> • House for house swap; if replacement is lower value, cash compensation for the difference, or • Cash compensation at replacement rates for affected structure and other fixed assets, based on material cost, construction and labor costs free of salvageable materials, depreciation and transaction costs. Cost of lost water and utility connections included in compensation
		Owners of temporary, structures (kiosks, stalls)	<ul style="list-style-type: none"> • Approved and suitable site to re-locate
Trees	Trees affected	All affected persons, including squatters	<ul style="list-style-type: none"> • Cash compensation reflecting income replacement. Economic trees value based on age category and valued at gross market value of one year income times the number of years to grow a tree to similar productivity, plus purchase price of seedlings and starting materials
Business employment	Temporary or permanent loss of business or employment	All affected persons, including squatters	<ul style="list-style-type: none"> • Owner: if permanent, cash compensation equal to one year income; if temporary, cash compensation for the period of loss. Compensation based on tax declaration or official minimum salary, whichever is greater.
		Business owner	<ul style="list-style-type: none"> • Allowance for lost profit during interruption, up to 3 months
Relocation	Transport and transitional livelihood costs	All affected persons affected by relocation	<ul style="list-style-type: none"> • Allowance sufficient to cover transport expenses and livelihood expenses for one month due to relocation, additional assistance of one time benefit at the rate of 35 000 KZT for house and for commercial enterprise 2 500 KZT per square meter will be provided.
House renters		Renters with leases	<ul style="list-style-type: none"> • Three months rent at prevailing market rate and assistance in

			finding alternative accommodation
Community Assets			<ul style="list-style-type: none"> • Rehabilitation or replacement of affected structures to pre-project function
Vulnerability		Affected persons (vulnerable) who require special support to avail themselves of project benefits	<ul style="list-style-type: none"> • The categories of vulnerable APs are given in table • All the vulnerable people will be covered under ‘State Targeted Public Assistance Act July 17, 2001 of RK. • Skill development and awareness building in rural communities and vulnerable groups • In case vulnerable people will be identified during implementation of RAP, the additional vulnerable APs will be eligible for all forms assistance provided to them in RAP. • One time monetary compensation (minimum living wage X 12 months) as per the agreement between CR,RK and World Bank in respect to the Policy of World Bank.
Temporary Loss			
Land used for construction activities	Subject to negotiation between owner and contractor	Owner (private or public)	<ul style="list-style-type: none"> • Contractor pays cash compensation at local commercial rental rates for duration of use • Land restored to original status at end of rental • Environmental safeguard requirements apply
Land for borrow pits	Subject to negotiation between owner and contractor	Owner (private or public)	<ul style="list-style-type: none"> • Contractor pays cash compensation for rental and materials at market rates • Land restored to original status at end of rental • Environmental safeguard requirements apply

4.3 Within the technical assistance aimed at assuring compliance with the requirements to lands (structures) acquisition and cash compensation payment to APs, GeoDataPlus LLP specialists provided South-Kazakhstan Oblast Roads Department with clarifications of the following principle of law that shall be taken into consideration:

- a. Compensation is required for crops in the ground that cannot be harvested before the land involved is taken. If crops are harvested prior to loss of land, no compensation for crops is required.

- b. There is a special program on payment of lump-sum allowance to socially vulnerable people of the community in the Republic of Kazakhstan. This special program is implemented according to the guidelines provided into the ‘State Targeted Public Assistant Act, No. 246-II of July 17, 2001. All the district Akimats have registration of vulnerable people with specifications. According to the provisions of the Act, the vulnerable people receive fixed lump-sum public assistant every month.
- c. Along with this, a lump sum allowance will be paid prior to displacement to each eligible vulnerable household, calculated as 12 times the monthly subsistence minimum determined by the Kazakhstan Statistic Agency for the South Kazakhstan Oblast.
- d. State reserved lands and state land under village administration will be requisitioned for public use without compensation. Therefore, losses valuation for such land plots shall not be taken into account. Informal users of such land are eligible for forms of assistance provided in the Entitlements Matrix.
- e. Costs of works on restoration of partially or completely damaged irrigation and drainage systems shall be included in the cost estimate of the Road Construction and Upgrading Project. These works will be performed by the contractor within the project implementation. With this regard, the losses equal to the costs of these works including design and survey works shall not be considered in the calculations of cash compensations to be paid to owners and land users.
- f. Losses (costs) resulting from temporary inconveniencies in the land use (damaged transport schemes, stripping of territories by the road bed and other) will be settled through arrangement by the contractor of underpasses for cattle, water conduits, junctions, temporary bypasses etc. within the project cost estimate.
- g. For commercial and residential lands, the appraisal process shall consider whether the parcel of land remaining in a plot following partial expropriation is still suitable for its intended use. If not the entire parcel will be acquired at full market value. For partially acquired agricultural land, the land owner will determine whether the remaining parcel is still suitable. If not, the entire plot will be acquired at full market value, or an alternative plot of equivalent productive value to the plots lost can be provided.
- h. For private lands cash compensation will be paid based on existing local market values, or another land plot of equivalent value and productivity to the plots lost will be provided. Market values of privately owned land plots depend on the land type and location
- i. **Land Acquisition and Resettlement Framework**, after signing of respective financing agreements by the Government of the Republic of Kazakhstan and IFI, is an integral part of these agreements ratified by the Law of the Republic of Kazakhstan. Land Acquisition and Resettlement Framework express commitments of RK and have a status of an international agreement¹.

¹ If an **international agreement** ratified by the Republic of Kazakhstan states the provisions other than those specified in RK Land Code, then the provisions in the mentioned agreement apply. International agreements ratified by the Republic of Kazakhstan apply to the land relations directly. (RK Land Code, Article 7)

- j. Relocation of fully affected houses and shops/commercial objects is the responsibility of the project under terms of the RAP entitlements matrix. All entities (household and commercial enterprises) required to relocate by the project will be paid a transitional allowance “sufficient to cover transport expenses and livelihood expenses for one month due to relocation. For households required to relocate, prior to displacement a lump sum allowance of 35,000 KZT, sufficient to hire moving assistance and meet household expenses associated with relocation. For shops or enterprises required to relocate, prior to displacement a lump sum allowance calculated as 2,500 KZT per square meter of operating space will be paid, sufficient to hire moving assistance and to meet incidental expenses associated with relocation. The transitional allowances received by all the identified commercial enterprisers are based on total affected area required relocation x 2, 500 KZT. The detail measurements and compensation for relocation are given in Rayon specific tables of annexure B.

4.4 Cut – off Date

- 4.5** The cut-off date for eligibility for entitlement is March 31, 2009, the last day of the Land Acquisition and Resettlement Survey (LARS). Persons who encroach on the area *after* the cut-off-date are *not* entitled to compensation or any other form of resettlement assistance. People were informed about the Cut – off Date. The same information about Cut – off Date will be communicated in the leaflets to be issued following the disclosure of the RAP.

5. Land Acquisition and Resettlement Impacts

5.1 Identification of Affected People and Assets

5.2 Methodology

- 5.3 The approach for the identification of affected structures and land parcels relies on two main sources: (1) existing cadastre and land use data maintained by the Land Resource Agency and (2) the construction survey conducted by all designers for each individual lot at a scale of 1:2,000, in which all structures within a ribbon of ca. 120 m width following the Project alignment are detected and geo-referenced. This includes all structures within the existing ROW where works will take place¹. (3) Roadside surveys along the entire alignment were conducted by the Consultant to identify and describe any form of informal use of the ROW or areas affected by bypass construction or other land take, which would not result in visible structures and thus go undetected by above described items (1) and (2). This type of use would, for example, involve informal agriculture (gardens, small fields, seasonal stand) encroaching on the ROW or animal or poultry husbandry. Most of the land acquisition has been occurred in the location of the by-passes, interchanges as well as in location of improvement of the existing route alignment to reduce the traffic hazard and improve the visibility.
- 5.4 Information on any registered plot and its location with topographical coordinates are kept in the Centers of Registration under the Ministry of Justice. This information is also being collected by the “State Scientific Production Centre on Land” (GosNPTsZem) under the Land Resource Agency. Designers contracted by CR received information on potentially affected landowners from the oblast level departments of the GosNPTsZem in the form of a 1:25,000 scale map indicating the projected road and land plots intersecting with or touching the alignment. The designers combined these maps with information they themselves generated by topographic alignment surveys carried out as a standard measure upstream in their work. Survey results are presented in alignment maps at 1:2,000 scale.
- 5.5 All structures identified during these surveys were recorded, including informal structures and encroachments onto the ROW (such as fences, walls, sheds, houses, ditches, etc.). Using AutoCAD software areas and spatial relations could be precisely quantified and affected land plots delineated. The same procedure was used to record and describe impacts on potentially affected houses and roadside small businesses.
- 5.6 For the identification of informal land users designers compared the official land use data received from GosNPTsZem with their own to-date construction survey. Thus each designer could identify structures which were built (commonly within the ROW) illegally and without formal title. Most of these structures are of commercial nature, such as cafes, restaurants and gasoline stations, but also include residences. In Annex 2 and 3 these structures are identified by their ownership status.
- 5.7 In order to assess costs of land to be withdrawn and structures to be demolished, the CR contracted licensed evaluators. Based on the land requirement data compiled by the designers, the evaluators contacted potentially affected parties to assess the value of their properties. Evaluation methods used to estimate compensation for structures were similar to common international practices based on (i) expenses, (ii) profits, and (iii) comparison with similar structure with a known cost. Evaluations were to be based on current market values. Cost method was applied for valuating habitable premises in which the manufacturing material, the quality and cost of property material, year of construction, and state of the object were considered. The comparative method applied is mainly based on principles of substitution; this is mainly applied for residential premises. The profit approach is based on the principle of waiting, that is wise buyer (investor) acquires land plot expecting the future

- income or profit. The application of this approach requires thorough analysis of economics conditions and tendencies, that impact on the level of property profitability in the area of evaluation object location, and using of such procedures as discounting and capitalization. Evaluator on the basis of documents (tax return, income statement and etc.) defines the evaluating cost.
- 5.8 In the case of agricultural land plots the method used was based on assessment of agricultural losses in case of withdrawal. All applied methods are approved by national Kazakh laws, norms and regulations. The compensation amounts calculated by the evaluators were negotiated between some owners and oblast CR departments. The designers claim that some land owners have already signed agreements on compensation with oblast authorities, CR and Akimats, but the agreements are not binding, as negotiation will start once the acquisition process begins.
- 5.9 Informal land users**, during evaluation, the assets of land users without title have been evaluated by exactly the same criteria as those with titles. Owners of structures within the ROW or on a bypass alignment have been registered and received legal titles in the month of Dec 2010.
- 5.10 The compensation amounts for non-agricultural lands and real estate structures on them are determined via negotiations with owners based on market prices. The market prices are calculated in accordance with norms and standard, legal methodologies by licensed evaluators. In this case, both parties must reach reasonable agreement on the compensation amount. If this does not happen, the compensation claim can be determined by the court.
- 5.11 Full-scale inspections to refine the physical and juridical parameters of the structures will be required at the time of transaction.
- 5.12 Valuation process**
- 5.13 Department of Roads, SKO region appointed three independent evaluation companies to evaluate the 100% impact and value the compensation cost in April 2009. The independent companies were responsible for 100% assessment of affected households (lands/structures/real estate etc) of their respective allotted lots. The final list of Affected People was provided to all the independent evaluators by Committee for Roads, South Kazakhstan Region. The evaluators, on the basis of documents provided by respective owners carried out the evaluation of affected assets. Along with this, the full list of real estate assets and land plots, which are subjected to be acquired for the project, was prepared during property evaluation. In addition to this, the evaluation of land plots was done on the basis of owner's interview, careful review of the evaluation object and documents, submitted by the affected persons/owners (tax return, income statement etc.). Following documents were referred during evaluation:

1. Identity Card

2. State Act on Land referred to measurements of the land

3. Technical Passport (House Plan with details)

- 5.14 During evaluation process, population census was also conducted in which the owners of real estate, and land plots were involved. The number of all identified Affected People is approved by the resolution of Akimat of respective Region. Based on evaluation report, respective Akimat were issuing decrees. The commission appointed by respective Akimat for assessment of impact was consists of uneven number of persons from regional land departments, architecture and municipal engineering and other corresponding services.

5.15 Three types of evaluation methods which are common in Kazakhstan were applied during evaluation of affected assets. All these approaches and methods of evaluation are based on clause 4 of chapter 2 of land code of Republic of Kazakhstan, approved by the order of Ministry of Justice of RK dated December 7, 2007, No 329 (Please refer Annex D for procedures and documents referred during evaluation and the reasons for high compensation for some commercial properties in Turkistan Rayon).

5.16 Cost method

Cost approach represents the expenditures of owner. It is based on the fact that the cost for this land plot and its improvement will not increase the market price for already improved land plot with the equal on purpose and quality land improvements. For instance, in case of using this method, the manufacturing material: the quality and cost of property material, year of construction, state of the object and etc. should be considered. Mainly this method is used for habitable premises. The compensation cost is not below replacement cost. According to the Article 87 of the “Land Code of the Republic of Kazakhstan”, age/time and other conditions of affected assets are considered while determining the price of the land plot in consultation with the owner of the land plot or non-governmental land users. The market price at the time of termination of property ownership or land use along with overall losses is considered while determining the price of land plot/property (Please refer Annex D for detailed explanation of commercial plots, Land plots and determination of market cost).

5.17 Comparable method

Comparative approach represents the comparison of similar property objects and land plots, which are on the same territory. Valuator should take local newspaper or TV sale advertisement of the similar property and land plot on this territory that is for defining of cost of evaluating object by comparison of recent sales of similar objects on the effective function independent market, where independent customers and independent sellers sale and buy comparative property, taking independent decisions. The approach is based on the principle of substitution: wise buyer doesn't pay larger amount for evaluated object, then that amount that is available on the market for similar of quality and utility objects. This principle is working mainly for residential premises.

5.18 Income method

Profit approach is applied only for objects for commercial and agriculture purposes (filling stations, cafes, shops, points of sale, empty commercial lands, farming lands and others) for identifying of cost of evaluating object that is capable to bring income in future during definite period of its use. The cost represents the amount of future income by the moment and profit due to resale of evaluating object. The approach is based on the principle of waiting, that is wise buyer (investor) acquires land plot expecting the future income or profit. The application of this approach requires thorough analysis of economics conditions and tendencies, that impact on the level of property profitability in the area of evaluation object location, and using of such procedures as discounting and capitalization. Evaluator on the basis of documents (tax return, income statement and etc.) defines the evaluating cost.

5.19 In Republic of Kazakhstan as per the clause 4, article 6 of RK Law “About evaluation activity” the obligatory evaluation should be performed in accordance with legislative acts of RK for redemption and acquisition of property from owner for the Government needs. Moreover, there is “Methodology of property evaluation while its acquisition for

Government needs” approved by the order № 329 of Ministry of Justice of RK dated 7th of December 2007.

5.20 Affected population

Based on the asset inventory identification process described above, the total number of structures affected is 128. The impact on the owners of agricultural lands is quite significant (422 total land owners). The number of households which have been affected is 739 (Excluding 18 already compensated in 2009). There are 39 assets belongs to the state and 68 agricultural plots to private firms. . Total 4434 (Excluding 18 already compensated in 2009) people will be directly affected by the project.

Table 8: Number of affected households/people (district/town/city wise)

District/town/city	Affected households	Affected households by different categories of lost only land	Affected households by lost structures with Land	Total number of affected people
Turkestan	308	245	63	1848
Ordabasy	226	184	42	1356
Arys	16	10	6	96
Baidibek	23	13	10	138
Tolebi	1	1	-	06
Sairam	139	139	-	834
Shymkent	26	19	7	156
Total	739	611	128	4434
State property	163			
GRAND TOTAL	902	611	128	4434

*in average family consists of 6 persons

- 5.21 Majority of households are losing lands compared to the structures. Maximum structures are affected in Turkestan. There is no household losing structure in Sairam and Tolebi. 11 structures in Turkestan are affected partially. The estimated affected population is 4434 (Excluding 18 APs already compensated in 2009).
- 5.22 Relocation of fully affected houses and shops/commercial objects is the responsibility of the project under terms of the RAP entitlements matrix. All entities (household and commercial enterprises) required to relocate by the project will receive a ‘Transitional Allowance’ “sufficient to cover transport expenses and livelihood expenses for one month due to relocation”. For households required to relocate, prior to displacement a lump sum allowance of 35,000 KZT, sufficient to hire moving assistance and meet household expenses associated with relocation. For shops or enterprises required to relocate, prior to displacement a lump sum allowance calculated as 2,500 KZT per square meter of operating space will be paid, sufficient to hire moving assistance and to meet incidental expenses associated with relocation. There are total 39 households (Inhabited) and 36 commercial enterprises including shops, commercial buildings and other structures required to relocate. There are 14 Petrol Stations also required relocation. All the residential and commercial entities required relocation will be supported with ‘Transitional Allowance’. There are 14

houses demolished by the project but all the 14 houses are not inhabited and therefore do not receive 35,000 KZT as ‘Transitional Allowance’. The cost of ‘Transitional Allowances’ has been included separately in the RAP budget. Following is the summary of ‘Transitional Allowances’:

Table 9: Summary of ‘Transitional Allowances’

№	District	Number of APs require relocation		Total amount of transitional allowances (KZT)		Total
		Residential	Commercial (Shops and commercial buildings, petrol stations)	Residential	Commercial (Shops and commercial buildings, petrol stations)	
1	Turkestan	14	2	490 000	525 000	1 015 000
2	Ordabasy	19	22 + 8 *PS	665 000	3 719 000	4 384 000
3	Arys	-	6	-	472 500	472 500
4	Baydibek	5	3 + 3 *PS	175 000	240 000	415 000
5	Tolebi	-	-	-	-	-
6	Sayram	-	-	-	-	-
7	Shymkent	1	3 + 3 *PS	35 000	627 500	662 500
	Total:	39	36 + 14 = 50	1 365 000	5 584 000	6 949 000

***PS: Petrol Station**

5.23 Land Requirement for the Project

5.24 The project requirement for land is estimated at 1640 ha. Including State land of 1130 ha. and 18 ha. already compensated in 2009. Total 757 households (including 18, 2009) will be affected by land acquisition. Out of 1640 ha required land 492 ha of land are privately owned (18 ha land plots already compensated in 2009 are also privately owned).

Table 10: Land requirement for the project

Type of land	Hectares	Number of affected	Estimated general compensation
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		households	
Agricultural land	437 ha	422	952,341 million KZT
Commercial land	25 ha	208	1 452,360 million KZT
Residential land	30 ha	109	171 643 million KZT
Total	492 ha	739	2 576 344 million KZT

- 5.25 The above table clearly indicates that most part of these lands, which will be acquired for this project, are agricultural lands, the majority of them are leased from the state on a long-term basis.
- 5.26 The Land Code of the Republic of Kazakhstan (CODE No. 442 of 20 June 2003) covers the *reservation* of land for State Needs, stating that *A land plot may be reserved for state needs by way of purchase or by granting an equivalent land plot with the consent of the owner or land user* (Article 84.1). Similarly, the affected people can also either go for cash compensation or an equivalent alternative land plot. However, there are no equal alternative land plots available in Tolebi, Sayram, Ordabasy and Baidibek Rayon and Arys Rayon and Shimkent city (The Land Code offers owners the option to swap land or buildings in lieu of compensation) therefore cash compensation has been offered to all the APs from these project area. In case of Turkestan city, Old Ikan by-pass the alternative land plots is available for swap, officials involved in the land acquisition process offered 76 affected persons the option to swap land for compensation instead of cash and all of them agreed the offer and requested respective Akimat in writing for alternative land plots. All these land plots are the Government property on the rights of long-term lease of owners. Expenditures for registration of rights for land plot will be covered by South-Kazakhstan regional Department CoR MTC RK.
- 5.27 while evaluating land plots, different aspects like location, distance from the main city or Rayon headquarter economical status of the rayon, status of the existing structures, soil conditions, communication systems and water supply systems have been considered. In some cases, same size land plots have been compensated differently on the basis of other factors.

Table 11: Rayon/City wise land requirement for the project

Rayon/City	Type of land	Hectares	Number of affected households	General land compensation
Turkestan	Agriculture	115 ha	182	27 342 mil kzt
	Commercial	6 ha	78	415,313 mil kzt
	Residential I	8 ha	48	102,234 mil kzt
	Total	129 ha	308	544,889 mil kzt
Ordabasy	Agriculture	94 ha	95	72,949 mil kzt
	Commercial	9 ha	95	665,528 mil kzt
	Residential	5 ha	36	32,385 mil kzt
	Sub total	108 ha	226	770,862 mil kzt
Arys	Agriculture	-	-	-
	Commercial	0.8 ha	6	33,627 mil kzt
	Residential I	2 ha	10	4,500 mil kzt
	Sub total	3 ha	16	38, 127 mil kzt
Baidibek	Agriculture	60 ha	10	1,2157 mil kzt

	Commercial	0.3868 ha	08	63 807 mil kzt
	Residential	1ha	5	10,790 mil kzt
	Sub total	61 ha	23	86,754 mil kzt
Sairam	Agriculture	164 ha	123	832,521 mil kzt
	Commercial	8 ha	8	149,371 mil kzt
	Residential	14 ah	8	20,280 mil kzt
	Sub total	186 ha	139	1002,172 mil kzt
Tolebi	Agriculture	1 ha	1	1, 288 mil kzt
	Commercial	-	-	
	Residential	-	-	
	Sub total	1 ha	1	1, 288 mil kzt
Shymkent	Agriculture	3 ha	11	6 084 mil kzt
	Commercial	0.42807	13	124 714 mil kzt
	Residential	0.23	02	1,454 mil kzt
	Total	4 ha	26	132,252 mil kzt
Grand Total		492 ha	739	2,576,344 mil kzt

5.28 All the persons severely affected by agricultural land acquisition will be compensated by additional support as per agreed RPF Entitlement Matrix. Persons losing more than 10% of their productive land will receive assistance in the form of two times the annual crop value of the land area lost. This is in addition to land compensation arrangements specified for all persons losing land. Total 209 persons from Turkestan, Ordabassy, Sairam, and Shymkent Rayon are losing more than 10% of their productive land. The cost of the additional support to severely affected persons has been included separately in the RAP budget. Following is the summary of ‘additional support’ to severely Affected People:

Table 12: Summary of ‘Additional Support’ to severely Affected People

№	District	Number of APs severely affected	Additional support (amount) (market cost of lost crops) KZT	Remarks
1	Turkestan	116	23 623 260	
2	Ordabasy	25	43 427 885	
3	Arys	-	-	
4	Baydibek	-	-	
5	Tolebi	-	-	
6	Sayram	58	544 640 220	
7	Shymkent	10	3 158 695	
	Total:	209	614 850 060	

5.29 Project Impacts on Structures

5.30 Most of commercial objects don’t have any buildings and constructions. They only have the plans for future development. For instance, the purpose of the land plots is construction of Service station, so this land plots are commercial. The owner probably will construct the Service station in future and probably would get a profit. For such land plot the profit approach of evaluation is applied for identification of compensation rate.

5.31 The Project will require demolition of 128 structures. The affected structures include houses, shops, petrol stations, tearoom, warehouse and other secondary structures. The following Table 13 provides the details regarding the affected structures.

Table 13: Rayon/City wise types of structures and magnitude of impact

Rayon/City	Type of Structure	Partially Affected	Fully Affected	Total	
Turkestan	House only	6	21	27	
	Shop only	1	6	7	
	Commercial building	2	12	14	
	Petrol station	-	10	10	
	other	2	3	5	
	Total		11	52	63
Ordabassy	House only(residential land for construction of house)	-	19	19	
	Shop only	-	15	15	
	Commercial building	-	1	1	
	Petrol station	-	8	8	
	other	-	1	1	
	Total		-	44	44
	Arys	House only	-	-	-
Shop only		-	6	6	
Commercial building		-	-	-	
Petrol station		-	-	-	
other		-	-	-	
Total				6	6
Baidibek	House only	-	5	5	
	Shop only	-	2	2	
	Commercial building	-	-	-	
	Petrol station	-	3	3	
	Other	-	-	-	
	Total		-	10	10
Sairam	House only	-	-	-	
	Shop only	-	--	-	
	Commercial building	-	-	-	
	Petrol station	-	-	-	
	other	-	-	-	
	Total		-	-	-
Shymkent	House only	-	2	2	
	Shop only	-	-	-	
	Commercial building	-	-	-	

	Petrol station	-	3	3
	other	-	-	-
	Total	-	5	5
	Grand total	11	117	128

5.32 Following arrangements are made for disbursement of compensation

- Prior information about the date of disbursement of compensation will be given to the respective APs.
- It will be ensured that respective APs carry their ID cards and other essential documents on the appointed date.
- At the time of disbursement of compensation, NGOs will be invited to assist the competent authority in the process.
- It will be ensured that every AP losing immovable assets is compensated and has received the compensation cheque.
- It will be ensured that APs sign for receipt of compensation (in full, without deduction for any purpose).

Report of 18 APs compensated in South Kazakhstan Oblast during 2009 is presented in Annexure C

6. Consultation, Information Dissemination, and Disclosure

6.1 Introduction

6.2 The Project policy is to fully inform and closely consult the affected persons and other stakeholders on all resettlement and compensation issues. It recognizes the importance of information dissemination, consultation, and participatory approaches, and has meticulously followed them during the Resettlement Plan preparation stage. In the beginning the affected persons were apprehensive that they will lose their livelihoods and may never be able to regain their previous level of living. The consultation meetings helped to dispel such doubts from their minds. The views that the affected people expressed during this stage also proved useful in formulating measures for their adequate resettlement. The Resettlement Plan prepared in close consultation with the affected people and other stakeholders will also be implemented in a similar consultative manner.

6.3 Information and Transparency: Affected persons must be informed about land acquisition (expropriation) procedures and their rights and options in the process. Project management will play an important role in the public information process by preparing and distributing brochures that describe the process and clarify rights and responsibilities, compensation rates, payment schedules and grievance redress options. Public Information Booklet providing general information about the project and a general explanation of processes and owners' or users' rights has already been distributed. Another Public Information Booklet will be targeted to people who lose land and other assets, and will include list all categories of compensation or other assistance to which APs are entitled, will describe grievance procedures available to APs, and provide contact information for APs with questions or grievances. Another Public Information Booklet will target both contractors and landowners regarding temporary use of land for borrow pits, staging areas, labour camps, and the like. The Public Information Booklets will be prepared in two language versions—Kazakh and Russian—and distributed all along the corridor in official buildings, especially village offices, Akimats and the offices of the Land Resource Management Committee and the Registration Service Committee.

6.4 Till the moment two stages of consultations have been carried out, informing affected people along the alignment about the Project and receiving views and concerns on expectations and apprehensions regarding resettlement. Draft versions of the Public Information Booklet has been distributed to the people at the public meetings, in October, 2008, and subsequent consultations in January, 2009. The results of last consultations show that the information is very limited even among of those a few who have got the brochures before; thus, there is a necessity in to spread the brochures all around as soon as possible until the process of land acquisition will start.

6.5 Consultation during Plan Preparation

6.6 Initial consultations have been held on the impact matter of the project in Shymkent city in September, 2008 where 80 people were present. The following consultation meetings have been held in January, 2009, where 90 people were present. Matters of the Documents on environment management and resettlement policy have been discussed during these meetings.

- 6.7 Consultation job has been conducted on the compensation payment and resettlement matters within the Resettlement Plan by the deputies of the regional department of the Automobile Road Committee and district Mayor individually with all impact persons. Besides, possibility to speak additionally about their concern has been given during social-economical census; they have been conducted in the regional department of the Automobile Road Committee. This Resettlement Plan has been officially placed in mass media (regional newspaper “South Kazakhstan” and “Ontustik Kazakhstan”) and familiarized by NGO and other interested parties. Public hearings on the matter of Resettlement Plan have been conducted on the 15th January, 2009 (Temirlanovka village, Turkestan), and on the 2nd of April, 2009 (Temirlanovka village).
- 6.8 In addition all the identified APs have been provided with information brochure that discusses relevant regulations, entitlements, compensation rates, payment, and grievance redress mechanisms. Also these brochures and other project related information is available in all regional and rayon akimats, where every interested person can visit and get the information.
- 6.9 The RAP will be translated into Russian and Kazakh languages and disclosed on the project website, the website of the Committee for Roads, the offices of the Oblast Committee for Roads and the respective rayon akimats. The RAP in English will be disclosed on the WB website. The draft RAP has been provided on the site in December 2010.
- 6.10 The consultation process during preparation stage of the project was mainly focused on key informants interviews, focus group discussion, workshops, and community meetings. The consultation program involved following people:
- a. Head of households likely to be affected
 - b. Household members
 - c. Community
 - d. Respective Akimat
 - e. Major project stakeholders such as women, highway user groups, health professionals, and
 - f. Distribution of project information sheet (Booklet)
- 6.11 Issues**
- 6.12 Several consultation meetings were formally organized at different locations to disseminate further information, consult the affected persons on a range of resettlement issues including their entitlements and the grievance mechanism, and also to get feedback from them. Women APs were also present at these meetings. The feedback from consultations greatly helped in preparing the Resettlement Plan.
- 6.13 Results of Public Hearing**
- 6.14 First Set of Consultations, September 2008**
- 6.15 Thirty five locals from Ikan and Turkestan attended the hearings in Turkestan. The issues raised were mainly related to the status of the road (free or toll), job opportunities for local people, compensation amounts, availability of the cattle droves etc. The audience was satisfied both with the clarifications of the specialists of GeoData Plus LLP provided in response to the questions raised and World Bank Environmental and Social policy as a

whole. There were some useful comments or recommendations from the part of the participants in regards to the design and construction stages of the Project. The general public and affected population took a vivid interest in the Project. Apparently this campaign was one of the first instances of public disclosure of Project details.

6.16 Second Set of Consultations, January 2009

- 6.17 Public Hearings were conducted in the following settlements: Turkestan 15.01.2009, Temirlanovka 15.01.2009, Shiyeli 16.01.2009, Zhanakorgan 16.01.2009, Kyzylorda 17.01.2009.
- 6.18 Two specific questions were raised about the future of burial places in Birlik and Ordakent settlements. The «KazNii PI Dortrans» LLP representatives assured local people that they included bypasses in the project which avoid any impact to those burial places. The attendees were satisfied with the clarifications provided by the design institutes («GeoProject Institute» LLP, «KazNii PI Dortrans» LLP) and with the Project in general. No comments or recommendations were received from the part of the participants in regards to the detailed design of the Section 2057-1980 km of the Route M-32 and no communications were received after the hearing.
- 6.19 Eighty-three persons participated in the hearings in Temirlanovka village. The local participants were very displeased with the proposed design of an elevated road (overpass) construction over the existing main street in the village. They openly and vocally criticized the proposed design of the 2.3 km long overpass (“We do not want to live under a bridge!”). Questions asked and concerns rose related mainly to:

Road construction works:

- a. Local road transport arrangement;
- b. Ensuring traffic and pedestrian safety;
- c. Impacts of emissions, noise and vibrations;
- d. Impacts of the construction works on structural stability of existing residential buildings (especially during pile driving works);
- e. Overall arrangements of the construction areas (especially earthworks, such as excavations for foundations), camps, workshops, storage and haulage in the geographical and social context of the village.

During road operation:

- a. Worsening of the aesthetical appearance of the village and a danger of losing cultural identity values (decrease in number of visitors in the existing museum);
- b. Proximity of the existing buildings to the overpass;
- c. Daylight and lighting issues;
- d. Continuous, long term impact of emissions, noise and vibration;
- e. Wastes generated/caused by the drivers of the transport moving on the overpass (discarded bottles, cans, cigarettes etc.);
- f. Maintenance of the overpass and the existing road remaining underneath;

- g. Ensuring safety (in case of road/car accidents and vehicles driving down from the road overpass);
- h. Impact of transport emissions, and whether there will be any control over the emission production and any measures to reduce such effects.

6.20 On the issue of the Shymkent bypass the local population raised fewer concerns and agreed with the general provisions of the Project related to this Section. During the public hearings in Temirlanovka village the residents of the village brought the following additional issues to the attention of the local executive agencies (Akimat), the Employer, represented by the Roads Committee of the MTC, and the designers, represented by “GeoProject Institute” LLP:

- Inadequate and untimely awareness of the local population of and involvement in the Project, especially during consideration of alternative options for Temirlanovka--a bypass;
- a. Uncertainty in terms of managing and implementation of land acquisition and compensation (cash or an equivalent land);
- b. As result of the consultations the attendees strongly demanded that the Designers:
- c. Change the design by abandoning plans to construct the overpass over the central street of Temirlanovka village;
- Consider an alternative option for the route with the involvement of the local population.

6.21 The Public Hearings in Turkestan city were attended by 39 residents of Ikan village and Turkestan city. The following issues were raised during the gathering:

- a. Concerns regarding the compatibility of the proposed design with the Master Plan for the development of Turkestan city;
- b. Clarifications on project implementation period/schedule;
- c. Uncertainty in terms of managing and implementing the land acquisition and compensation (cash or an equivalent land) activities;
- d. Effect of emissions, noise and vibration;
- e. Safety of pedestrians, especially children;
- f. Design of sufficient number and appropriate dimension for animal underpasses;
- g. Ensure minimal impacts on existing irrigation systems;

6.22 In general, the local population appeared to be satisfied with the responses to their questions provided by the representatives of «Shymken-Kazdorproject» LLP, «Tabys-Otsenka» LLP and with the Project, as a whole.

6.23 The local executive agencies (Akimat) actively participated in the discussions, mostly endorsing points made by the attendees and expressing strong interest in the Designers’ changing the Project design based on comments of the local population, such as:

- a. Increase the dimensions of the cattle droves, and change the profile (sections) from 2mx2m to 4mx2,5m;

- b. Envisage safe pedestrian crossings (ground or underground) in villages where no bypasses are planned.

6.24 To summarize, all the hearings conducted in the settlements of Kyzylorda and South Kazakhstan oblasts, it is evident that the local population, in general, agrees with the main provisions of the road reconstruction Project/design. However, based on their comments, and with the aim to minimize negative impact it is recommended at the design stage:

- a. For the Designers to develop an alternative option for construction of the overpass in Temirlanovka village and arrange public discussion of alternatives with the local population. This has been agreed by Designers and consultations on bypass options will take place in March or April 2009);
- b. For the Designers to increase the number and size of the cattle droves (underpasses) in rural areas where livestock breeding is an important economic activity, and have the design approved by the local administrations;
- c. For the Designers to envisage arrangements for safe pedestrian crossings (ground or underground) in densely populated villages and reach agreement on the design with the local executive agencies.

At the construction stage

- a. The Roads Committee of the MTC should resolve the issue related to explaining to the local executive agencies, and local population the process and mechanisms of land acquisition and compensation (monetary or land replacement).

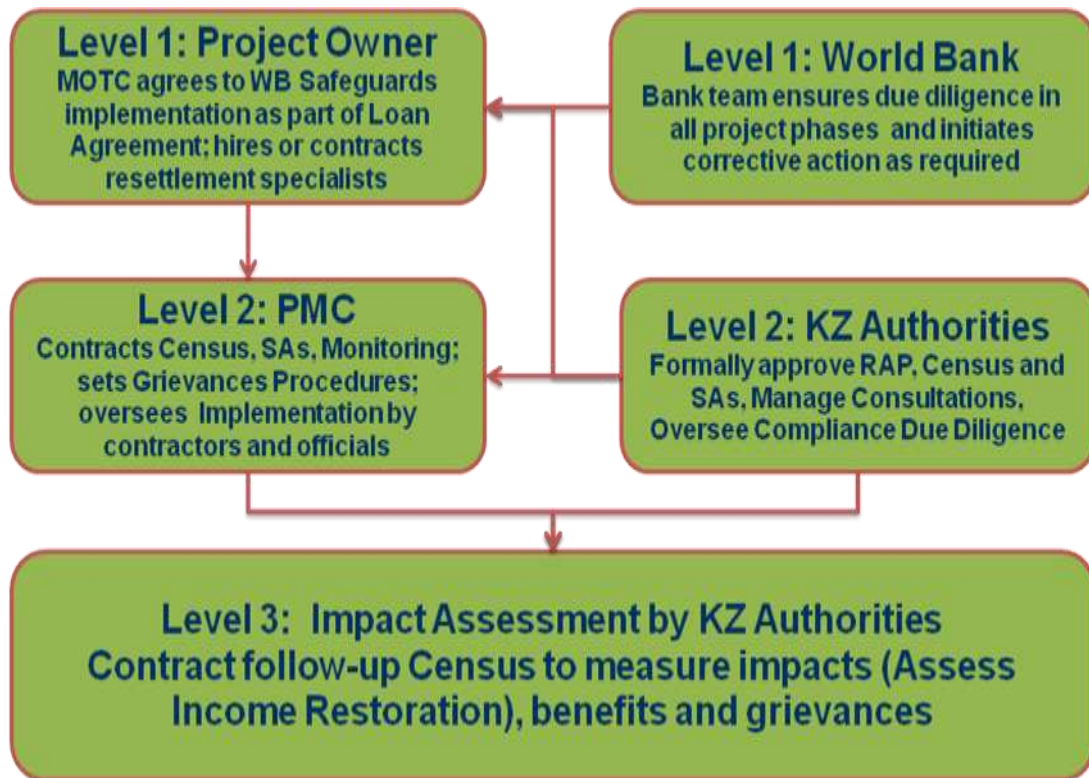
6.25 Based on the updated Resettlement Plan, the Project has prepared a Public Information Booklet and distributed it widely to ensure all affected persons and other stakeholders fully understand the details of the resettlement plan and the compensation and rehabilitation measures. The additional Public Information Booklet based on changes made in RAP will be prepared and issued once the RAP will have been published. Along with the existing PIB, the updated PIB will be available in all the Rayon and regional Akimats where every interested person can visit and get the information. People in general are informed about where the Public Information Booklet is available. The updated Public Information Booklet (PIB) will include the following useful information concerning the Resettlement Plan:

- Brief description of the project;
- Types of impacts expected;
- Basic Compensation policy and entitlements;
- Provision of additional allowances for vulnerable people, transitional allowance, and severely affected people (loss of productive land more than 10%);
- When and where APs will receive their entitlements;
- Consultation and participation by APs and community;
- Implementation schedule;
- Grievances Redress Mechanisms;

- Roles and responsibilities of ‘Head of Local Self-Government, Deputy Akim of Rayon, RK, Deputy of Local Department of Committee of Road, MOTC and Grievance Coordinators, in Grievances Redresses;
- Contact details of Grievances Coordinators (including PMC Grievance Coordinator), their names, contact phone numbers and address;
- The PMC Grievances Coordinator could be contacted for additional information.

7. Organizational arrangements for resettlement and land acquisition management

- 7.1 The Project Management Consultant (PMC) will play a key role in the organizational setup for resettlement and land acquisition management during Project implementation. According to the PMC’s terms of reference (TOR) there will be safeguards specialists working in the PMC for the duration of the Project. Part of their duties and responsibilities will be the management of implementation of this RAP. This will include continued socio-economic monitoring of implementation and impacts of RAPs along the corridor, specifically, (i) monitoring CR activities related to RAPs, (ii) monitoring individual construction lots, (iii) liaison with Kazakh regional and local authorities on resettlement issues, (iv) contact point for grievance redress mechanism, (v) periodic reporting to World Bank on safeguards compliance status in Project implementation. The following organigram describes the institutional responsibilities and relationships:



- 7.2 The PMC will carry out an independent assessment of the land acquisition process to inform Project management (Committee for Roads and World Bank), and prepare an annual resettlement monitoring and evaluation report to submit to the World Bank. Specific monitoring and evaluation indicators include:
- a. Information campaigns and consultations with affected persons (how many, when carried out, issues discussed, issues resolved afterwards)
 - b. Status of land acquisition and payments for compensation (number of transactions, percentage of total volume)
 - c. Selection and distribution of replacement land areas
 - d. Compensation for affected structures and other assets
 - e. Assessment of livelihood impacts
 - f. Assistance with restoration of means of livelihood
 - g. Resolution of grievances.
- 7.3 The administrative oversight and monitoring and evaluation activities are included in the PMC’s TOR and will be budgeted in the price quotations of the Consultants bidding for the assignment.
- 7.4 Effective grievance procedures significantly reduce the anxiety people generally experience when they involuntarily lose assets. During the land acquisition process, complaints regarding valuation, payment, support and follow-up are inevitable, and if well managed, need not pose a significant obstacle to project implementation. All project-related complaints will follow the existing pattern and will be described in the project’s information brochures and posted in local offices.
- 7.5 The project will pursue a participatory approach in all stages of planning and implementation. This is expected to ensure that the affected people have nothing or little to

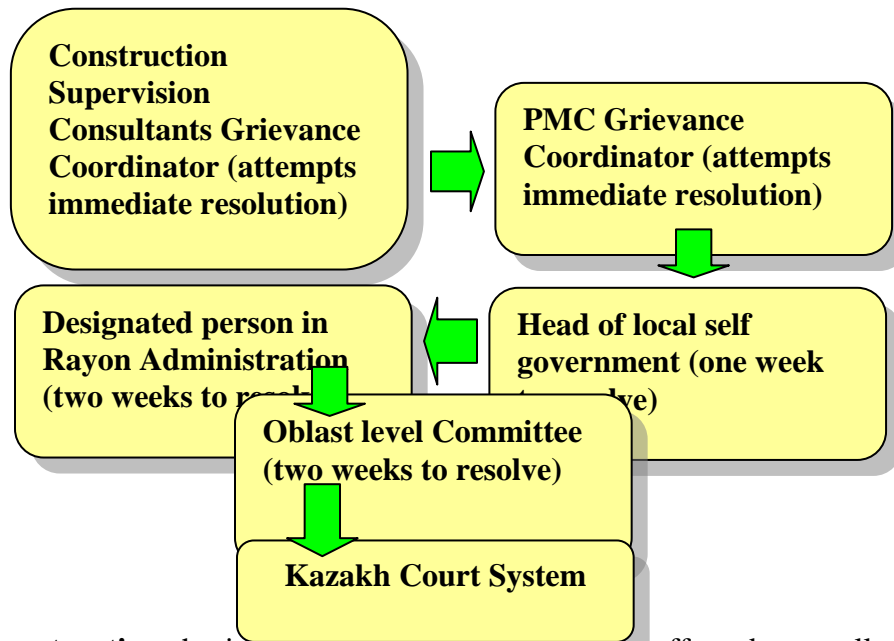
complain about. However, some people may still remain dissatisfied for some reason or the other. Many grievances arise due to inadequate understanding project policies and procedures, and can be promptly resolved by properly explaining the situation to the complainant.

- 7.6 Timely redress of grievances is critical to the completion of a project in a satisfactory way. The efforts will therefore be to first seek resolution of these grievances at the local level through the mediation by Grievance Coordinator appointed by Construction Supervision Consultants, village akimat, and by involving social safeguard specialist of PMC, NGOs and others as necessary.
- 7.7 Each Construction Supervision Consultant will be required to nominate a Grievance Coordinator who receives direct complaints related to ‘Land use and temporary land use’ during the construction period. The complaints are logged and, if not immediately resolved, passed on to the PMC grievance coordinator. Following are the key responsibilities of the Grievance Coordinator of PMC.
- a. Provide support for APs on problems arising out of property acquisition;
 - b. Record grievances in Reporting Format for Grievance Redress and solve them within defined time;
 - c. Inform project authority of serious cases within an appropriate time;
 - d. Report to the aggrieved parties about the development of their grievance and decisions of project authority; and
 - e. Complain on the disturbance created to the traffic, noise, intrusion to the territory and other problems.
- 7.8 Also, the individuals dissatisfied with the attention paid by Grievance Coordinators appointed by Construction Supervision Consultants may refer to the PMC Grievance Coordinator. The PMC Grievance Coordinator will receive such complaints. The PMC Grievance Coordinator will search for possibilities to resolve the complaints, and will keep the plaintiff informed of the status of his/her complaints. The officials of any level that receive urgent complaints may forward the complaints, when necessary, to the PMC.
- 7.9 Affected People take their complaints to the head of Local Self-Government, who registers the complaint and attempts to resolve it. If the complaint is not resolved in one week, it is passed to the rayon/oblast level
- 7.10 A designated person in the Rayon (Deputy Akim of Rayon, RK) administration receives the complaint, registers it and attempts to resolve it. If there is no resolution in two weeks, it is passed to the Oblast level.
- 7.11 A designated person at Oblast (Deputy of Local Department of Committee of Road, MOTC, RK) in the Oblast receives the complaint and attempts to resolve it. As part of the process of resolving the complaint the Director of the Oblast Division of the Committee for Roads must convene a grievance redress committee that includes a Government, professional (licensed valuator), independent (academic/NGO) representatives as well as a representative of the complainant.
- 7.12 If there is no resolution within two weeks, the case will be presented to a Kazakh court and resolved according to Kazakh legislation, with the covenant, that for all project related

resettlement issues the specific agreements between Government of Kazakhstan and World Bank will supersede national law.

- 7.13 All contact details and a clear description of the grievance mechanisms will be published in print media, distributed via brochures and displayed on the Committee’s website before the start of any physical works in the Project area. Logs, reports and grievance resolution outcomes will be subject to external monitoring and evaluation.

The following schematic represents the grievance redress process:



- 7.14 **During construction** the individuals, whose interests are affected, as well as others, may complain on the disturbance created to the traffic, noise, intrusion to the territory and other problems. All complaints related to the Project will be considered with the help of the dispute (related to the resettlement) resolution mechanisms, which have commonly accepted structures and will be described in the information brochures on the Project and in the placards, which will be displayed in the local offices:
- 7.15 The Project’s procedure will differ from Kazakh standard practice in the way that each of the authorized officials in the district and oblast executive offices or public authorities/local self-government (if available) will be required to register the complaints and follow up on the status, and report to the management of the Project (Committee and PMC, with copies to World Bank) monthly. The reports and the process of dispute resolution will be observed / monitored by the group of the external monitoring and assessment as well as the Management of the Project.
- 7.16 Also, the individuals dissatisfied with the attention paid to their complaints may refer to the Management of the Project. The monitoring and assessment specialist of the PMC will receive such complaints and register them. The PMC Grievance Coordinator will search for possibilities to resolve the complaint, and will keep the plaintiff informed of the status of his

complaint. The officials of any level that receive urgent complaints may forward the complaints, when necessary, to the Management of the Project.

7.17 Monitoring and Evaluation

The PMC has appointed two Social safeguard Specialist (National and International) for internal monitoring of implementation of RAP, who will work closely with the respective CRs, MOTC, RK (National and Local) and develop a detailed plans and indicators for monitoring for subsequent phases of this RAP. The monitoring specialists will submit quarterly information about the progress of resettlement to be incorporated into Project reports. They will prepare the summary reports for the six-monthly audits by the external monitoring entity. Expenditures for this **internal monitoring** have been incorporated into the project budget. A general system of monitoring indicators is shown in the following table.

Monitoring and evaluation will be performed as per time schedule shown in Table 14.

Purpose	Activities	Monitoring Indicators
Identification of compensation recipients	Checking the list of compensation recipients against eligibility criteria for compensations.	Number of persons in the list of compensation recipients, who do not meet eligibility criteria (mistaken inclusion)
	Identification of persons, who may claim eligibility to compensation, but are not included in the lists of compensation recipients. Separate check should be performed on each type of compensation	Number of persons, who meet the criteria, but are not included in the list of compensation recipients (mistaken exclusion)
Controlling types of compensation	Confirmation of temporarily or permanently affected areas against the final RAP	Area of land subjected to temporary acquisition, for which compensations have been paid
		Area of land subjected to permanent acquisition, for which compensations have been paid
Controlling compensation	Examination of financial documents	Number of persons, who received compensation in time and in full amount, disaggregated by compensation types
	Identification and analysis of reasons for compensations not being paid in full amount and in time	Number of persons, who did not receive compensation in time and in full amount, disaggregated by compensation types
		Number of persons, who received compensation in time, disaggregated

		by compensation types
		Amount of funding allocated for payment of compensations
	Identification of reasons, for which funds for compensations have been under/overspent	Rate of spending of funds allocated for compensations, % of envisaged by the final RAP
Additional compensation	Monitoring time limits of temporary land acquisition	Number of persons, on whose plots temporary acquisition needs to be extended
		Area, on which construction works will be continued after the established deadline
Household Impact (Income Restoration)	Follow up socio-economic survey of affected households (year 3)	Changes in household income/livelihood by comparing the results of the socio-economic census to a follow up survey.
Consultations and participation	Determining the level of involvement, and identification of reasons of inadequate participation	Number of compensation recipients, who participated in consultations and coordination meetings at each stage of land acquisition
		Number of complaints
	Analysis of disputes' and complaints' content. Resolution of conflicts	Number of complaints granted

- 7.18 The Management of the Project will contract an external monitoring agency for conducting a semi-annual independent evaluation of the process and results of the resettlement, which will then be discussed with the Management of the Project and used for preparation of six monthly reports on monitoring and evaluation for the World Bank. The external organization responsible for monitoring will decide whether the conditions of the resettlement plan during its implementation have been observed, whether the sources of income of the individuals, whose interests have been affected, has been restored, and whether any unplanned or unexpected consequences of the resettlement occurred there.
- 7.19 The main duties and responsibilities of the external monitoring entity will be the following:
- a. Advise and assist on organization and content of internal monitoring of resettlement, including a system of monitoring indicators, timelines and procedures, reporting forms, etc.;
 - b. Analysis of, and preparation of recommendations on, the preliminary lists of persons, who incur damages and may be eligible to compensation;

- c. Review of RAP, payment of compensations, procedures for approving and payment of compensations, and preparation of recommendations on their compliance with the WB resettlement policy;
- d. Participation (as an observer) in consultative meetings on land acquisition;
- e. Monitoring timely allocation of funds for compensations; preparation of respective recommendations on adjustment of measures;
- f. Monitoring and acquisition timelines and terms of temporary land acquisition; preparation of recommendations on adjustment of timelines/terms; and
- g. Conducting special baseline update surveys with affected farmers who incurred damages resulting from construction works under the Project, in order to identify the level of satisfaction with types and sizes of compensations.
- h. Determine the extent to which businesses have been re-established / livelihoods restored.

7.20 following table gives detailed scope of work of internal monitoring and external monitoring.

Scope of work of 'Internal Monitoring'	Scope of work of 'External Monitoring'
Land Acquisition	Review of pre project baseline data on APs
Payment of compensation	Identification and selection of an appropriate set of indicators for gathering and analyzing information on resettlement impact.
Dissemination of information	Use of various formal and informal surveys for impact analysis.
Consultation with APs and other stakeholders	Assessment of resettlement efficiency, effectiveness, impact and sustainability.
Grievance Redress Mechanism	Assessment of APs satisfaction on the valuation of assets and entitlements, timing of payments, funds availability and disbursement.
Restoration of livelihood and income	
Ability of vulnerable APs, including women APs, to improve their livelihood	

7.21 The indicators established to ensure attainment of the RAP objectives, as given in the Resettlement Framework, will be followed during internal monitoring.

7.22 The monitoring at the field level will be done by Social Safeguard Specialist of PMC in coordination with respective CoR and Akimat. The monitoring will rely mainly on the following information gathering methods: a) review of files b) informal sample survey of APs c) key informant interview d) in-depth case studies and e) community public meetings.

7.23 The PMC will send monthly progress reports to the Committee for Roads.

7.24 External monitoring will commence after the commencement of the resettlement program on a six monthly basis for entire project period. Finally there will also be one post – resettlement evaluation. External Monitoring reports will be submitted to the World Bank twice a year after commencement of resettlement by CR. The first report will be submitted on June 30, 2011.

7.25 Potential Monitoring Indicators (Internal)

Type of Monitoring	Basis for Monitoring
Budget and Time Frame	<ul style="list-style-type: none"> • Have all land acquisition and resettlement staff been appointed and Mobilized for the field and office work on schedule? • Have capacity building and training activities been completed on schedule? • Are resettlement implementation activities being achieved against agreed implementation plan? • Are funds for resettlement being allocated to resettlement agencies on time? • Have resettlement offices received the scheduled funds? • Have funds been disbursed according to RP? • Has the social preparation phase taken place as scheduled? • Has all land been acquired and occupied in time for project implementation?
Delivery of AP Entitlements	<ul style="list-style-type: none"> • Have all APs received entitlements according to numbers and categories of loss set out in the entitlement matrix? • Have APs received payments on time? • Have APs losing from temporary land borrow been compensated? • Have all APs received the agreed transport costs, relocation costs, income substitution support and any resettlement allowances, according to schedule? • Have all replacement land plots or contracts been provided? Was the land developed as specified? Are measures in train to provide land titles to APs? • How many APs households have received land titles? • Are the APs occupying the new houses? • Are assistance measures being implemented as planned for host communities? • Is restoration proceeding for social infrastructure and services?

	<ul style="list-style-type: none"> • Are APs able to access schools, health services, cultural sites and activities? • Have affected businesses received entitlements including transfer and payments for net losses resulting from lost business and stoppage of production?
Consultation, Grievance and Special Issues.	<ul style="list-style-type: none"> • Have consultations taken place as scheduled including meetings, groups, community activities? Have resettlement leaflets been prepared and distributed? • How many APs know their entitlements? How many know if they have been received? • Have any APs used the grievance redress procedures? What were the outcomes? • Have conflicts been resolved? • Was the social preparation phase implemented?
Benefit Monitoring	<ul style="list-style-type: none"> • What changes have occurred in patterns of occupation, production and resource use compared to the pre-project situation? • What changes have occurred in income and expenditure patterns compared to pre-project situation? What have been the changes in cost of living compared to pre project situation? Have APs incomes kept pace with these changes? • What changes have taken place in key social and cultural parameters relating to living standards? • What changes have occurred for vulnerable groups?

7.26 Potential Monitoring Indicators (External)

Monitoring Indicators	Basis for Indicators
Basic information on AP Households	<ul style="list-style-type: none"> • Location • Composition and structure, ages, educational and skill levels • Gender of household head • Ethnic group • Access to health, education, utilities and other social services • Housing type • Land and other resource owning and using

	<p>patterns</p> <ul style="list-style-type: none"> • Occupations and employment patterns • Income sources and levels • Agricultural production data (for rural households) • Participation in neighborhood or community groups • Access to cultural sites and events • Value of all assets forming entitlements and resettlement entitlements.
Restoration of living standards	<ul style="list-style-type: none"> • Were house compensation payments made free of depreciation, fees or transfer costs to the AP? • Have perceptions of “community” been restored? • Have APs achieved replacement of key social and cultural elements?
Restoration of livelihoods	<ul style="list-style-type: none"> • Was compensation payment sufficient to replace lost assets? • Was sufficient replacement land available of suitable standard? • Did transfer and relocation payments cover these costs? • Did income substitution allow for re-establishment of enterprises and production? • Have enterprises affected received sufficient assistance to re-establish themselves? • Have vulnerable groups been provided income earning opportunities? Are these effective and sustainable? • Do jobs provided restore pre-project income levels and living standards?
Levels of AP satisfaction	<ul style="list-style-type: none"> • How much do APs know about resettlement procedures and entitlements? Do APs know their entitlements? • Do they know if these have been met? • How do APs assess the extent to which their own living standards and livelihoods have been restored? • How much do APs know about grievance procedures and conflict resolution procedures?
Effectiveness of Resettlement Planning	<ul style="list-style-type: none"> • Were the APs and their assets correctly enumerated? • Was the time frame and budget sufficient to meet objectives? • Were entitlements too generous? • Were vulnerable groups identified and

	<p>assisted?</p> <ul style="list-style-type: none"> • How did resettlement implementers deal with unforeseen problems?
Other impacts	<ul style="list-style-type: none"> • Were there unintended environmental impacts? • Were there unintended impacts on employment or incomes?

7.27 Summary Terms of Reference for External Monitoring and Evaluation

- a. Aims and objectives of external M&E in relation to objectives of RAP, Republic of Kazakhstan Resettlement policy objectives and the Bank's policy
- b. Information needed to meet these objectives, with reference to the RAP
- c. Method and approach to provide the information
- d. Detailed methodology, use of the existing baseline census and survey, periodic updates, sampling frame, arrangements for data collection, collation and analysis, quality control, and development of a recording and reporting system
- e. Participation of key stakeholders, especially APs, in monitoring and evaluation
- f. Resources required, including expertise in sociology, social anthropology and resettlement
- g. Time frame for M&E
- h. Reporting requirements

7.28 The budget for external monitoring of entity as expected will be approximately 150 000 USD over the project lifetime and is covered separately in resettlement budget

8. Timetable and Budget

Table 14: Proposed implementation schedule

Task	Responsibility	Timeline	Status
Recruitment of resettlement staff. and initial training	Committee for Roads, PMC	Feb 2010	Completed
Conduct of Census & SES and input of data & analysis	Committee for Roads,	Oct. 2009	Completed
Preparation of RAP and submission to WB for approval	Committee for Roads, PMC	Feb 2011	RAP Submitted to WB for approval
Land Acquisition Process	Committees for Roads, land authority	Feb 2011	Will be begin when due
Payment of Compensation for Priority Section	Committee for Roads	Feb 2011	Will be begin when due
Payment of Compensation	Committee for Roads	Feb 2011	Will be begin when due
Clear the ROW	Committee for Roads	March 2011	Will be begin when due
Issue notice for commencement of civil workers	Committee for Roads	Feb 2011	Will be begin when due
Income Restoration	Committee for Roads and PMC	Feb 2011	Will be begin when due
Management Information System	Committee for Roads and PMC	Feb 2011	On going
Grievance Redressing	Committee for Roads, PMC and Construction Supervision Consultants	Feb 2011	On going
Internal Monitoring	Committee for Roads and PMC	Quarterly	Will be begin when due
External Monitoring	Committee for Roads, PMC and External Monitoring Agency	Six monthly	Will be begin when due

8.1 Cost Estimate

8.2 The budget includes estimated costs of compensation, assistance entitlements of APs, administrative costs (2.5 per cent of the total budget), contingency cost (10 percent of the total budget) and External Monitoring cost.

8.3 Total Budget Cost

8.4 The total cost of the Resettlement Plan is estimated at KZT **4 017 383 951** in US Dollars equivalent, it comes to **US\$ 27 329 140**. The dollar calculation is based on 147, 00 KZT per US\$. The budget includes all the expenses concerning land acquisition, relocation, rehabilitation, rehabilitation of income, administrative expenses, external monitoring and also unforeseen expenses. The item-wise budgeted cost details are given in the following Table.

Table 15: Estimated Cost of Land Acquisition and Resettlement

Item No	Item	Quantity	Total KZT	Total US\$
Compensation for Land	Agricultural land	422	337 490 940	2 295 856
	Compensation for loss of agricultural income (more than 10%)	209	614 850 060	4 182 653
	Residential land	109	171 643 000	1 167 639
	Commercial land	208	1 452 368 000	9 880 054
Sub total A	Land compensation	739	2 576 344 000	17 526 149
Compensation for structures	house	53	47 135 000	320 646
	Transitional Allowance for inhabited houses	39	1 365 000	9 286
	Shops (café, tearoom) commercial buildings, other	51	370 179 500	2 518 227
	Transitional Allowance for shops/commercial buildings	36	3 620 500	24 629
	Petrol station	24	501 363 500	3 410 636
	Transitional Allowance for Petrol Stations	14	1 963 500	13 357
Sub total B		128	925 627 000	6 296 781
	Total A+B		3 501 971 000	23 822 930
	External Monitoring		22 050 000	150 000
	Administrative costs 2.5%		140 960 843	958 917
	Contingencies 10%		352 402 10 8	2 397 293
Grand Total			4 017 383 951	27 329 140

Table 16: Estimated Cost of Land Acquisition and Resettlement (Rayon/City wise)**A. Land**

Rayon/City	Compensation for Land								
	Agricultural land			Commercial Land (Including structures like shops, petrol stations etc.)			Residential Land		
	No APs	Total KZT (Million)	Total US\$	Quantity	Total KZT (Million)	Total US\$	Quantity	Total KZT (Million)	Total US\$
Turkestan	182	27 342	186 000	78	415 313	2 825 258	48	102 234	695 469
Ordabasy	95	72 949	496 252	95	665 528	4 527 401	36	32 385	220 306
Arys	-	-	-	6	33 627	228 755	10	4. 0	30 612
Baidibek	10	12 157	8 270	8	63 807	434 061	5	10 790	73 401
Sairam	123	832 521	5 663 408	8	149 371	1 016 129	8	20 280	137 959
Shymkent	11	6 084	41 388	13	124 714	848 396	02	1 454	9 891
Tolibe	1	1,288	8 844	-	-	-	-	-	-
Total	422	952,341	6 478 510	208	1 452 360	9 880 000	109	171,643	1 167 639

B. Structures

Rayon/City	Compensation for structures								
	House			Shop/Commercial building and other			Petrol Station		
	No APs	Total KZT (Million)	Total US\$	No APs	Total KZT (Million)	Total US\$	No	Total KZT (Million)	Total US\$
Turkestan	27	12,70	86395	26	145,10	987 074	10	185,60	1 262 585
Ordabasy	19	25,60	174150	17	223,50	1 520 408	8	135,60	922 449
Arys	-	-	-	6	3,40	231 293	-	-	-
Baidibek	5	8,80	59 863.9	2	1,80	12 244.89	3	68,90	26 530.6
Sairam	-	-	-	-	-	-	-	-	-
Shymkent	2	1,40	9 523	-	-	-	3	113,227	770 252
Total	53	48.50	329 931	51	373.80	2 542 856.19	24	503.327	3 423 993

Annexure A: Issues Raised during consultations Meetings

Consultation location		Stakeholders present	Issues raised	Actions taken
Date	Location/venue			
17.09.2008	Turkestan akimat	35 Property owners, government personnel,	Property valuation, compensation at replacement value	Explained the process of valuation and payment of compensation
Jan 15, 2009	Shimkent akimat	83 Residential properties owners and cultivators	compensation for the loss of property	They were informed that adequate compensation for the loss property would be paid.
Jul 07, 2009	Shimkent, Ordabasy akimat	70 APs and government personnel.	Timely payment of compensation,	
June 30, 2009	Turkestan akimat	70 APs and government personnel.	Compensation Adequacy and number of APs	Explained them the remedies available if they are not satisfied with the compensation awarded.
Feb 11.02.2010	Birlik village, Turkestan	100 APs and government personnel.	Compensation Adequacy and number of APs	Explained them the remedies available if they are not satisfied with the compensation awarded.
Feb 18-19, 2010	Turkestan, Shimkent, Ordabasy, Aris, Sairam akimat	650 APs that are not satisfied with compensation, government personnel.	Compensation Adequacy and number of APs	Explained them the remedies available if they are not satisfied with the compensation awarded.

ANNEX B

See Table of content for definition. Material not to be disclosed because it contains personal information.

ANNEX C

See Table of content for definition. Material not to be disclosed because it contains personal information.

ANNEX D

See Table of content for definition. Material not to be disclosed because it contains personal information.

Annexure E

Rayon Specific Affected Households and Compensation Detailed Tables

A. Turkestan

Table 1: Number of Affected Households/Affected Persons in Turkistan

District/Town/City	Affected Households	Estimated total Affected Population
Turkestan	308	1848
Total	308	1848

*as per average 6 persons in a family

Table 2: Affected Households by type of Household

District/town/city	No of household	Type of household				
		Legal title	Claim ownership but no title	Encrocher	Tenant	Lessee
Turkistan	308	308	-	-	-	-
Total	308	308	-	-	-	-

Table 3: Land requirement for the Project in Turkestan Rayon (Includes land acquired under structures)

Type of land	Hectares	Number of land users	General compensation
Agricultural land	115 ha	185	27 342 mil KZT
Commercial land	6 ha	78	415,313 mil KZT
Residential land	8 ha	45	102,234 mil KZT
Total	129 ha	308	544,889 mil KZT

Table 4: Type of Structures and the Magnitude of Impact in Turkestan

Type of Structure	Partially Affected	Fully Affected and need to be relocated elsewhere	Total
House Only	6	21	27
Shops only	1	6	7
Commercial buildings	2	12	14
Petrol station	-	10	10
Other	2	3	05
Total	11	52	63

Table 5: Estimated Compensation Cost of Land Acquisition and Resettlement in Turkestan

Item No	Item	No	Total KZT	Total US\$
Compensation	Agricultural	185	27 342 mil	186,000

for Land	land		KZT	
	Residential land	45	102,234 million.	695,469
	Commercial land	78	415,313 million	2 825 258
	Any other	-	-	-
	Sub total A	308	544,889 million	3 706 727
Compensation for structures	house	27	12.70 million	8 639. 45
	Shops including commercial buildings and other structures (café, tearoom)	26	145.10 million	98 707. 48
	Petrol station	10	185.60 million	126 258. 50
	Sub total B	63	343.4 million	23 360. 45
	Grand total A+B		888, 2 million	60 421. 76

B. Ordabassy

Table 1: Number of Affected Households/Affected Persons in Ordabassy

District/town/city	Affected Households	Estimated total Affected Population
Ordabassy	226	1356
Total	226	1356

*as per average 6 persons in a family

Table 2: Affected Households by type of household

District/town/city	No of household	Type of household				
		Legal title	Claim ownership but no title	Encrocher	Tenant	Lessee
Ordabassy	226	226	-	-	-	-
Total	226	226	-	-	-	-

Table 3: Land requirement for the project in Ordabassy rayon (Includes land acquired under structures)

Type of land	Hector	Number of land users	General compensation
Agricultural land	94.41541	92	72 949 million
Commercial land	8.85171	95	665 528 million
Residential land	4.6364	36	32. 385 million
Total	107.90352	223	KZT 770 862 million

Table 4: Type of Structures and the Magnitude of Impact in Ordabassy Rayon

Description of Affected Structures, Severity of Impact and Extent				
Type of Structure	Partially Affected	Fully Affected but can be rebuilt within the same plot	Fully Affected and need to be relocated elsewhere	Total
House Only	-	-	19	19
Shops, cafe only	-	-	17	17
Combined House/Shop	-	-	-	-
Commercial buildings	-	-	-	-
Petrol station	-	-	8	8
Other	-	-	-	-
Total	-	-	44	44

Table 5: Estimated Cost of Land Acquisition and Resettlement in Ordabassy Rayon

Item No	Item	No	Total KZT	Total US\$
Compensation for Land	Agricultural land	95	72,949 mil kzt	496 251
	Residential land	36	32,385 million	220 306
	Commercial land	95	665,528 million	4 527 401
	Any other	-	-	-
	Sub Total A	223	770, 862 mil kzt	5 243 958
Compensation for structures	house	19	25,60 mil kzt	17 415
	Shops (café, tearoom)	17	223.5 million	15 204
	Petrol station	8	135.6 million	9 225
	Other	-	-	-
	Sub total B	44	384 700 million	2 617 006
	Grand total A+B		1 155 6 million	7 860 965

C. Baidibek and Arys**Table 1: Number of Affected Households/Affected Persons in Baidibek and Arys**

District/town/city	Affected Households	Estimated total Affected Population
Arys	16	96
Baidibek	23	138

Total	39	234
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*as per average 6 persons in a family

Table 2: Affected Households by type of household

District/town/city	No of household	Type of household				
		Legal title	Claim ownership but no title	Encroacher	Tenant	Lessee
Arys	16	16	-	-	-	-
Baidibek	23	23	-	-	-	-
Total	39	39	-	-	-	-

Table 3: Land requirement for the project in Baidibek Rayon

Type of land	Hector	Number of land users	General compensation
Agricultural land	59.794	10	1,215 million KZT
Commercial land	0.3868	8	63 807 million KZT
Residential land	1	5	10,79 million KZT
Total	61.180	23	75,812 million KZT

Table 4: Land requirement for the project in Arys Rayon

Type of land	Hectors	Number of land users	General compensation
Agricultural land	-	-	-
Commercial land	0.8	6	33,627 mil kzt
Residential land	1.7	10	4 mil kzt
Total	2.5	16	37, 627 mil kzt

Table 5: Type of Structures and the Magnitude of Impact in Baidibek Rayon

Description of Affected Structures, Severity of Impact and Extent					
Type of Structure	Partially Affected	Fully Affected but can be rebuilt within the same plot	Fully Affected and need to be relocated elsewhere	Total	
House Only	-	-	5	5	
Shops only		-	2	2	
Combined House/Shop		-	-	-	
Commercial buildings		-	-	-	
Petrol station		-	3	3	
Other		-	-	-	
Total		-	10	10	

Table 6: Type of Structures and the Magnitude of Impact in Arys Rayon

Description of Affected Structures, Severity of Impact and Extent

Type of Structure	Partially Affected	Fully Affected but can be rebuilt within the same plot	Fully Affected and need to be relocated elsewhere	Total
State Buildings		-	-	
House Only		-	-	-
Shops only		-	6	6
Commercial buildings		-	-	-
Petrol station		-	-	-
Other		-	-	-
Total		-	6	6

Table 7: Estimated Cost of Land Acquisition and Resettlement in Baidibek Rayon

Item No	Item	No. of users	Total KZT	Total US\$
Compensation for Land	Agricultural land	10	12 157 mil kzt	82700
	Residential land	5	10 790 mil kzt	73 401
	Commercial land	8	63 807 mil kzt	434 061
	Any other	-	-	-
	Sub total	23	86 754 0 mil kzt	590 162
Compensation for structures	house	5	8.80 million	5 986
	Shops (café, tearoom)	2	1.80 million	1 225
	Petrol station	3	68.90 million	46 870
	Sub total B	10	7 950 million	54 081
	Grand total A+B	23	94 704 million	644 244

Table 8: Estimated Cost of Land Acquisition and Resettlement in Arys Rayon

Item No	Item	No	Total KZT	Total US\$
Compensation for Land	Agricultural land	-	-	-
	Residential land	10	4 million	30 612
	Commercial land	6	33,627 million	228 755
	Any other	-	-	-
	Sub total A	16	37, 627 mil kzt	259 367
Compensation for structures	house	-	-	-
	Shops (café, tearoom)	6	3.4 million	231 293
	Petrol station	-	-	-
	Sub total B	06	3.4 million	351837

Grand total A+B		16	41,027 million	611 204
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D. Sairam

Table 1: Number of Affected Households/Affected Persons in Sairam

District/town/city	Affected Households	Total Affected Population
Sairam	139	834
Total	139	834

*as per average 6 persons in a family

Table 2: Affected Households by type of household

District/town/city	No of household	Type of household				
		Legal title	Claim ownership but no title	Encrocher	Tenant	Lessee
Sairam	139	139	-	-	-	-
Total	139	139	-	-	-	-

Table 3: Land requirement for the project in Sairam Rayon

Type of land	Hector	Number of land users	General compensation
Agricultural land	163.6515	123	832,521 mil kzt
Commercial land	8.3862	8	149,371 mil kzt
Residential land	14.2789	8	20,28 mil kzt
Total	186.3166	139	1002,174 mil kzt

Table 4: Estimated Cost of Land Acquisition and Resettlement in Sairam Rayon

Item No	Item	No	Total KZT	Total US\$
Compensation for Land	Agricultural land	123	832,521 mil kzt	5 663 408
	Residential land	8	20,28 mil kzt	137 959
	Commercial land	8	149,371 mil kzt	1 016 326
	Any other	-	-	-
	Total	139	1002,174 mil kzt	6 817 693

E. Shymkent City and Tolebi Rayon

Table 1: Number of Affected Households/Affected Persons in Shymkent and Tolebi

District/town/city	Affected Households	Estimated total Affected Population
Shimkent	26	156

Tolebi	1	6
Total	27	162

*as per average 6 persons in a family

Table 2: Affected Households by type of household

District/town/city	No of household	Type of household	
		Legal title	Claim ownership but no title
Shymkent	26	26	-
Tolebi	1	1	-
Total	27	27	-

Table 3: Land requirement for the project in Shymkent City

Type of land	Hector	Number of land users	General compensation
Agricultural land	3.2227	11	6 084 mil kzt
Commercial land	0.42807	13	124 714 mil kzt
Residential land	0.23	2	1,454 mil kzt
Total	3.88077	26	132,252 mil kzt

Table 4: Land requirement for the project in Tolebi Rayon

Type of land	Hector	Number of land users	General compensation
Agricultural land	1.1321	1	KZT 1.3 million
Commercial land	-	-	-
Residential land	-	-	-
Total	1.1321	1	KZT 1.3 million

Table 5: Type of Structures and the Magnitude of Impact in Shymkent city

Type of Structure	Fully Affected and need to be Relocated elsewhere	Total
State Buildings	-	-
House Only	2	2
Shops only	-	-
Combined/House/Shop	-	-
Commercial buildings	-	-
Petrol station	3	3
Other	-	-
Total	5	5

Table 6: Estimated Cost of Land Acquisition and Resettlement in Shymkent City

Item No	Item	No	Total KZT	Total US\$

Compensation for Land	Agricultural land	11	6 084 mil kzt	41 388
	Residential land	02	1,454 mil kzt	9 891
	Commercial land	13	124 714 mil kzt	848 396
	Any other	-	-	-
	Sub total A	26	132,252 mil kzt	899 675
Compensation for structures	house	02	1.4 million	9 523
	Shops (café, tearoom		-	-
	Petrol station	03	113.227 million	770 252
	Sub total B	05	114.627 million	779 775
	Grand total A+B		246,879 million	1 679 450

Table 7: Estimated Cost of Land Acquisition and Resettlement in Tolebi Rayon

Item No	Item	No	Total KZT	Total US\$
Compensation for Land	Agricultural land	1	1.3 million.	8843.5
	Residential land			
	Commercial land			
	Any other			
Sub total			1.3 million.	8843.5

ANNEX F

See Table of content for definition. Material not to be disclosed because it contains personal information.
