

RESETTLEMENT PLANNING DOCUMENT

Land Acquisition and Resettlement Plan
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Loan 2562-KAZ: CAREC Transport Corridor 1
(Zhambyl Oblast Section) [Western Europe–Western
People’s Republic of China International Transit
Corridor] Investment Program—Tranche 2
Km 310.5–Km 389.4 Road Section

Prepared by the Committee of Roads, Ministry of Transport and Communications,
Republic of Kazakhstan, for the Asian Development Bank (ADB).

The land acquisition and resettlement plan is a document of the borrower. The views expressed herein do not necessarily represent those of ADB’s Board of Directors, Management, or staff, and may be preliminary in nature.

CURRENCY EQUIVALENTS

(as of 31 December 2009)

Currency Unit	–	Kazakhstan Tenge (KZT)
KZT 1.00	=	\$ 0.007
\$ 1.00	=	KZT 150.00

ABBREVIATIONS

ADB	Asian Development Bank
APs	Affected Persons
CAREC	Central Asia Regional Economic Cooperation
CR	Committee of Roads
EA	Environmental Assessment
EMA	External Monitoring Agency
FS	Feasibility Study
GosNPTsZem	Land State Scientific and Production Center for Land Management
IFIs	International Financial Institutions
JICA	Japan International Cooperation Agency
LAR	Land Acquisition and Resettlement
LARF	Land Acquisition and Resettlement Framework
LARP	Land Acquisition and Resettlement Plan
LARU	Land Acquisition and Resettlement Unit
MFF	Multi-Tranche Financing Facility
MOTC	Ministry of Transportation and Communication
PFR	Periodic Financing Request
PMC	Project Management Consultants
RD	Roads Department
RK	Republic of Kazakhstan
ROW	right of way
TSA	Targeted Social Assistance

NOTE

In this report, "\$" refers to US dollars.

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GLOSSARY

Affected Person	People, households, or legal entities affected by project related changes in use of land, water, natural resources, or income losses.
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 will NOT be considered eligible for compensation i.e. they are not included in the list of APs as defined by the census.
Encroachers	People who move into the project area after the cut-off date and are therefore not eligible for compensation or other rehabilitation measures provided by the project or persons who have trespassed government land, adjacent to his/her own land or asset, to which he/she is not entitled, by deriving his/her livelihood there. Such act is called "Encroachment."
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 and degree 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 the 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 s/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.

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EXECUTIVE SUMMARY

1. This updated Land Acquisition and Resettlement Plan (LARP) is prepared by the Committee of Roads (CR) for the rehabilitation and upgrading of 79 km of road section from km 310.5 – km 389.4 covered under Tranche 2 of the Central Asia Regional Economic Cooperation (CAREC) Transport Corridor 1 Investment Program under a Multi-Tranche Financing Facility.
2. The APs for this Project were identified during the preparation of the detailed design which was completed in March 2009. Valuation of affected structures was done by licensed valuers commissioned by the Design Firm, while land valuation was done by the Zhambyl Land Resources Management Agency. Information on the socio economic profile of the APs were obtained through the census and socio economic surveys conducted in May 2009. Adjustments in valuation was done based additional information and revaluation of assets conducted from August to October 2009. Updating of information and data on affected persons was conducted in August-October 2009 in order to settle the problems related to land acquisition and resettlement.
3. This revised LARP i includes: i) updated number of vulnerable households and cost of relative allowances; ii.) updated information on affected workers and businesses displacement and costs for their compensation; iii.) supplemental information re-valuation of affected assets; and iv) results of discussions with road side vendors on the relocation of their stalls; and v) updated overall costs.
4. The initiation of civil works on the road sections covered by this LARP will be contingent to fulfillment of the following conditions:
 - a. approval of this updated LARP by ADB;
 - b. full disclosure of this updated LARP to the public; and
 - c. full implementation of the compensation program described in this LARP including the full delivery of compensation to the APs.
5. A total of 131 affected parties comprising 99 households and 11 legal entities will be affected. Of these, 99 households and 8 legal entities will lose portion or all of their productive lands. Eighteen will lose more than 10% of their land. Forty-three road side vendors will need to relocate their businesses. One household and one legal entity, each with 2 permanent businesses, will also need to relocate. The employment of 38 workers/staff from shops and 332 agricultural workers may be affected. No household is expected to be displaced from housing.
6. Approximately 185.59 (total Project affected area) = 120.22 (agricultural lands) + 4.42 (commercial lands) + 60.95 (village administration and reserved lands) hectares of land will be acquired for permanent use while 50.62 hectares will be needed temporarily during construction. Most of the lands to be acquired permanently (64.8%) are agricultural/arable lands. Only (2.4%) is used for commercial purposes. Around (32.8%) of affected land is State reserved land or administered by village administration units. Most of the affected areas - 115.65 hectares - or 62.3% are leased on a long-term basis (49 years). A total of 92 households and 8 legal entities are long-term leaseholders.

7. Affected households and legal entities reportedly plant a combination of crops in the affected lands. Commonly cited plants include lucerna/alfalfa, clover, barley, wheat, hay, fodder, perennial herbs, melon, oats, grain crops, and safflower. Government statistics shows that perennial grasses in T. Ryskulov and Merke have an average yield between 25.3 – 37.9 centner/hectare. On the other hand, the average yield of cereal crops is between 9.9 to 12.4 centner/hectare.

8. Six leaseholders of agricultural lands reported that they have not been actively planting on the affected portions of their lands. Hence, they would not claim compensation for loss crops. Tree losses are minimal. Only one AP household reported to lose 15 poplar trees that he planted on his plot.

9. A total of 43 movable structures and 7 clusters of permanent structures will be affected. Owners of mobile/temporary stores along the existing road shoulders will have to shift their trailers/improvised container vans that they use for selling honey to passing motorists. The Zhambyl Oblast Roads Department agreed to allow the affected road side vendors in Merke to move their shops to the proposed rest/stop sites at the right side of Almaty-Taraz road at km 330 and on the left side at km 336. A summary of the land acquisition and resettlement impacts is given in Table E-1 below.

Table E-1
Summary Land Acquisition and Resettlement Impacts

No.	Description	Number/Amount
1	Total number of permanently affected land parcels a. privately-owned/leased lands b. State-reserved lands/village-administered lands	128* ¹ 12
2	Total number of temporarily affected land parcels	29*
3	Total area of land to be acquired permanently (in hectares)	185.59
4	Total area of land to be acquired temporarily (in hectares)	50.62
5	Total area of permanently affected arable land, including pasture land (in hectares)	120.22
6	Total area of permanently affected commercial land (in hectares)	4.42
7	Total area of permanently affected State-reserved lands/ village administered lands (in hectares)	60.95
8	Total number of privately-owned trees	15
9	Total number of affected households and legal entities	119
10	Total number of severely affected households and legal entities	18
11	Total number of vulnerable households	4
12	Total number of affected structures a. temporary/movable structures (road side vendors) b. permanent structures (clusters)	50
14	Total number of households and legal entities losing business a. temporarily (road side vendors) b. permanently	48
	Total number of affected workers a. shop workers b. agricultural workers	38 332
15	Total number of APs, including workers in affected establishments	1,243

* 3 крестьянских хозяйств и 2 юридических лица, чьи интересы затрагиваются, имеют более одного строения на участке (комплекс зданий и сооружений).

¹ Some households own/lease more than one parcel of land.

10. AP households have average household size is 6.0. However, there are also households (14%) with 9 members or more. Around 24% of the households are headed by women. Majority (63%) are Kazakhs. Russians account to about 16.7%, while Ukrainians comprise 11.6%. The remaining households belong to other ethnic groups that migrated into the area. All these ethnic groups are mainstreamed into Kazakhstan's culture and do not possess characteristics of an indigenous peoples population as defined under the ADB IP policy. Four affected households can be considered vulnerable as a function of having aged/disabled/widowed household heads, and income. These households will be provided additional allowance to help them cope with their displacement.

11. Heads of the affected households have a mean age of 48.8. Most are between 31 – 60 years old (63%). A few household heads (16.5%) are already more than 70 years of age. In terms of education, majority of the household heads (77.5%) have secondary education. A few others (20.3%) were able to obtain higher education.

12. A number of consultations with raion (district) akimats and affected persons in the entire road corridor have been conducted by the Committee of Roads since 2007. Initial consultations were with the Akims, Deputy Akims and Land Allocation Offices at the different raions. Consultations related to the preparation of the Environmental Assessment were conducted in Merke and T. Ryskulov in January 2009.

13. In May 2009, consultations were again held in Merke and Kulan to explain the rights of affected persons, as well as the valuation of losses, grievance redress and procedures in land acquisition. A total of 98 APs attended the May consultations. Representatives from local NGOs also participated.

14. During these consultations, APs were informed on who they can contact or approach at the raion Akimat and at the Zhambyl Roads Department in case of complaints or queries. A supplemental valuation activity was conducted in August-September 2009 to validate the initial calculation of losses and the number of APs. Followup discussions were also made by the Zhambyl Oblast Road Department with the Merke Akimat and affected road-side vendors on the alternative sites for vending.

15. Efforts will be made to resolve/clarify issues at the level of the raion akimat and at the Zhambyl Roads Department. However, Issues requiring attention or action from the MOTC-Project Management will be forwarded to the Project Management Consultant-ADB which provides technical and supervision support to MOTC for the Project. If the case remains unsolved a complaint can be lodged to the court.

16. Compensation and entitlements for this Project aims to assure that the APs maintain or improve their standard of living after the project. The table below provides a summary of the compensation entitlements for various categories of APs and degrees of impacts related to the Project.

Entitlement and Compensation Framework

Asset	Specifications	AP ²	Compensation Entitlements
Permanent Loss			
Arable Land	All Land Losses irrespective of severity of impact	Owners (4 HH)	<ul style="list-style-type: none"> Cash compensation at replacement cost or through replacement land equal in value/productivity to the plot lost and at location acceptable to APs where feasible.
		Leaseholders (short-term / long-term) 3/92 HH and 8 LE	<ul style="list-style-type: none"> Cash compensation, market value of one year gross yield (based on a 3-year average) or renewed lease in an alternative plot
	Severe Impact— >more than 10% of income/productive land lost	Owners, leasers (18 HH losing arable land)	<ul style="list-style-type: none"> Cash compensation equal to market value of two crop years.
Commercial Lands		Owners (9 HH and 3 LE)	<ul style="list-style-type: none"> Cash compensation at replacement cost or through replacement land equal in value/productivity to the plot lost and at location acceptable to APs where feasible.
		Squatters (43 HH)	<ul style="list-style-type: none"> Free or leased plot on State land; Self-relocation cash allowance option;
Buildings and Structures		Owners of permanent structures (3 HH and 2 LE)	<ul style="list-style-type: none"> Compensation of full market value
		Temporary structures (kiosks, stalls) owners (43 HH)	<ul style="list-style-type: none"> Approved site to relocate; Self-relocation cash allowance option.
Crops	Crops affected	All AP including squatters (97 HH and 4 LE)	<ul style="list-style-type: none"> Crop compensation in cash at full market rate for 1 year gross harvest — paid to owners and tenants based on their sharecropping agreement.
Trees	Trees affected	All AP including squatters (1 HH)	<ul style="list-style-type: none"> Cash compensation reflecting economic value of trees and forest strips based on age and category determined as market value of the number of years required to grow a tree to similar productivity, plus purchase price of seedlings and starting materials.
Business and employment	Temporary or permanent business/ employment loss	All AP including squatters and workers from affected establishments (46 HH, 2LE) 38 AP-shop workers and 332 agricultural workers)	<ul style="list-style-type: none"> Owner: if permanent loss, cash compensation equal to one year income (lost profits); if temporary, cash compensation for the period of income loss. compensation to workers for lost job (forced interruption) due to complete or temporary business cancellation – amounting up to 3-months average wages.
Relocation	Transport and transitional livelihood costs	All APs affected by relocation (46 HH and 2 LE)	<ul style="list-style-type: none"> Allowance sufficient to cover transport expenses and livelihood expenses for one month due to relocation.
Vulnerability		AP with special needs to avail of project benefits (4 HH)	<ul style="list-style-type: none"> Special programs providing additional compensation, adjustment allowances or other initiatives, based on social assessment and AP census findings;
Temporary Loss			
Land for construction sites and burrow pits		Owners (private or public) (14 HH and 5 LE)	<ul style="list-style-type: none"> Cash compensation at local commercial rental rates for duration of use; Land restored to original status at the end of rental.

² HH refers to household, LE refers to legal entity, while AP refers to affected person.

17. The Zhambyl Oblast Roads Department will implement the LARP, with support from the Construction Supervision Consultants, the Zhambyl Land Resource Management Agency and the Akimats of T. Ryskulov and Merke. Internal resettlement monitoring will be done by the Monitoring Specialists to be designated by the Committee of Roads.

18. An External Resettlement Monitoring Agency will also be engaged to provide an independent assessment of the implementation of land acquisition and resettlement activities for the entire Corridor.

19. The Committee of Roads (CR) is responsible for all land acquisition costs associated with the implementation of the LARP. A budget of approximately KZT 1,392,225,251 has been allocated for all LARP implementation activities in Zhambyl Oblast including KZT 901,739,166 for all ADB-financed road sections. This includes the cost for compensation of losses, operations of the Resettlement Unit, land re-registration, as well as resettlement monitoring and evaluation. LARP activities for this section (Km 310.5-Km 389.4) is estimated at KZT 87,164,600.

20. Civil works for km 310.5 – km 389.4 is expected to commence on March 2010. Related to this, the LARP needs to be fully implemented and evaluated not later than February 2010.

Chapter 1 Introduction

1.1 General

1. The Asian Development Bank (ADB) has agreed to provide the Kazakhstan Government up to \$700 million for implementing the Central Asia Regional Economic Cooperation (CAREC) Transport Corridor 1 Program (the Program). The Program entails the rehabilitation, improvement or construction of several road sections along the Western Europe-Western China transit corridor and is financed through a Multi-tranche Financial Facility (MFF) divided in several tranches (Projects). Under MFF financing, fund release for each tranche is subject to the submission of a Periodic Financing Request (PFR) to be approved by ADB based on the implementation readiness of the tranche feasibility study.

2. This updated Land Acquisition and Resettlement (LAR) Plan (LARP) has been prepared by the Committee of Roads (CR) of the Ministry of Transport and Communications (MOTC) as part of the detailed design supporting PFR approval of Tranche 2 of the Program. Its objective is to assess tranche impacts and plan needed compensation/rehabilitation measures. The document fits relevant Kazakhstan laws, the ADB involuntary Resettlement Policy and the Program's Land Acquisition and Resettlement Framework (LARF). Its preparation involved: (i) detailed measurement surveys, (ii) asset valuation/documentary research on affected plots, (iii) consultation with raion (district) local governments, and affected parties; (iv) a 100% AH census; (v) a socio-economic surveys of the AH; and (vi) supplemental valuation activities.

3. This updated LARP is based on detailed design¹ with adjustments made in the count and valuation of a number of affected lands and structures based on additional information and review conducted from August to September 2009 by a valuation team supported by the ADB as requested by the CR, and follow-up discussions with vendors along within the Merke Raion by the Merke Akimat and Zhambyl Oblast Roads Department.

4. This updated LARP includes: i) updated number of vulnerable households and cost of relative allowances; ii.) updated information on affected workers and businesses displacement and costs for their compensation; iii.) revised count and re-valuation of affected assets; iv) results of consultations and discussions on the relocation of vendors in Merke; and v) updated overall costs.

1.2 LAR-Related Conditionalities²

5. Based on ADB policy and practice, the appraisal of the MFF and each tranche and approval of project implementation will entail the following LAR-related conditions:

- (i) MFF/tranche 1 appraisal: conditional to preparation/disclosure of a Land Acquisition and Resettlement Framework (LARF) for the whole MFF acceptable to ADB and the LARPs for all tranche projects requiring LAR.

¹ The detailed engineering design from km 404-483 was prepared by Kazdor Proekt and approved by MOTC in June 2009.

² See paragraph 21, LARF CAREC Transport Corridor 1 (Zhambyl Oblast Section), MOTC, July 2008

- (ii) Following tranches PFRs approval: conditional to LARF review/update, and preparation/disclosure of LARPs fitting the updated LARF for roads with LAR.
- (iii) Contract awards signing: Conditional to the preparation/disclosure of updated/implementation-ready LARPs approved by ADB and reflecting final impacts, AP lists and official compensation rates.
- (iv) Provision of notice to proceed to contractors: Conditional to full implementation of LARP (full delivery of compensation/rehabilitation) for the relevant project. Such a condition will be clearly spelled out in the text of the civil works contract.

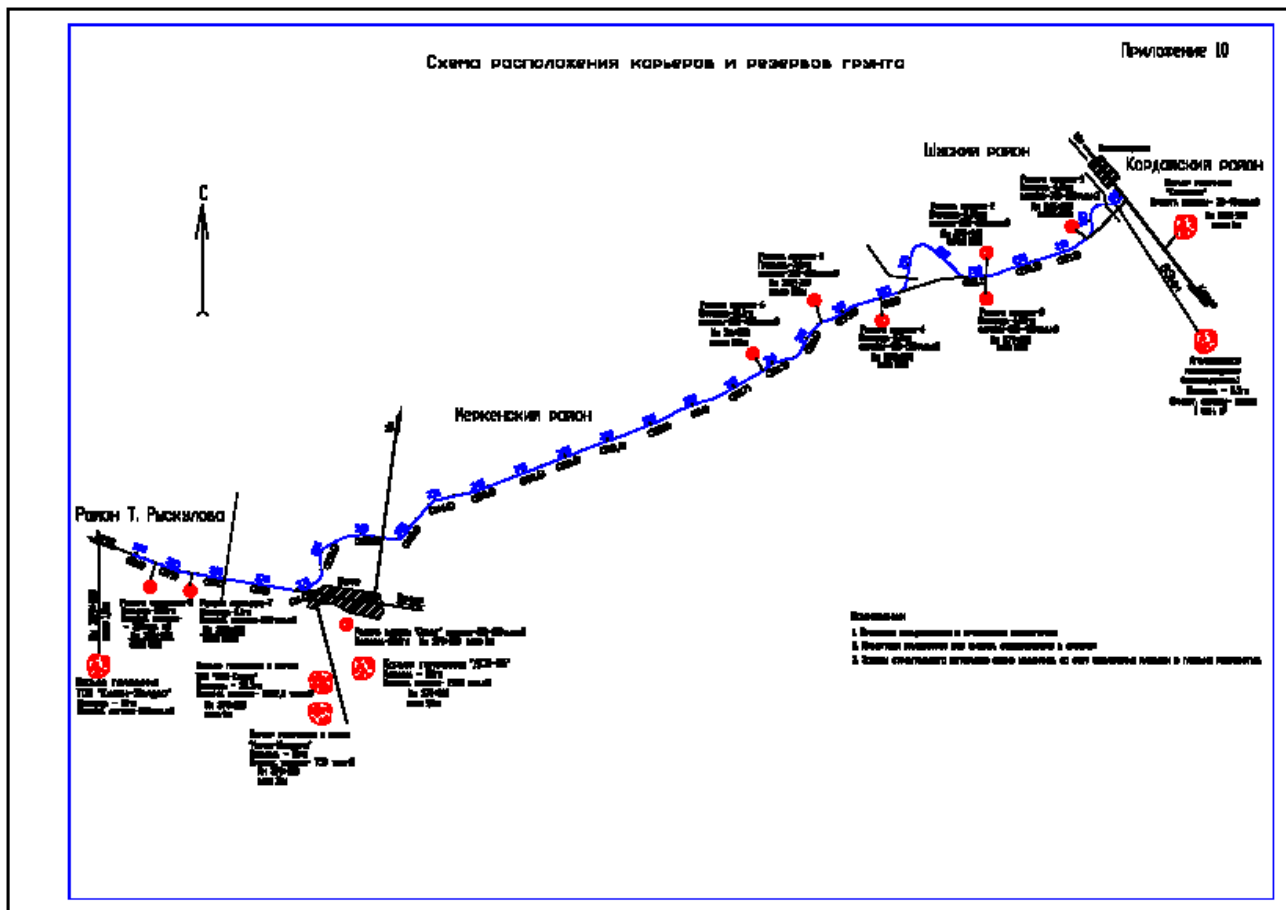
6. Based on the above appraisal, signing of contract awards and civil works implementation for this Project are subject to the following conditionalities:

- **Appraisal:** i) approval of the LARF and of this LARP by ADB and Government; ii) full disclosure of this LARP to the APs.
- **Contract Awards Signing and LARP implementation:** i.) update of the final LARP based on detail design as indicated above (para. 3 and 4); ii.) disclosure of the updated LARP to the APs; iii.) mobilization of the External Monitoring Agency (EMA). The updated LARP shall reflect final impacts, final AP lists, final compensation rates and is readily implementable
- **Provision of No objection to initiation of civil works:** i.) full implementation of the compensation program described in this updated LARP including the full delivery of compensation to the APs and ii.) preparation of a compliance report by the EMA.

1.3 The Tranche 2 Project

7. Tranche 2 finances road improvement/construction activities between km 310.5 and 389.4 (km305–km383 of current chainage) of the Almaty-Taraz highway (Kulan-Blagoveshchenka Section). Civil works include the upgrading of the existing two-lane highway to a Category 1 four-lane highway requiring widening of the right-of-way from 40 to 70m, a cloverleaf-junction at the Merke-Shu intersection; a pipe-junction at the exit to Merke, and four interchanges. Five 4 x 2.5 meter underpasses will be constructed between km 337 to km 373 to allow the safe crossing of animal herds. All these works will involve LAR. Land will also be needed either permanently or temporarily during construction.

MAP OF THE PROJECT AREA



Source: KazNiiPI Dortrans

Chapter 2 Impact Assessment

2.1 Data Collection Methodology

8. Affected persons and assets were identified at different stages of the Tranche 2 Project preparation. Initial assessment was made during the preparation of the feasibility study in January 2008. More intensive assessments were made between km 310.5 – km 389.4 by the Design Firm (KazNiiPI Dortans) during the preparation of the detailed design. Information on the affected plots was derived by plotting the proposed road alignment into the land cadastre provided by the Zhambyl State Scientific and Production Center for Land Management (GosNPTsZem). The land cadastre was used in identifying the names of the registered landowners/leaseholders/APs with permanent land use rights, land use, size of the affected plots and the proportion of affected land against the total area of the plot.

9. A total of 157 affected land users (private land owners, leaseholders, entities with permanent land use rights) were identified. In addition, a survey conducted by the Merke Akimat in May 2009 found 43 vendors who currently operate businesses within the road right-of-way. In all, there are 200 affected households and legal entities within the road section.

10. At the Raion (district) level, a committee chaired by the Deputy Akim was formed in Merke and T. Ryskulov. From August to November 2008, the committees surveyed the affected plots and met with the owners/lessees of these plots to inform them what area of their lands would be affected. Licensed structure valuers were engaged by the Design Firm to assess the market value of structures to be acquired, while GosNPTsZem estimated the values of the affected land plots based on the registered land use and land category.

11. In August 2009, a Work Team was mobilized (through fund support from ADB) to assist the Zhambyl Oblast Roads Department in undertaking the necessary refinements to these valuations prior to negotiation with the APs. Additional information were collected from the raion Statistics Office, Agriculture Department, Justice Department, Tax Committees and the Technical Inventory Bureau. To ensure that all aspects are considered in the valuation and to minimize complaints from the APs, the Work Team developed a self-prepared application form in the collection of supplementary information on affected lands and structures with specific columns for each type of asset. APs were asked to fill in the form, including a request for valuation, and submitted to the Zhambyl Roads Department. An assessment of the impacts from the proposed civil works between km 310.5 – km 389.4 is presented in the following sections.

2.2 Land Losses

12. Detailed measurements made at the detailed design stage revealed a total of 185.59 hectares of land to be acquired for permanent use. During construction, around 50.62 hectares will also be needed temporarily. Most of the lands to be acquired permanently (120.22 hectares or 64.8%) are agricultural lands. Only 4.42 hectares or 2.4% is used for commercial purposes. Around 60.95 hectares (32.%) of the permanently affected lands are State-reserved lands and lands administered by the

villages for various purposes. Lands to be temporarily affected include 24.76 hectares of arable land and 25.85 hectares of State-reserved/village-administered lands.

13. A total of 97 affected households and 4 legal entities will lose portions of their lands. See table 1.

Table 1
Loss of land by land category (km 310.5- km 389.4)

A. Affected Households

Land category	Land to be acquired (in hectares))		Number of Affected Households		Number of Affected Persons
	Permanently Affected	Temporarily Affected	Permanently Affected	Temporarily Affected ³	
Arable land	51.21	19.41	99	14	624
Commercial land	3.22	n/a	9	n/a	42
Residential land	n/a	n/a	n/a	n/a	n/a
Sub total A	54.43	19.41	108	14	666
Sub total A (without double counting)			111		

B. Affected Legal Entities

Land category	Land to be acquired (in hectares)		Number of Affected Firms/Legal Entities	
	Permanently Affected	Temporarily Affected	Permanently Affected	Temporarily Affected ⁴
Arable land	69.01	5.35	8	5
Commercial land ⁵	1.2	n/a	3	n/a
Lands owned by State Enterprise, Reserved Land for Community Use, and village- administered land	60.95	25.86	12	9
Sub total B	131.16	31.21	23	14
Sub total B (without double counting)			12 legal entities 20 State-reserved lands/ village administrations	
Total (A and B)	185.59	50.62	131	28
Total (A and B) w/o double counting			143	

14. Most of the affected areas (142.2 hectares or 51.2%) are leased on a long-term basis (49 years). A total of 97 households and 11 legal entities are long-term

³ Eight households will temporarily and permanently lose portions of their arable lands and were counted once in the total number of affected households.

⁴ Three plots of land that are used by legal entities and four village-administered lands/reserved lands will both be temporarily and permanently affected. Reserved lands include lands, owned by the Zhambyl Oblast Akimat, State Enterprise (Kyrgyz Temirzholy and Tarazvodkhoz), reserved land for community use (ZZ Zhanaturmys, ZZ Karakystak and Zhylybulak, Sarymoldayev, ZZ Kostogan, and Ryskulov Village administration), and underpasses for animals.

⁵ These include 3 privately-owned lands and 1 parcel of land that is leased on a long-term basis.

leaseholders. Around 0.21 hectares of affected land are leased by 3 households on a short-term basis, while 7.2821 hectares of affected lands are privately-owned by 11 households and 1 legal entity. The remaining lands are State-reserved or village-administered lands. None of the affected lands are unregistered. Initially, there were four households who have no registration. However, they were assisted by the Zhambyl Land Resource Management Agency in registering their respective plots. See tables 2 and 3.

Table 2
Affected land by type of ownership/tenurial status of affected households/
legal entities/village administration

Ownership/Tenurial Status	Land to be acquired (in hectares)			Number of Affected Households (hh) / Legal Entities (LE)		
	Permanent Loss	Temporary Loss	Total	Permanent Loss	Temporary Loss	Total without Double Counting
Privately Owned	7.58 1,2	n/a	6.8821 0.4000	13 hh 3 LE	n/a	11 hh 1 LE
Long-term lease	46.64 69.01	19.41 5.35	65.7200 76.4800	92 hh 8 LE	14 hh 5 LE	97 hh 11 LE
Short-term lease	0.2100		0.2100	3 (hh	n/a	3 hh
Unregistered	n/a	n/a	n/a	n/a	n/a	
Gov't reserved land/village administered land/	60.95	25.86	127.9200	12	9	20
Total:	185.59	50.62	277.6121	131 108 hh 11 LE 12 village administration/ State owned lands	14 hh 5 LE 9 village administration lands	111 hh 12 LE 20 villages/ State owned lands

Table 3
List of affected privately-owned lands

Num ber	Name of Private Owner	Type of Land	Total Area of Land (hectares)	Area to be Acquired (hectares)	% of Affected Area
Merke raion, km 305-373					
1	i/e Ussenov T. (purchased from Katekov Karakoishy)	Commercial	0.3991	0.23	57.6
2	i/e Akhanov Tursyn	Commercial (no structures)	0.1356	0.07	51.6
3	i/e Seidualiyeva Nazym	Commercial (no structures)	1.37	0.90	65.7
	i/e Seidualiyeva Nazym	Commercial	0.20	0.20	100
	i/e Seidualiyeva Nazym	Commercial	0.1721	0.1721	100
4	h/h Aliyeva Dzhuman	Pasture	70.0	2.08	3
5	h/h Baimukhabetov Arman	Pasture	100	1.67	1.67
6	TOO "Kuanysh Nury" (purchased from TOO "Beibars Gas Ltd.")	Commercial	0.40	0.40	100
7	i/e Bubnov Yuri	Commercial (no structures)	0.1	0.1	100
8	h/h Alimbekov Batyrbek	Pasture Poplars -15 trees	7.0	0.15	2.14
9	h/h Askerov S.	Irrigated land	2.94	0.46	15.6
10	i/e Abdrakhmanov Maksut	Commercial	0.9102	0.09	9.9
	TOO "Arna Petroleum" (purchased from i/e Gochiyaev Nazbi)	Commercial	0.9417	0.45	47.8
11	TOO "Arna Petroleum" (purchased from i/e Gochiyaev Nazbi)	Commercial	0.2400	0.13	54.2
12	i/e Tynybekova Aliya	Commercial (no structures)	0.2118	0.05	23.6
T.Ryskulov raion, km 373-404					
13	i/e Dzhabykbayeva M.	Commercial (no structures)	0.3	0.08	26.7
14	TOO "Munai-Invest &		0.22	0.22	100

	K''	Commercial			
15	i/e Kaldybalin N.M.	Commercial	0.55	0.55	100
16	i/e Shubakbayev A.	Commercial (no structures)	1.244	0.78	62.7
16	Total			8.7821	

2.3 Crop Losses

15. Leased lands are to be compensated equivalent to the market value of one-year gross yield (based on a 3-year average). Affected households and legal entities interviewed for the census/socio economic surveys reportedly plant a combination of crops in the affected lands. Commonly cited plants include lucerna/alfalfa, clover, barley, wheat, hay, fodder, perennial herbs, melon, oats, grain crops, and safflower. During the census, interviewees were asked what crops they plant on the affected portions of their land. A total of 87 farming households and 11 legal entities reported that they plant perennial grasses and cereal crops on the affected lands. See table 4.

Table 4
Crops reportedly planted on the affected land
(n = 87 households and 11 legal entities)

Perennial Grasses and Cereal Crops Planted on the Affected Land	Number of AP Households/ Legal Entities Planting
Lucerna/alfalfa	33
Clover	19
Barley	18
Wheat	19
Crops (did not specify)	9
Hay/fodder	6
Perennial herbs	4
Others (melon, oats, safflower)	4

16. Data from the Agriculture office shows that perennial grasses in T. Ryskulov and Merke have an average yield between 25.3 – 37.9 centner/hectare. On the other hand, the average yield of cereal crops is between 9.9 to 12.4 centner/hectare.

17. During the follow-up field survey conducted in August-September 2009, six leaseholders of agricultural lands reported that they have not been actively planting on the affected portions of their lands. Hence, they would not claim compensation for loss crops. Table 5 below shows the leaseholders of agricultural lands who did not incur crop or other losses from the acquisition of their leased lands.

Table 5
Leaseholders of agricultural lands who will not incur crop losses,
km 310.5 – km 389.4

N	Land users	Land plot Cadastre Number, No. and date of Resolution	Right to land use	Total area, in has	Area acquired, in has	Impact, in %
1	Alimbekov Batyrbek	030-400 499 dated 22.12.2006	Long-term lease for 49 years	5.87	0.02	0.34
2	Aliyev Zhenis	088-025 223 dated 24.03.1998	Long-term lease for 49 years	29.00	0.08	0.30
3	OJSC "Plemzavod Merke"	080-001 214 dated 25.06.2002	Long-term lease for 49 years	23,698.0	19.32	0.08
4	PC "Dostyk-M"	038-061 314 dated 29.12.2003	Long-term lease for 49 years	100.00	1.85	1.85
5	TOO «Kazexim-Birlik»	055-054 302 dated 05.10.2005	Long-term lease for 12 years	47.30	0.31	0.66
6	TOO «Kazexim-Zharas»	030-226 567 dated 31.12.2004	Long-term lease for 49 years	12.80	0.15	1.17
	Total:			23,892.97	21.73	

2.4 Tree Losses

18. Tree losses are minimal. Only one AP household reported to lose 15 poplar trees that he planted on his plot. Other trees planted within the existing right-of-way were planted by the government as wind breakers. Permit to cut these government-planted trees have been granted by the Forestry Agency based on the condition that replacement trees shall be planted.

2.5 Structure Losses

19. A total of 43 movable structures and 4 clusters of permanent structures will be affected. One household will lose the operator room of its gas station, while another household will lose several structures within its land (shop, gas station, toilets, sheds, etc.). TOO Arna Petroleum (a legal entity) will also lose a portion of its non-operational gas station. In the area near the Merke-Shu intersection, 43 owners of mobile/temporary stores along the existing road shoulders will be affected. These owners and their hired-sellers will have to shift their trailers/improvised container vans that they use for selling honey to passing motorists. No residential structure will be affected and no household is expected to be physically displaced from housing. See table 6.

**Table 6
Details of affected structures**

Structure Type	Quantity	Brief description	Number of APs
A. Movable structures			
Carriages with wooden/steel stands	43	Mobile structures used as temporary resting quarter and storage of honey and other commodities sold by road side vendors. The stands are made of light metal/wood frames used as display stands for honey and other commodities	43 hhs
Sub-total (A)	43	All structures are easily movable without damaging the structure.	43 hhs
B. Permanent or Non-movable structures			
Gas station	5	1 gas station shed (87.3 sqm)-non operational 1 gas station (Gas station No. 26) ⁶ with operator room (30.5 sqm)-non operational	2 hh 2 LE
Container gas station with toilet	1	13.86 sqm metal frame with 15.6 sqm operator room, 1.25 sqm toilet, one 28.5 sqm box for motor oil change, 120 sqm asphalt concrete cover and a 12 sqm shelter/shed.	1 hh
Gas station and canteen complex	1	Several structures including a 9 sqm shed, 6.25 sqm pavilion, 1.25 sqm toilet, 0.05 km access road, 6 meters-blocks, and 1 one transformer substation	
Sub-total (B)	7	All these structures will be compensated as per scope of impacts for each structure.	3 hh and 2 LE
Total (A + B)	50		48 hh and 2 LE

2.6 Business Losses

20. Business losses may be classified into two types:

- a. Type-I Temporary Small Business Losses: These are eligible mobile businesses which can easily relocate and continue their activities in sections of the road corridor unaffected by civil works. They will be compensated for the period of income loss based on tax records. If these are unavailable, compensation will be based on the local minimum monthly salary (13,470 KZT)⁷.
- b. Type-II Permanent Small Business Losses: These are eligible businesses located in affected permanent or non-movable structures/buildings. They will be compensated in cash for the income of 1 year based on tax records, or - if these are not available - based on the official monthly minimum salary in the project area (13,470 KZT x 12 months).

⁶ The structure used to be owned by a household (Gochiyaev Nazbi). It was later sold to a legal entity (TOO Arna Petroleum)

⁷ Official minimum wage per month as of January 2009 based on Government Resolution no. 810, August 30, 2008

21. Forty-three road side vendors are expected to transfer to another site and resume their trading within one-month. The Zhambyl Oblast Roads Department agreed to allow the affected road side vendors in Merke to move their shops to the proposed rest/stop sites at the right side of Almaty-Taraz road at km 330 and on the left side at km 336 (km based on the new design)⁸. Vendors interviewed during the census reported an average monthly income between 30,000 – 58,000 KZT. Those who will be able to submit supporting documents will be compensated based actual monthly income. Those without supporting documents will be compensated at a rate of 13,470 KZT. On the other hand, one household (Seidualiyeva Nazym) who owns 1 container gas station and 1 gas station with canteen that will be demolished is expected to lose his businesses permanently. See table 7.

Table 7

Business losses estimates km 305- 404

Type of Business	Monthly income (KZT)	Number of Months*	Total (KZT)	No.	Total (KZT)	Remarks
Type-I Temporary Small Business impacts						
Road side kiosks/stalls (honey and refreshments)	13,470	1.0	13,470	43	579,210	Temporary impact
Subtotal (temporary business losses)	13,470		13,470	43	579,210	
Type-II Permanent Small Business impact						
Gas station i/e Ussenov T. (purchased from Katekov Karakoishy)	13,470	12.0	161,640	1	161,640	Permanent impact
Motor oil changing box, toilet, shed (i/e Seidualiyeva Nazym)	13,470	12.0	161,640	1	161,640	Permanent impact
Gas station and canteen Seidualiyeva Nazym	13,470	12.0	161,640	1	161,640	Permanent impact
Shop, canteen, café under construction, toilet, i/e Abdrakhmanov Maksut	13,470	12.0	161,640	1	161,640	Permanent impact
Gas station No. TOO "Arna Petroleum"	13,470	12.0	161,640	2	323,280	Permanent impact
Gas station "Munai-Invest & K" K»	13,470	12.0	161,640	1	161,640	Permanent impact
Subtotal (permanent business losses)				7	1,131,480	
Total (Type 1 and 2)				50	1,710,690	

* time needed to re-establish the business

⁸ Based on an official letter sent by Mr. T. Aliakhmetov, Deputy Director of the Zhambyl Oblast Roads Department to Mr. B.K. Rysmendiyevev of the Merke Raion Akim on 11 August 2009.

2.7 Employment Loss

22. A number of workers may be affected temporarily or permanently by the disruption in the agricultural and commercial operations of some business establishments. During the census, it was reported that the jobs of 38 workers/staff from the affected shops/commercial establishments may be affected. These include cooks, sellers, servants, administrative staff, guards, and shop assistants. Monthly incomes of these workers were reported to range between 10,000–40,000 KZT per month.

23. An additional 332 agricultural workers were identified during the supplemental assessment conducted in August 2009, bringing the total number of affected workers to 370. Compensation for agricultural workers is based on their projected income for the remaining agricultural year.

2.8 Relocation of Structures and Businesses

24. The 43 road side vendors will need to relocate their carriages and temporary structures away from the expanded road right-of-way. Moreover, 2 households and 1 legal entity will also need to transport their structures, goods and personal items. A self-relocation/transport allowance will have to be provided to each of these APs. When asked about their preference in case they need to relocate, Vendors/business owners preferred to re-establish their stalls in the road section to be provided by the Zhambyl Oblast Road Department at km 330 and km 336 for short-term use.

2.9 Number of Affected Households/Legal Entities and Persons

25. A total of 158 households (with 897 members) are likely to experience various losses/impacts from the implementation of the project. Most of these households (111 households) will lose ownership/access to agricultural lands and the income they derive from it. Two households will lose portions of their commercial lands, while another two will lose their entire land. Forty-three (43) households who rely on road side vending will temporarily lose their businesses. There are also 42 legal entities that will lose portions or entire land plots. The census revealed around 38 workers who may be affected. However, this would still need to be verified by the Zhambyl Oblast Road Department. Lands managed by the village administration for community use will also be affected. However, the number of households/persons using these lands is also yet to be determined. See table 8.

Table 8
Details of affected households, legal entities and APs by category

AP Category	Number of Affected Households (HH)/ Legal Entities (LE)		Net Number of household APs
	(x impact type)	Absolute (Without double counting)	
A. Land⁹			
A1. Agricultural land -owned/leased by households -owned/leased by legal entities	99 HH 11 LE	104HH 11 LE	624
A2. Commercial land -owned/leased by households -owned/leased by legal entity	9 HH 3 LE	7 HH 1 LE	42
Sub-total (A)	111	123	666
B. Crops and Trees			
Titled owners/leaseholders/permanent land users -owners/leaseholders (households)	13/95 HH	-	
-owners/leaseholders/permanent users (legal entities)	3/8/12 LE	-	
Sub-total (crops and Trees)	131	-	
C. Business/Income Losses			
C1. Temporary small business losses	43	43	207
C2. Permanent business losses - owners (households) - owners (legal entities)	3 HH 2 LE	-	
C3. Wage workers/Employee -shop workers -agricultural workers			38 332
Sub-Total (C)	48	43	577
D. Structures			
D1. Movable/temporary structures	43	-	
D1. Commercial Structures	7	-	
Sub-total (D)	50	-	-
E. Total (A+B+C+D)	322	166	1,243

2.10 Severely Affected APs

26. Thirty households and 3 legal entities will permanently lose more than 10% of their productive lands. Of these, 18 APs will lose more than 10% of their arable land,

⁹ 20 parcels of State reserved lands and lands administered by the villages will also be affected. These lands are currently not productive and not utilized by any third-party.

while 12 will lose all/portions of their commercial lands. Sixteen households are long-term leaseholders. One household is a private owner of agricultural land. One household is a short-term leaseholder, while 9 HH and 3 LE are owners of commercial lands. Eighteen households will lose between 10–35% of their lands. Three households and 2 – legal entities (TOO “Kuanys Nury” and TOO “Munai-Invest & K”) will lose their entire plots. Severely affected APs will lose a combined area of 22.84 hectares. See table 9.

Table 9
Severely affected households and legal entity

No.	Name of Land User	Right to Land Use	Total area in ha (in hectares)	Area to be Acquired (in hectares)	Impact, in %
1	2	5	7	8	9
Merke Raion (District)					
1	Argynbaiuly Rakhymbai	Long-term lease 49 years	23.57	4.31	18,3
2	Beksultanov Amanbai	Long-term lease 49 years	23.98	4.12	17.18
3	Aliyev Salimbek	Long-term lease 49 years	10.80	1.12	10.37
4	Tilepbayev Daulet	Long-term lease 49 years	1.20	0.16	13.33
5	Aitzhanov Abu	Long-term lease 49 years	3.50	0.54	15.43
6	Aitzhanov Azamat	Long-term lease 49 years	1.00	0.23	23.00
7	Lomanov Ibragim	Long-term lease 49 years	4.40	0.48	10.91
8	Zhakayev Madiyar	Long-term lease 49 years	0.82	0.18	21.95
9	Zhunussaliyev Akimbai	Long-term lease 49 years	3.00	0.98	32.67

10	Beissebayev Ilesbek	Long-term lease 49 years	1.50	0.32	21.33
11	Beksultanov Nurmadil	Long-term lease 49 years	0.50	0.12	24.00
12	Omarbekov Abdrakhman	Long-term lease 49 years	1.70	0.42	24.71
13	Orchibekov Akimbek	Long-term lease 49 years	2.23	0.59	26.46%
14	Kassabekova Ainakhan	Long-term lease 49 years	8.30	2.02	24.34%
15	Kuramayev Kanatbek	Long-term lease 49 years	2.20	0.46	20.91
16	i/e Ussenov T. (purchased from Katekov Karakoishy)	Commercial land	0.3991	0.23	57.6
17	i/e Akhanov Tursyn	Commercial land (no structures)	0.1356	0.07	51.6
18	i/e Seidualiyeva Nazym	Commercial land (no structures)	1.37	0.90	65.7
	i/e Seidualiyeva Nazym	Commercial land	0.20	0.20	100
	i/e Seidualiyeva Nazym	Commercial land	0.1721	0.1721	100
19	TOO "Kuanysh Nury" (purchased from TOO "Beibars Gas Ltd.")	Commercial land	0.40	0.40	100
20	i/e Bubnov Yuri	Commercial land (no structures)	0.1	0.1	100
21	h/h Askerov S.	Irrigated land	2.94	0.46	15.6
22	i/e Abdrakhmanov Maksut	Commercial land	0.9102	0.09	10.0
23	TOO "Arna Petroleum" (purchased from i/e Gochiyaev Nazbi)	Commercial land	0.9417	0.45	47.8

	TOO "Arna Petroleum" (purchased from i/e Gochiyayev Nazbi)	Commercial land	0.2400	0.13	54.2
24	i/e Tynybekova Aliya	Commercial land (no structures)	0.2118	0.05	23.6
T. Ryskulov Raion (District)					
25	i/e Dzhabykbayeva M.	Commercial land (no structures)	0.3	0.08	26.7
26	TOO "Munai-Invest & C"	Commercial land	0.22	0.22	100
27	i/e Kaldybalin N.M.	Commercial land	0.55	0.55	100
28	i/e Shubakbayev A.	Commercial land (no structures)	1.244	0.78	62.7
29	Alikulov Tanysbai	Short-term lease 5 years	0.10	0.01	10.00
30	Satylganov Alpamysh	Long-term lease 49 years	10.30	1.90	18.48
Total:				22.84	

2.11 Vulnerable Households

27. In Kazakhstan, families with an average per capita income below the poverty line (defined as 40% of the subsistence minimum) are considered vulnerable and are entitled to the Targeted Social Assistance (TSA) program of the government. As of June 2009, the official subsistence minimum in Kazakhstan is 13,393 KZT per capita. The poverty line therefore is 5,357.2 KZT per capita. TSA for each household is computed as follows: Household income – (poverty line x number of family members). In addition, there are State social benefits, financed from the central budget, that provide monetary transfers to citizens in need due to disability, loss of the family breadwinner, or old age. Local governments (Akimat) are mandated to identify poor and vulnerable households in their area.

28. Efforts were made during the census and supplemental field validation to identify poor and vulnerable households. Four affected households can be considered vulnerable as a function of having aged/disabled/widowed household heads, and income. See table 10 below. Members of vulnerable households will be given priority in project-related jobs.

Table 10
Household Heads of Vulnerable Households

No.	Name of Household Head	Age	Sex	Civil Status	No. of HH Members	Remarks
1	Kassabekova Ainakhan	70	Female	Did not indicate	6	
2	Akmedzhanova	73	Female	Widow	Single HH	
3	Muraliev A.	84	Male	Married	7	Disabled and World War 2 veteran
4	Lomanov Ibragim	82	Male	Married	5	World War 2 veteran

2.12 Perceived Impacts and Suggestions

29. When asked what they think about the impact of the project to them and their households, around 31% believes that it will have a positive impact on them while 26% thinks otherwise. Many (39%) are still uncertain. Table 11 shows the perceived advantages of the road project and suggestions from the APs to address income and property losses.

Table 11
Perceived advantages from the project and suggestions to address adverse impact from the project on income and property

Perceived Advantages (multiple responses)	Number of Responses	Suggestions to Address Impacts (multiple responses)	Number of Responses
Improved condition and safety of roads/less accidents	69	Provide alternative location for selling honey	27
Will help shorten travel time, cut fuel cost and spare parts	13	Pay the correct amount of compensation	27
Improved income from road side trading/café	6	Provide adequate crossings and access roads for people, animals, and vehicles	16
Possible employment of household members in the construction	2	Accelerate civil works	2
Good compensation for losses and access to micro-credit	9	Provide jobs to people in the community	1
Good for the country's economy in general	12	Protect water lines and irrigation canals	3
No advantage	17	No answer	63

CHAPTER 3 SOCIO ECONOMIC PROFILE

3.1 General Characteristics of the Project Area

30. The project is situated within Zhambyl Oblast, which is one of the four oblasts (provinces) in the Southern Region of Kazakhstan. Zhambyl is subdivided into 10 raions (districts), 12 urban settlements and 367 villages. The project will pass through the raions of Merke and T. Ryskulov.

31. Zhambyl Oblast covers 144,300 sq. km. The oblast center is Taraz, once a main stop on the Silk Road. The population of Taraz is 336,100 (34 percent of the total oblast population). Most of the villages and urban settlements were constructed as part of the state and collective farm structure. Population in the Oblast in 2007 was a little over 1 million people. Population density is 6.9 persons per sq. km. Almost half of population lives in towns. The urban population is 451,200 (45.1%), while the rural population is 549,900 (54.5%). The T Ryskulov district has the population of 61 thousand people, with a density of 6.7 people/ km². The Merke and Korday district (Section 6 of the road alignment) has a combined population of 184 thousand people, with a population density of about 11 people per km². The population in the oblast is mostly Kazakhs (65%). Russians account to about 18.1%. There are also Uzbeks, Tatars, Ukrainians and other ethnic groups in the area.

32. The poverty situation in Zhambyl has continuously improved over the past years. However, poverty in the oblast is still among the highest in the country. In 2003, the percentage of people in the oblast with incomes below the subsistence minimum was recorded at 30%, next to Atyrau Oblast which registered the highest percentage of people with incomes below subsistence minimum in the country. The rate of unemployment in Zhambyl is one of the highest in the country. Half of those with income sources are self-employed, with majority relying on agriculture.

3.2 Profile of the Affected Population

33. To obtain information on the socio-economic profile and living conditions on the AP households and further assess the impacts of land acquisition on the APs, a sample of 138 affected households and representatives from 11 legal entities (comprising 80% of the total number of affected parties) was interviewed. Additional information on household incomes, expenditures and assets was sought from a sample of 34 households (comprising 21% of the 138 affected households). Interviews were conducted from May 21 to June 1, 2009 using structured questionnaires translated to Kazakh. English versions of the questionnaires are shown in Appendix A.

34. A team of three local interviewers was oriented on the census and socio-economic questionnaires, using a live-case interview of a volunteer AP. Based on the AP list, the interviewers coordinated with the heads of the rural settlements in locating the houses of the sample APs. Interviewers visited the APs in their houses for the conduct of face-to-face interviews. Results of the interviews are presented in this chapter.

3.2.1 Number and Membership of Affected Households

35. The survey covered a total of 138 affected households with a combined membership of 816 people. The average household size is 6.0. However, there are also households (14%) with 9 members or more. Around 24% of the households are headed by women. See table 12.

Table 12
Size of surveyed affected households

Household Size	Number	Percent
1 – 4	37	26.8
5 – 8	79	57.2
9 and above	19	13.8
Did not indicate	3	2.2
Total	138	100.0

3.2.2 Residence and Ethnic Composition

36. Most of the AH (79%) reside in villages within the Merke District. Another 20% reside in T. Ryskulov. However, there are also a few who live outside these two districts. In terms of ethnic composition, majority of the affected households (63%) are Kazakhs. Russians account to about 16.7%, while Ukrainians comprise 11.6%. The remaining households are Azeris, Tatars, Turks, Germans, Kumyks and Uzbeks.

37. The Kazakhs constitute the native local population. The other ethnic groups are migrants who settled in the area over the past years. None of these ethnic groups maintain cultural and social identifies separate from the mainstream Kazakhstan's society fitting the ADB definition of Indigenous Peoples. They have full and equal access to institutions and economic opportunities as the rest of the population. Because of this the Project will not trigger the ADB policy on Indigenous peoples.

3.2.3 Age and Education Level of Household Head

38. Heads of the affected households have a mean age of 48.8. Most are between 31 – 60 years old (63%). However, a few household heads (16.5%) are already more than 70 years of age. Women household heads also vary in age - some having ages below 30 years while others are more than 60 years old. In terms of education, majority of the household heads (77.5%) have secondary education. A few others (20.3%) were able to obtain higher education. See tables 13 and 14.

Table 13
Age profile of household heads

Age of Household Head	Men	Women	Total	
	Number	Number	Number	%
30 and below	14	4	18	13.0
31 – 40	21	5	26	18.8
41 – 50	20	10	30	21.7
51 – 60	24	7	31	22.5
61 – 70	15	5	20	14.5
71 and above	7	2	9	16.5
Did not indicate	4	-	4	2.9
Total	105	33	138	100.0
Mean age =	49.0	48.2		48.8

Table 14
Education profile of household heads

Education	Men	Women	Total	
	Number	Number	Number	%
Higher	23	5	28	20.3
Secondary	79	28	107	77.5
Did not indicate	3	-	3	2.2
Total	105	33	138	100.0

3.2.4 Size of Landholding

39. Lands owned/leased by the affected households vary greatly in size. In general, privately-owned lands are smaller than leased lands. Most of the privately-owned lands are less than 1.0 hectare in size. Most of the affected households (52.3%) lease between 1-10 hectares, while another 28% lease between 11-60 hectares. There are also a few households (13%) who lease more than 60 hectares. Hence, for most leaseholders the impact of land acquisition from the project is marginal. See table 15.

Table 15
Size of lands owned/leased by the affected households

Size of Landholding (in hectares)	Number
A. privately-owned (n = 8 households)	
Less than 1.0	5
1.0 and above	3
mean = 23.1 sd = 39.3	
B. leased lands/right to permanent use (n = 107 households)	
Less than 1	6
1 – 10	57
11 – 20	15
21 – 30	7
31 – 40	4
41 – 50	3
51 – 60	1
more than 60	14
mean = 27.9 sd = 53.9	

3.2.5 Household Income and Expenditures

40. Agriculture is the primary income source of the affected farming households. Commonly planted crops are wheat, barley, and lucerna/clover. Others also plant safflower, hay and vegetables. Similarly, the 43 road side vendors indicated that their shops are the sole income source for their families. Hence, they are concerned about the possible disruption that the proposed road construction may have on their livelihood.

41. When asked about their average yield per hectare, survey respondents from the farming households provided the following responses:

crop:	yield range:
a. wheat	7 - 30 centner (100 kg) per hectare
b. barley	10 - 40 centner (100 kg) per hectare
c. lucerna, clover	80 – 360 tons 2,000 – 8,000 bales per season 260 – 1,000 bales per 2-3 mowing

42. Aside from planting crops, almost all farming households also raise livestock. The socioeconomic survey revealed that most households own between 1 to 40 cows, 1 to 40 horses, and 5 to 500 sheep. A few households also raise between 10 to 50 hen.

43. The socio-economic survey conducted on 35 households showed that many households (40%) have two-gainfully employed members. A considerable proportion (31%) has more than 2 gainfully employed members, while 23% have only one-gainfully employed members. Most work within the same district (raion). Majority of the household heads (57%) reported having monthly incomes of more than 40,000 KZT per month. Majority (63%) also reported having combined monthly household income of higher than 60,000 KZT per month. On the average, household heads contribution to the total household income is around 56%. In terms of expenses, the households reported an average monthly household expenditure of 124,000 KZT. See table 16.

Table 16
Reported monthly income of the household head and monthly household income and expenses

Income Range (in KZT)	Income of Household Head (Number)	Household Income (Number)	Household Expenses (Number)
20,000 and below	5	-	1
21,000 – 40,000	9	5	1
41,000 – 60,000	5	4	3
61,000 – 80,000	7	4	7
81,000 – 100,000	3	4	4
more than 100,000	5	17	18
Did not indicate	1	1	1
Total	35	35	35
Mean	64,000 KZT	162,000 KZT	124,000 KZT

3.2.6 Living Conditions

44. Almost all of the interviewed households have houses made of bricks or saman (clay with straw) which were built between 1948 and 2009. An average house has one floor with 5 rooms and has access to electricity. Majority (68%) have landline telephones. However, only 32% have access to potable water and gas for fuel.

Chapter 4

Objectives, Policy Framework, and Entitlements

45. The Land Acquisition and Resettlement Policy Framework (LARF)¹⁰ for the Project agreed between the Government and ADB defines the eligibility for compensation and rehabilitation assistance, and details the entitlements for each impact type, as well as procedures for valuation, compensation, grievance redress, consultations and disclosure and monitoring/evaluation. It combines existing legal framework and procedures for land acquisition in Kazakhstan and international good practice as embodied in the policies of ADB.

4.1 Kazakhstan Legal Framework and Practice

46. In Kazakhstan, land is owned by the State but can be transferred, sold or rented to individuals, 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.

4.1.1 Kazakhstan Constitution

47. Kazakhstan laws and regulations regarding land and land ownership are derived from the Constitution, which states that land (surface and underground) is 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.

4.1.2 The Land Code of 2003

48. The Land Code of the Republic of Kazakhstan (RK Code No. 442-II of 20 June 2003, amended on 6 July 2007) which covers the reservation of land for State needs stipulates that a plot may be reserved for State needs by way of purchase or by granting an equivalent 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). However, the availability of suitable land to swap varies from one location to another.

49. Land owners/users must be notified of the decision to purchase 1 year in advance, unless the owner/user agrees to release the land more quickly (Article 85.2). If part of a plot is acquired and the remainder area cannot be used as before the whole plot must be purchased (Article 86 para 2).

50. The price of a 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 plot or rights to it and of real estate situated on it, as well as all losses caused to the

¹⁰ Land Acquisition and Resettlement Framework, Central Asia Regional Economic Cooperation (CAREC) Transport Corridor 1 (Zhambyl Oblast Section) Project, Ministry of Transport and Communications, Republic of Kazakhstan, July 2008

owner/land user due to land loss, including losses due to 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).

51. If an owner disagrees with the decision to purchase (reserve), the price offered or other purchase conditions, the authority issuing the decision to purchase can file an expropriation case in court (Article 88 para 1) after the year of notification has passed (Article 88 para 2). In disputed cases, the land cannot be taken until the court adjudicates a settlement specifying compensation levels and losses (Article 166.7). Compensation must be paid to the owner or user before the reservation is processed by the raion level office of the Land Resources Management Committee and registered at the Registration Service Committee, then allow work to begin on the land.

52. The Land Code of RK does not entitle encroachers to compensation for the right to use the lands they use informally (squatters) or those who have not registered their claims to lands. Moreover, no additional provisions are made for those who are losing a significant portion (10% of more) of their productive assets.

4.1.3 Law on Housing Relations

53. 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 to 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.

4.1.4 Labor Code

54. Registered workers from affected business establishments/enterprises who lose their work as a result of discontinuation of the operations of the establishment are also entitled to compensation equivalent to their one-month salary as per the Labor Code of RK.

4.1.5 Procedures for Compensation

55. 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). However, the resolution expired in February 2005 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 question regarding the extent to which their estimates are based on site-specific information. Consequently, challenges are not uncommon.

4.1.6 Standard Land Acquisition Practices and Process

56. Land acquisition for public needs in Kazakhstan generally follows the following procedures:

- Proposed alignment and estimates of the amount of land to be acquired permanently or temporarily; as well as estimated cost of acquisition, rental and restoration of affected lands are included in the feasibility study (FS).
- The FS is sent to the oblast and raion levels for review and comments. In the case of Republican Roads, the FS is sent to the Committee of Roads in Astana for review.
- Based on the tentative alignment, registered owners/leaseholders are notified initially that their land will be acquired.
- The detailed design is prepared which firms up the alignment and assessment of land acquisition requirements, including detailed maps and individual landholdings to be affected, ownership data from the cadastre and estimated compensation for acquisition and losses.
- Once the final alignment is agreed with local officials, the agency that requires the land requests the akimat of the raion to call owners together to discuss the LAR process.
- The akimat issues a resolution on the land acquisition and registers the resolution with the oblast Department of Justice. Owners are officially notified of the extent of land acquisition of their properties.
- The raion akimat establishes a valuation commission that includes officials and land owners. Inputs are sought from licensed assessors in establishing official compensation amounts.
- Once the official compensation amounts have been established, negotiation between government and the affected persons starts. Signed agreements are again registered with the oblast Department of Justice. Based on the agreements, compensation amounts are processed and delivered to the affected person.
- If agreement cannot be reached, the government agency requiring the land will initiate a court appeal for expropriation after the one-year notification period ends.
- Once the court renders a decision, the compensation amount will be transferred to the account of the affected land user. Land cannot be accessed until compensation is completed and the title is transferred.

4.2 ADB Involuntary Resettlement Policy

57. 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 in the resettlement policies of ADB. The principles apply in case of temporary or permanent impacts resulting from loss of land, structures or other fixed assets; changes in land use or business; restrictions on land use, housing or businesses. The principles apply to AP who experience impacts as the result of LAR for State Needs.

58. Similar to other ADB-assisted projects, this Project will adhere to the following principles

- (i) avoid or minimize LAR;
- (ii) AP 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;
- (iii) compensation should enable AP to restore their pre-project incomes and standard of living by the end of the project;
- (iv) the APs must be consulted and participate in resettlement planning;
- (v) the APs must be fully informed of their compensation options;
- (vi) land-for-land swap is the preferred compensation for lost agricultural land, if it is available, unless the affected person chooses cash compensation;
- (vii) costs of transfer of property—purchase or swap—are waived or borne by the investor, including taxes, fees, documentation and court appeals;
- (viii) compensation will be made giving equal consideration to women and men;
- (ix) lack of formal title or use agreement does not bar AP from entitlements or assistance required to achieve the objectives of the policy;
- (x) relocated AP receive relocation and transition subsistence allowances;
- (xi) 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;
- (xii) LAR are executed as part of the project and fully funded; and
- (xiii) compensation will be fully provided before land can be entered for civil works or demolition.

4.3 Comparison of ADB Resettlement Policy and Kazakhstan’s Legislation

59. There is congruence between Kazakhstan’s laws and ADB’s Resettlement Policy with regard to the entitlement of persons with legal rights/titles. However, ADB’s Resettlement Policy does not consider the absence of legal rights of affected persons as an impediment to receiving rehabilitation assistance. Likewise, those who experience severe impacts i.e. displacement from housing or losing more than 10% of their productive assets, as well as vulnerable groups are entitled to additional support. ADB Policy also entitles APs to assistance for livelihood restoration. Key differences between ADB Resettlement Policy and Kazakhstan’s Legislation are outlined in Table 17 below.

Table 17
Comparison of Standard Land Acquisition Practice and ADB Resettlement Policy

Kazakhstan’s Land Acquisition Practice	ADB Involuntary Resettlement Policy
Land compensation only for titled landowners or leaseholders..	Lack of title should not be a bar to compensation and/or rehabilitation, and non-title-holders are to be rehabilitated.
Price of an agricultural land plot (with no account for losses) purchased by the land owner from the state under preferential terms and subject to acquisition for public needs shall be determined as equal to the amount paid to the state.	Private land acquisition at a market value.
Crop and tree losses compensated only to registered APs .	Crop compensation to all APs disregarding registration status.

No provision for income/livelihood rehabilitation assistance for severely affected APs/vulnerable groups, or for resettlement costs.	Rehabilitation for income/livelihood, for severe losses and vulnerable APs, and for AP expenses during the relocation process.
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4.4 Actions Made to Address the Gaps

60. In 2008, the Government of Kazakhstan (through the Ministry of Transport and Communication) agreed to adopt a Land Acquisition and Resettlement Framework (LARF) for the Project that incorporates both Kazakhstan’s laws and procedures and the Resettlement Policies of its partner-International Financial Institutions (IFIs) for the Project, including ADB. The Framework applies to all persons whose private land status is affected permanently or temporarily due to the Project, including purchase and temporary use during construction. It also applies to people whose use of state land, sanctioned or not, changes as a result of the investment. The Framework does not apply to State land that is transferred from one authority to another, or used for the reconstruction, unless third parties are adversely affected by the transfer or use.

61. To clarify these issues and reconcile eventual gaps between Kazakhstan’s Land acquisition practice and law and the ADB policy, the Committee of Roads has drafted this LARF for the Project. This document ensures that: (a) compensation is provided at replacement cost of all items,(b) non-titled APs are given livelihood rehabilitation, and (c) the provision of subsidies or allowances for APs suffering business losses or severe impacts and APs who are vulnerable.

4.5 Policy Framework and Entitlements for this Project

4.5.1 Entitlements to Compensation

62. The following groups of affected persons (APs) are included in the LARF and will be addressed in the Land Acquisition and Resettlement Plan (LARP) for this road section:

- All APs losing land either with legal title, lease holding land rights or without legal status;
- Tenants and sharecroppers whether registered or not;
- Owners of buildings, crops, plants, or other objects attached to the land; and,
- APs losing business, income, and salaries temporarily or permanently.

63. To enable the Project to compensate unregistered land users under Kazakhstan’s laws, representatives from the Zhambyl Land State Scientific and Production Center for Land Management (GosNPTsZem) advised affected land users to register or update the registration of their lands. For the road sections covered under the Tranche 2 Project, the 5 unregistered land users identified during the surveys were assisted in having their land claims registered. This will entitle them to compensation according to standard Kazakh legal framework. The assets/structures on the affected plots of land users without titles have been evaluated by exactly the same criteria as those with titles.

64. Compensation and entitlements must assure that the APs maintain or improve their standard of living after the project. For purposes of eligibility, the cut-off date in this road section (km 310.5 – km 389.4) is the approval date of the Feasibility Study for

upgrading the West Europe-West China Transit Corridor by the MOTC on 31 March 2008.¹¹ Persons who occupy affected areas after that date are not entitled to compensation provisions. Table 18 below provides the entitlements for various categories of APs and degrees of impacts related to the Project.

Table 18
Entitlement and Compensation Framework

Asset	Specifications	AP ¹²	Compensation Entitlements
Permanent Loss			
Arable Land	All Land Losses irrespective of severity of impact	Owners (4 HH)	• Cash compensation at replacement cost or through replacement land equal in value/productivity to the plot lost and at location acceptable to APs where feasible.
		Leaseholders (short-term / long-term) (3/92 HH and 8 LE)	• Cash compensation, market value of one year gross yield (based on a 3-year average) or renewed lease in an alternative plot
	Severe Impact—>more than 10% of income/productive land lost	Owners, leasers (18 HH losing arable land)	• Cash compensation equal to market value of two crop years.
Commercial Lands		Owners (9 HH and 3 LE)	• Cash compensation at replacement cost or through replacement land equal in value/productivity to the plot lost and at location acceptable to APs where feasible.
		Squatters (43 HH)	• Free or leased plot on State land; • Self-relocation cash allowance option;
Buildings and Structures		Owners of permanent structures (3 HH and 2 LE)	• Compensation of full market value
		Temporary structures (kiosks, stalls) owners (43 HH)	• Approved site to relocate; • Self-relocation cash allowance option.
Crops	Crops affected	All AP including squatters (97 HH and 54 LE)	• Crop compensation in cash at full market rate for 1 year gross harvest — paid to owners and tenants based on their sharecropping agreement.
Trees	Trees affected	All AP including squatters (1 HH)	• Cash compensation reflecting economic value of trees and forest strips based on age and category determined as market value of the number of years required to grow a tree to similar productivity, plus purchase price of seedlings and starting materials.
Business and employment	Temporary or permanent business/employment loss	All AP including squatters and workers from affected establishments (46 HH and 2 LE, 38 AP-shop workers and 332 agricultural workers)	• Owner: if permanent loss, cash compensation equal to one year income (lost profits); if temporary, cash compensation for the period of income loss. • compensation to workers for lost job (forced interruption) due to complete or temporary business cancellation – amounting up to 3-months average wages.
Relocation	Transport and transitional livelihood costs	All APs affected by relocation (46 HH and 2 LE)	• Allowance sufficient to cover transport expenses and livelihood expenses for one month due to relocation.
Vulnerability		AP with special needs to avail of project benefits (4 HH)	• Special programs providing additional compensation, adjustment allowances or other initiatives, based on social assessment and AP

¹¹ Refer to paragraph 49, Land Acquisition and Resettlement Policy Framework, CR-MOTC, July 2008

¹² HH refers to household, LE refers to legal entity, while AP refers to affected person.

Asset	Specifications	AP ¹²	Compensation Entitlements
			census findings;
Temporary Loss			
Land for construction sites and burrow pits	Owners (private or public) (14 HH and 5 LE)		<ul style="list-style-type: none"> • Cash compensation at local commercial rental rates for duration of use; • Land restored to original status at the end of rental.

*

65. The entitlements provided in the matrix are further elaborated below:

- a. Arable land impacts.** The four households with legal title will be compensated at replacement value either through (i) cash compensation at current market rates, or (ii) granting of replacement land equal in value/productivity to the plot lost. Eventual transaction taxes/fees will be paid by the Committee of Roads (CR) or waived by the concerned agency. Compensation will also include costs incurred by the owner related to land plot development, maintenance, protective measures and soil fertility improvement, taking into account the inflation, as well as losses that the owner incurred related to early termination of obligations to third parties.

The 94 households, and 9 legal entities with short-term (5 years or below) and long-term (49 years) leases to arable lands will be paid cash compensation equivalent to the market value of one-year gross yield (based on a 3-year average). None of the affected leaseholders of agricultural lands opted to have a renewed lease in an alternative plot. Payments made by APs to the government for the long-term lease (49 years) of the arable land will also be reimbursed. Leaseholders will also be compensated for activities related to land plot development, maintenance, protective measures etc.

In cases when the right to land plots subject to acquisition for public needs was supposed to be bought out from the state, but the buyout was not performed, the value of the right to use (lease) of such land plots shall not be included in the compensation amount, and under agreement with the land user he may instead be granted another equivalent land plot;

If the permanent or temporary acquisition results in partial or complete damage to irrigation, drainage and erosion-preventive structures (systems), then the losses will be determined based on the costs of the work for construction of new facilities or rehabilitation of existing structures (systems), including the costs of design and survey works.

- b. Residual agricultural land impacts.** Residual portions of the acquired lands which are rendered unusable will be included in the affected land and compensated as indicated above subject to the preference of the AP. Residual land less than 500 sqm is considered no longer viable for agricultural purposes.

Alternatively, the AP has the option of seeking an alternative plot or of changing the intended use of the remaining plot i.e. from agricultural to commercial. Moreover, APs may also explore the reorganization and

swapping of plots with adjacent owners to improve the economic viability of the remaining agricultural lands.

- c. **Severe impact losses.** When >10% of an AP income or agricultural land is affected, AP (owners, leaseholders, sharecroppers, and squatters) will get an additional allowance for severe impacts equal to the market value of the yield for 2 crop years from the acquired land based on the average yield in the past three years. Nineteen households fall under this category.
- d. **Agricultural sharecroppers, and agricultural workers.** Sharecroppers will receive cash compensation equivalent to their share of harvest at market rates, including costs incurred by the sharecropper in the improvement of the land. Costs incurred by the sharecropper on the plot allotted shall be determined under the procedure stipulated by constituent documents of economic partnerships, producers' co-operatives or an agreement between the parties. On the other hand, agricultural workers who will lose employment due to land acquisition for the Project will be paid cash compensation equivalent to their salary in cash or in-kind for the remaining part of the agricultural year. A total of 332 affected agricultural workers will be compensated under this provision.
- e. **Commercial land.** The four households and 1 legal entity who own commercial lands that will be affected by the Project will be compensated at replacement rate either (i) in form of land for land or (ii) cash at current market rates free of transaction costs and depreciation. On the other hand, the 43 households that occupied the existing right-of-way to sell honey and other commodities to passing motorists will be provided a self-relocation allowance and will be given an option to transfer to a site to be provided by the Zhambyl Oblast Road Department along km 330 and km 336.
- f. **Buildings, and structures** will be compensated in cash at replacement cost free of deductions for depreciation, salvaged materials, and transaction costs irrespective of the registration status of the affected item. The cost of lost water and electricity connections will be included in the compensation. Two households and 1 legal entity who own permanent structures will be compensated based on this provision.
- g. **Crops.** Standing crops on the acquired lands shall be compensated at market rates for their gross value of 1 year's harvest losses. Crop compensation will be paid both to landowners and tenants based on their specific sharecropping agreements. 102 households and 7 legal entities are covered under this provision.
- h. **Trees.** APs will be compensated for trees on acquired lands equal to the economic value of the tree based on age and category determined as market value of the number of years required to grow a tree to similar productivity, plus purchase price of seedlings and starting materials. The household who reportedly has 15 poplar trees to be affected will be compensated based on this.
- i. **Businesses.** If business is lost permanently, it will be compensated in cash equal to 1-year net income (profit). If disruption is temporary, the AP shall be paid cash compensation for the period of business interruption period based

on tax declaration or, if unavailable, official monthly minimum salary (13,470 KZT). The permanently affected businesses by (Seidualiyeva Nazym and other) and the 43 road side vendors are covered by this provision..

- j. Business workers and employees.** Affected workers will be provided with indemnity for lost wages for the period of business interruption up to a maximum of 3 months, computed based on the official monthly minimum salary (13,470 KZT). Some 38 workers will be compensated depending on the duration of work interruption. Those who will lose their jobs permanently will get the maximum 3-months compensation based on this provision.
- k. Self relocation allowance.** AP households/owners of temporary structures or stalls who are forced to relocate will receive a self-relocation allowance (13,470 KZT) to help them transport their structures, goods and personal items. However, those who opt to transfer to the site to be developed by the Akimat will instead be provided a space to lease.
- l. Community structures and public utilities** will be fully replaced or rehabilitated to maintain their pre-project functions.
- m. Vulnerable people** (Affected households below the poverty line) will be provided an additional assistance of 13,470 KZT and will be enlisted in existing special programs and other initiatives for vulnerable people (i.e. Targeted Social Assistance and State social benefits). Able-members of vulnerable households will be given priority in project-related jobs.
- n. Temporary impacts.** In case of temporary land acquisition, compensation shall be based at local commercial rental rates for the duration of use, taking into account the lost income from the land. The Project shall ensure that the land is restored to its original status at the end of rental.

66. For unexpected adverse effects during the sub project implementation, the Raion Akimats and the Zhambyl Oblast Department of the Road Committee will undertake measures in accordance with the objectives of the LARF of restoring the socio-economic and living conditions of the affected persons.

67. Delivery of compensation will be made through the Kazakhstan Post, checks or other means based on the preference of the APs free from fees or processing charges. Expenses related to transfer of funds, and documentation requirements shall be shouldered by the Project.

Chapter 5 Consultation and Disclosures

5.1 Consultations

68. A number of consultations with raion (district) akimats and affected persons in the entire road corridor have been conducted by the Committee of Roads since 2007. Initial consultations were with the Akims, Deputy Akims and Land Allocation Offices at the different raions. Further informal discussions and individual visits were made by the Design Firms in 2008 during the preparation of detailed design. APs identified in the process were contacted by the valuers and the Committee chaired by the Deputy Akims of T. Ryskulov and Merke from August to November 2008 to notify them of the extent of the affected lands and seek preliminary agreements for land acquisition.

69. In January 2009, consultations were held in Merke and Kulan to present the scope of the project as part of the preparation of the environmental assessment (EA) for Tranche 2. Questions and concerns related to the subproject were noted. Compensation issues and crossings for animals were among the common concerns raised in the consultations. A total of 67 people attended the EA-consultations¹³

70. In May 2009, consultations were again held in Merke and Kulan to explain the rights of affected persons, as well as the valuation of losses, grievance redress and procedures in land acquisition. In order to maximize participation in the consultation, notifications were twice made in local newspapers. The Akimats also mobilized the heads of rural villages to inform APs about the event.

71. Mr. Muratkhan Shukeev, Vice Akim of T. Ryskulov, chaired the consultation in Kulan, while Mr. Ilyas Akhmetzhanov, chaired the consultation in Merke. The Director (Mr. Erulan Zhunissov) of the Zhambyl Committee of Roads (CR) participated in the consultation in Kulan on 21 May 2009. His Deputy (Mr. Toishibai Aliakhmetov) attended the consultation in Merke the following day. Representatives from 2 local NGOs (Alga and Taraz Information Center) also participated. Brochures (in Russian and Kazakhs) on the entitlements and other relevant aspects were distributed at the start of the consultation.

72. A total of 98 APs attended the May consultations. APs participated actively in the discussion. Questions and comments revolved around the following: (i) eligibilities and entitlements, (ii) factors to be considered in the valuation of agricultural and commercial lands, (iii) documentation requirements, (iv) compensation amounts, (v) schedule of project implementation and compensation payments, (vi) mode of delivery of compensation, (vii) concerns about charges and expenses related to receipt of compensation, (viii) options for remaining plot areas that are no longer suitable for their former use, and (ix) treatment of people who haven't registered their land rights.

73. Queries about the location and dimensions of underpasses for animal crossing, as well as employment opportunities for local residents were likewise raised. Participants also raised the need to improve dissemination/disclosure of information about the

¹³ Highlights of these consultations are provided in the Summary Environmental Impact Assessment, Kazakhstan: Multitranche Financing Facility for the CAREC Transport Corridor 1 (Zhambyl Oblast Section) Investment Program-Tranche 2, prepared by MOTC for ADB, May 2009

project. Participants requested for specific persons and contacts in case of inquiries and complaints. Related to this, the Zhambyl CR provided the phone numbers that can be contacted concerning the project. The Deputy Akims also clarified their role in receiving and forwarding complaints from the public. A summary of the dates of consultations and number of participants is shown in Table 19. A video-recording of the May 2009 proceedings is also available on file.

Table 19
Summary dates of consultations

Date	Location	Participants
Aug–Nov 2008	Offices of the Akimat of T. Ryskulov and Merke / on-site	Representatives from the Akimat, Design Firms, Zhambyl Land Resource Mgmt Agency, and individual APs met at the field
January 12, 2009	Lecture Hall, Merke Akimat, Merke	Representatives from Zhambyl Road Dept, Design Firm and 26 APs/stakeholders
January 13, 2009	Lecture Hall, T. Ryskulov Akimat, Kulan	Representatives from Zhambyl Road Dept, Design Firm, Akimat and 38 APs/ stakeholders
May 21, 2009	Lecture Hall, T. Ryskulov Akimat, Kulan	Representatives from Zhambyl Road Dept, Akimat and 30 APs/ stakeholders
May 22, 2009	Lecture Hall, Merke Akimat, Merke	Representatives from Zhambyl Road Dept, Akimat and 68 APs/ stakeholders

74. A series of informal discussions between the Merke Akimat, Zhambyl Oblast Roads Department and road side vendors were held between July to August 2009 on where the affected road side vendors can transfer to continue their livelihood. As a result of the discussion, Zhambyl Oblast Roads Department agreed to allow the vendors to transfer to the rest stops at km 330 and km 336 for short-term use. Related to this, the road side vendors issued written consent to relocate their businesses to drivers' rest sites when these are built and equipped with the necessary facilities. Agreements for trading spaces leasing/rent on these sites will be prepared once the specific designs of the sites have been finalized.

5.2 Disclosure

75. Consultations were followed with the conduct of census of all known affected persons (APs) and socio-economic survey to a sample APs, where information brochures were also distributed to ensure that all APs are well-informed about the project and their entitlements to compensation and assistance under the project.

76. A summary of the Land Acquisition and Resettlement Plan (LARP) (translated in Kazakh and Russian) shall be distributed among the APs to provide additional information on the implementation arrangement, payment schedule, assistance to specific groups and grievance redress options. A separate brochure shall also be distributed for contractors and landowners regarding temporary use of land for borrow pits, staging areas, labor camps, and the like.

77. The full-LARP document will be translated into Russian and Kazakh languages and disclosed on the MOTC-Project website, the website of the Committee for Roads and the Zhambyl Roads Department. Copies will also be distributed to the Raion Akimats of Merke and T. Ryskulov. The LARP in English will likewise be submitted for uploading to the ADB website.

Chapter 6

Grievance Redress Participation

78. Grievance redress procedures for the project aim to provide an effective and systematic mechanism for the Subproject in responding to queries, feedbacks and complaints from affected persons, other key stakeholders and the general public.

6.1 Grievance Focal Points, Complaints Reporting, Recording and Monitoring

79. Complaints can be received through the staff of the Akimats of T. Ryskulov or Merke, the Zhambyl Committee of Roads or the Project Management Consultants. Grievance Focal Points have been designated at these levels to receive, help resolve, report or forward complaints received from APs and the general public. The following are the Grievance Focal Points designated for the Subproject:

- a. Mr. Aliakhmetov Toishibai Zhanadilovich, Deputy Director
Zhambyl Committee of Roads, 1a Tauke Khan Street, Taraz City
Telephone Nos: 8 (7262) 31-6006 / 8 (7262) 31-6004
Email: uad_zhamb@mtc.gov
- b. Mr. Shukeev Muratkhan Zhunussalievich, Vice Akim
T. Ryskulov Akimat
Telephone Nos: 2 19 41 / 8 701 400 5172
- c. Mr. Akhmetzhanov Ilyas Bekturgaevich, Vice Akim
Merke Akimat
Telephone Nos: 2 17 64 / 2 26 55

80. At the Raion level, the Deputy Akims will be supported by the Land Allocation Unit and Legal Staff of the Akimat. APs or other concerned individuals may visit, call or send a letter or fax to any of the Grievance Focal Points to register their comments or complaints related to land acquisition or other aspects of the Subproject.

81. The Raion Akimats and the Zhambyl Oblast Committee of Roads will be required to maintain a record-book to register the complaints, keep track of their status and report monthly to the Project Management. Reports and grievance resolution will be subject to follow-up by the external monitoring/evaluation team, and by the Project Management. The Grievance Focal Point at the PMC-ADB will also be tasked to regularly coordinate with the Zhambyl CR and Akimats of T. Ryskulov and Merke to track complaints received, actions taken and status of resolution. Complaint forms will be distributed to the heads of local self governments, the Akimats and the Zhambyl Oblast Committee of Roads to facilitate recording of complaints.

82. The reports and the process of dispute resolution will be observed/monitored by the External Resettlement Monitoring Agency to be engaged by PMC, as well as by the Committee of Roads Internal Monitoring Specialist.

6.2 Grievance Resolution Process

83. Information about the land acquisition and other aspects of the project will also be provided to the heads of the local self-governments/rural settlements. Hence, APs may also opt to initially course their complaints or queries through their local self-government heads.

84. In case the heads of the rural settlement cannot resolve or clarify the issue at their level within one week, they can then forward the case to the Grievance Focal Points at the Raion Akimat. If the issue cannot be resolved in two weeks, the Akimat will then pass the complaint to the Grievance Focal Point at the Zhambyl Oblast Committee of Roads.

85. Issues requiring attention or action from the MOTC-Project Management will be forwarded by the Zhambyl Oblast Roads Department to the Project Management Consultant-ADB which provides technical and supervision support to MOTC for the Project. If the case remains unsolved a complaint can be lodged to the court.

86. Alternatively, people with concerns about the Project may contact the Project Management Consultants (PMC) Office, Astana. The PMC has a designated Grievance Focal Point who is tasked to receive, follow-up and report on a weekly basis all complaints, disputes or questions received about the Project.

87. The following standards shall be used in responding to or referring complaints received by the Project:

LEVELS/STAGES	RESPONSIBILITY	STEPS IN COMPLAINT HANDLING
Village-level	Head of Local Self Government	Registers the complaint and attempts to solve it. If complaint is not resolved in one week, it is passed to the raion Akimat for resolution.
Raion-level	Vice Akim, Grievance Focal Point Akimat	Receives the complaint, registers it and attempts to resolve it. If there is no resolution in 2 weeks, it is passed to the Zhambyl Roads Department
Zhambyl Oblast	Deputy Director, Zhambyl Oblast Roads Department	Receives the complaint and attempts to resolve it. If there is no resolution within 2 weeks, it will be passed to the Grievance Focal Point at the Committee of Roads
Committee of Roads/PMC	Grievance Focal Point	Receives the complaint and coordinate with the concerned units or agencies to find timely solution. If there is no resolution within 2 weeks, the case will be presented to a Kazakh court and resolved according to Kazakh's legislation.
Court	Oblast court	Hears the case and renders decision.

6.3 Disclosure of the Grievance Process

88. The grievance resolution process for this LARP will be disseminated through information brochures and posted in the offices of the rural village heads, the raion akimats and at the Zhambyl Roads Department Office.

Chapter 7 Compensation, Relocation, and Income Restoration

89. For majority of the APs, the impact of land acquisition to income losses is marginal and temporary. Most of the APs lost less than 10% of their productive lands and can continue with their livelihood activities in the remaining portions of the lands. Moreover, owners and employed workers from mobile road side stalls/kiosks near the Merke-Shu junction are expected to be able to resume their trade by shifting outside the expanded right-of-way. Likewise, no household is expected to be displaced from housing and relocate. Hence, in most cases the cash compensation provided for losses would be sufficient to help APs re-establish and continue with the livelihood.

7.1 Compensation for Privately-owned Lands

90. Privately-owned lands shall be compensated cash based on the current market value in the area or provided with land of equal value. In the area where the affected privately-owned plots are situated, market values of land vary depending on the type of land and location. Table 20 shows the evaluation conducted on the affected privately-owned lands. These estimates have been adjusted to consider costs incurred by the owner related to land plot development, structures, improvements, maintenance, protective measures and soil fertility improvement, taking into account the inflation, as well as losses that the owner incurred related to early termination of obligations to third parties. Owners of these affected private lands opted for cash compensation.

Table 20
Revised Valuation of Affected Private Lands (Km 310.5 – Km 489.4)

No.	Names of land owners	Land plot purpose	Total area, in has	Area acquired, In has	Compensation calculated, in KZT ¹⁴
Merke Raion (District)					
1	i/e Ussenov T. (purchased from Katekov Karakoishy)	Non operational gas station	0.3991	0.2300	3,709,440
2	Akhanov Tursun	No structures on the land plot (Café)	0.1356	0.0700	1,050,000
3	Seidualiyeva Nazym	Gas station, lodging and canteen	1.3700	0.9000	13,500,000
	Seidualiyeva Nazym	Box for motor oil change, toilet, shed	0.2000	0.2000	6,048,212
	Seidualiyeva Nazym	Gas station and canteen	0.1721	0.1721	3,601,769
4	Aliyeva Dzhuman	Pasture, No structures on the land plot	70.0000	2.0800	1,470,752

¹⁴ Reports on valuation of affected land and structures have been updated by TOO "Smart Experts Group" on September 2009.

No.	Names of land owners	Land plot purpose	Total area, in has	Area acquired, in has	Compensation calculated, in KZT ¹⁴
Merke Raion (District)					
5	Baimukhanbetov Arman	Pasture, No structures on the land plot	100.0000	1.6700	1,091,422
6	TOO "Kuanysh Nury"	Pavilion shed (Gas station, service center, shop and café)	0.4000	0.4000	6,000,000
7	Bubnov Yuri	No structures on the land plot (café and vulcanizing shop)	0.1000	0.1000	1,500,000
8	Alimbekov Batyrbek	Pasture, No structures on the land plot Poplars -15 trees	7.0000	0.1500	235,604 ¹⁵
9	Askerov S.	Irrigated pasture	2.9400	0.4600	765,525
10	Abdrakhmanov Maksut	Café, canteen, restaurant and service center	0.9102	0.0900	1,350,000 ¹⁶
11	Gochiyaev Nazbi (sold to TOO "Arna")	Gas station No.26 Business does not function	0.9417	0.4500	9,459,630
	Gochiyaev Nazbi (sold to TOO "Arna")	Gas station No.106 Business does not function	0,2400	0,1300	1, 950,000
12	Tynybekova Aliya	No structures on the land plot (Gas station)	0.2118	0.0500	750,000
T. Ryskulov Raion (District)					
13	i/e Dzhabykbayeva M.	Commercial (no structures)	0.3	0.08	853,000
14	TOO "Munai-Invest & C"	Commercial	0.22	0.22	15,693,000
15	i/e Kaldybalin N.M.	Commercial	0.55	0.55	8,370,000

¹⁵ The amount of compensation for acquired land plot includes the value of 15 poplars aging 10 years equal to KZT 124,275

¹⁶ Amount will be adjusted to reflect obligations to third parties.

No.	Names of land owners	Land plot purpose	Total area, in has	Area acquired, in has	Compensation calculated, in KZT ¹⁴
Merke Raion (District)					
16	i/e Shubakbayev A.	Commercial (no structures)	1.244	0.78	7 765 000
	Subtotal			7.2821	52,482,354
	Total			8.7821	85,163,354

7.2 Compensation for Leased Lands

91. Leased agricultural lands that will be permanently acquired shall be provided cash compensation equivalent to their net income in a year's harvest (based on a 3-year average). Yields and crop values were taken from the Zhambyl Oblast Agriculture. Applications from APs and documents/data (mortgage agreements, statistical and tax information on households etc.) were also used in calculations as initial data are filed as separate packages.

92. The calculation of compensation was done by computing the yield for three previous years based on data from state statistics offices and applications from land users, while estimation of net profit used the data from Zhambyl Oblast Statistics Department and Raion Statistics Offices. Table 21 shows the computed market value of sold products and net profit from the sale of various crops in the raions T. Ryskulov and Merke. On the other hand, Table 22 shows the Indices per raion for three previous years according to Zhambyl Oblast Statistics Department.

93. Lands leased by 102 households and 7 legal entities for agriculture were valued in terms of their one-year net income from their harvest (based on a 3-year average). Excluded from the computation are the six other leaseholders who have signified in writing that they have not been actively cultivating the affected portions of their leased lands. However, they will still be assisted in the re-registration of their remaining leased lands, free of cost.

Table 21
Valuation of income from agricultural lands per raion of Zhambyl Oblast

No.	Indices	Unit Measure	T. Ryskulov raion			Merke raion	
			Cereal crops	Perennial grasses	Safflor	Cereal crops	Perennial grasses
1	Market value of sold products per 1 centner (100 kg)	KZT	2,882.7	725	1,272.7	2,475	1,058.3
2	Net cost of sold products per 1 centner (100 kg)	KZT	1,845.9	529	1,272.7	1,608	772.5

3	Net profit per 1 centner (100 kg)	KZT	1,036.8	196	0	867	207.3
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Table 22
Indices per raion for three previous years used to calculate compensation for crops

T. Ryskulov raion

Indices	Measure unit	2006	2007	2008	Three-year Total	Three-year Average
Perennial grasses:						
area sown	Ha	3,018.1	4,244.3	5,413.5	12,675.9	4,225.3
Production	Centner (100 kg)	95,050.0	120,860.0	104,480.0	320,390.0	106,796.7
Average Yield	centner/ha	31.5	28.5	19.3		25.3
Sales proceeds per 1centner	KZT per 1centner					725.0
net cost of products sold	KZT per 1centner					529.0
Profit	KZT per 1 centner					196.0
Cereal crops:						
area sown	Ha	57,791.0	53,941.2	16,144.0	127,876.2	42,625.4
Production	Centner (100 kg)	557,704.0	636,550.0	65,729.0	1,259,983.0	419,994.3
Average Yield	centner/ha	9.7	11.8	4.1		9.9
Sales proceeds per 1centner	KZT per 1centner					2,882.7
net cost of products sold	KZT per 1centner					1,845.9
Profit	KZT per 1centner					1,036.8

Merke raion

Indices	Measure unit	2006	2007	2008	Three-year Total	Three-year Average
Perennial grasses:						
area sown	Ha	10,499.0	12,226.0	14,002.0	36,727.0	12,242
Production	Centner (100 kg)	350,720.0	378,440.0	664,440.0	1,393,600.0	464,533.3
Average Yield	centner/ha	33.4	31.0	47.5	37.9	37.9
Sales proceeds per 1centner	KZT per 1 centner					1,058.3
net cost of products sold	KZT per 1 centner					772.5
Profit	KZT per 1 centner					285.8
Cereal crops:						
area sown	Ha	52,325.0	52,509.0	52,423.0	157,257.0	52,419.0
Production	Centner (100 kg)	690,720.0	734,370.0	529,472.3	1,954,562.3	651,520.8
Average Yield	centner/ha	13.2	14.0	10.1	12.4	12.4
Sales proceeds per 1centner	KZT per 1 centner					2,475.0

net cost of products sold	KZT per 1 centner					1,608.0
Profit	KZT per 1 centner					867.0

7.3 Compensation for Expenses Related to Land Development and Obligations to Third Parties

94. Compensation to affected land users of agricultural lands also considered expenses related to land development, mortgage and obligations to third parties. Related to this, 19 affected households reported spending for the improvement of the affected portion of their leased lands in order to improve its productivity. These costs were calculated in order to compensate for their losses. Table 23 below shows computation of additional compensation for these 19 households.

Table 23
Computation of compensations for land plots with development costs and those under encumbrance to third parties

N	Land users	Cadastre Number	No. and Date of Resolution	Right to land use	Impact, %	Total compensation calculated, in KZT		
						For premature termination of obligations to third parties	For costs incurred for land plot development	Total
1	2	3	4	5	6	7	8	9
Merke Raion								
1	Sauranbayev Gaidar	055-056	1202 dated 11.09.2000	Long-term lease	1.24%		2,474	2,474
2	Aitzhanov Azamat	030-245	297 dated 07.09.2004	Long-term lease	23.00%		138,000	138,000
3	Beksultanov Nurmadil	030-199	20 dated 26.02.2002, 252 dated 06.07.2004	Long-term lease	24.00%		66,720	66,720
4	Nartbayev Ernazar	030-314	343 dated 05.10.2005	Long-term lease	1.03%		2,065	2,065
5	Orundybayev Bakyt	030-159	09 dated 11.03.2003	Long-term lease	0.98%		13,951	13,951
T. Ryskulov Raion								

N	Land users	Cadastre Number	No. and Date of Resolution	Right to land use	Impact, %	Total compensation calculated, in KZT		
						For premature termination of obligations to third parties	For costs incurred for land plot development	Total
6	Abdrakhmanov Beissenbai	093-345	No.685 dated 30.12.2004	Short-term lease	1.17%	374	1,030	1,404
7	Bugirayev Primkul	093-180	No.398 dated 24.12.2003	Long-term lease	2.62%		19,489	19,489
8	Dzholdassova Tynyshkul	093-406	No.726 dated 19.01.2005	Long-term lease	3.00%	3,300	5,100	8,400
9	Duraliyev Zholdaskhan	093-114	No.07 от 10.01.2002	Long-term lease	0.73%		1,283	1,283
10	Karabayev B.	093-218	n/a	Long-term lease	0.14%	47	108	155
11	Kulbayev Zhetpisbai	093-384	No.165 dated 21.04.2005	Short-term lease	3.16%		2,688	2,688
12	Kulbarakov Kadyrbek	093-145	No.364 dated 19.11.2003	Long-term lease	0.94%	1,226	2,951	4,177
13	Muratbekov S.	093-360	No.333 dated 11.08.2005, No.460 dated 10.11.2005	Long-term lease	2.42%		8,667	8,667
14	Mustafayev Nurgali	093-097	No.212 dated 28.01.2002	Long-term lease	0.08%		358	358
15	Raiymov Serik	093-103	No.360 dated 20.04.2002	Long-term lease	0.47%		1,392	1,392
16	Telgarayev Kuzembai	093-086	No.204 dated 25.01.2002	Long-term lease	0.94%		16,934	16,934
17	Tobatayev Berikkazy	093-326	No.50 dated 10.11.2004	Long-term lease	1.70%	2,646	3,332	5,978
18	Togayev Nyiazaly	093-141	No.423 dated 04.06.2002	Long-term lease	0.30%	360	225	585
19	Shazhraliyev Dauribai	093-100	No.225 dated 04.02.2002	Long-term lease	0.18%		75	75
Subtotal :						410.872	803.247	1214.119

7.4 Additional Compensation for Severely Affected Households

95. Seventeen households leasing agricultural lands will be impacted severely. Table 24 shows the households who stand to lose more than 10% of the land they lease and the computation of severe impact allowance equivalent to an additional one-year net income based on a three year average.

Table 24
Severely affected households and legal entities leasing agricultural lands
(impact 10% and more)
km 310.5 – 489.4

N	Land users	Land plot Cadastre Number, No. and date of Resolution	Right to land use	Total area, in has	Area acquired, in has	Impact, %	Additional Allowance for Severe Impact
1	Argynbaiuly Rakhymbai	022-200 306 dated 9.10.2002, 325 dated 27.08.2007	Long-term lease	18.03	3,63	20.13	196,598
		022-198 306 dated 29.10.2002	Long-term lease	5.54	0,68	12.27	36,828
2	Beksultanov Amanbai	021-082 1065 dated 3.05.2000	Long-term lease	23.98	4,12	17.18	223,135
3	Aliyev Salimbek	088-189 038-049 1447 dated 2.04.2001	Long-term lease	10.80	1,12	10.37	60,658
4	Alikulov Tanysbai	No.604 dated 15.12.2004	Short -term lease	0.10	0,01	10.00	311
5	Tilepbayev Daulet	030-213 118 dated 26.02.2002	Long-term lease	1.20	0,16	13.33	1,625
6	Aitzhanov Abu	030-068 1-655 dated 21.06.1999	Long-term lease	3.50	0,54	15.43	29,246
7	Aitzhanov Azamat	030-245 297 dated 07.09.2004	Long-term lease	1.00	0,23	23.00	12,457
8	Lomanov Ibragim	038-028 1378 dated 19.01.2001	Long-term lease	4.40	0,48	10.91	4,599

N	Land users	Land plot Cadastre Number, No. and date of Resolution	Right to land use	Total area, in has	Area acquired, in has	Impact, %	Additional Allowance for Severe Impact
9	Satylganov Alpamysh	093-159 No.85 dated 08.04.2004, No.50 dated 06.02.2004, No.224 dated 01.02.2002	Long-term lease	10.30	1,90	18.45	47,109
10	Zhakayev Madiyar	030-300 232 dated 30.09.2003	Long-term lease	0.82	0,18	21.95	9,749
11	Zhunussaliyev Akimbai	030-075 1-563 dated 13.04.1999	Long-term lease	3.00	0,98	32.67	9,389
12	Beissebayev Ilesbek	030-190 312 dated 29.10.2002	Long-term lease	1.50	0,32	21.33	17,331
13	Beksultanov Nurmadi	030-199 20 dated 26.02.2002, 252 dated 06.07.2004	Long-term lease	0.50	0,12	24.00	6,499
14	Omarbekov Abdрахman	030-248 81 dated 02.03.2004, 304 dated 07.09.2004	Long-term lease	1.70	0,42	24.71	22,747
15	Orchibekov Akimbek	021-215 80 dated 26.09.2006	Long-term lease	2.23	0,59	26.46	31,954
16	Kassabekova Ainakhan	022-164 170 dated 28.04.2006	Long-term lease	8.30	2,02	24.34	109,401
17	Kuramayev Kanatbek	021-184 No.1 dated 20.08.2008	Long-term lease	2.20	0,46	20.91	24,913
18	h/h Askerov S.		Irrigated land	2.94	0.46	15.6	765,525
	Subtotal:				17.96		844,549
	Total:				18.42		1.610.074

7.5 Compensation for Affected Structures

96. The four affected permanent structures will be completely affected. These structures include one gas station made of brick and two structures (gas station and café) made of metal. Valuers engaged during the detailed design phase estimated the

total replacement value of these structures at KZT 20,166,291. All these structures are situated in privately-owned plots and were included in the overall valuation of such plots (as shown in table 20). Table 25 below shows the area, description and estimated compensation for each of these affected structures.

Table 25
Area, description and estimated value of the totally affected permanent structures

Type of Structure	Area (in sqm)	Building Material	Location	Estimated Replacement Value (in KZT)
Gas station	31.00	Brick	Km 383 – km 404	16,037,810
Container Gas station	15.62	Metal	Km 305 – km 352	3,048,212
Café	9.00	Metal	Km 305 – km 352	1,080,269
Total	55.62			20,166,291

7.6 Compensation for Business Losses

97. One household/entrepreneur will its businesses permanently affected. On the other hand, the 43 affected road-side vendors are expected to be able to resume their business in a few weeks. For the permanently affected businesses, a compensation equivalent to their 12-months net income for each business will be provided, while the 43 road-side vendors will be compensated for a one-month's income loss (as shown in table 7). In the absence of supporting documents from the APs, the official minimum wage of 13,470 KZT per month was used to determine amount of compensation for business losses. Related to this, a combined total of 579,210 KZT will be provided to the 43 vendors for the temporary disruption of their businesses, while 323,280 KZT will be provided to 1 household whose 2 businesses will be permanently affected.

7.7 Additional Assistance to Vulnerable Households

98. Computation of assistance to the four vulnerable households was adjusted based on the number of family members. See table 26 below.

Table 26
Household Heads of Vulnerable Households

No.	Name of Household Head	Age	Sex	Civil Status	No. of HH Members	Amount of Targeted Social Assistance, in KZT
1	Kassabekova Ainakhan	70	Female	Did not indicate	6	32,328
2	Akmedzhanova	73	Female	Widow	Single HH	13,470
3	Muraliev A.	84	Male	Married	7	37,716
4	Lomanov Ibragim	82	Male	Married	5	26,940
	Total					110,454

7.8 Relocation and Livelihood Restoration

99. A number of interventions are planned to help APs restore or improve their income. These interventions include:

- a. Provision by the Zhambyl Oblast Road Department of a designated area for organized trading for lease to the affected road side kiosks/shops. Spaces at the proposed rest/stop sites of the Almaty-Taraz road at km 330 km 336 (kilometers are indicated according to the new design), will be provided to the affected road-side vendors. Pursuant to Article 9, Clause 3 in the Law of the Republic of Kazakhstan “On Motor Roads”, No. 245 dated 17 July 2001, leases for short-term use may be provided subject to specific agreements between the Zhambyl Oblast Road Department and the vendors.
- b. Provision of transport assistance to owners of roadside kiosks/stalls to transfer to their preferred location (13,470 KZT) plus compensation for temporary loss of income during the transfer equivalent to one-month of the official minimum wage (13,470 KZT).
- c. Provision of titles and reclassification of the remaining portion of the land that is no longer viable for agriculture use to commercial/other uses free of charge. This will enable AP households to establish road side businesses in the reclassified plots.

Chapter 8 Institutional Framework

100. The timely and effective implementation of the LARP will require the involvement of several agencies and units. This chapter describes the roles of these units.

8.1 Committee of Roads

101. The Committee of Roads (CR) through its Project Director has overall responsibility for LAR preparation, implementation and financing, with the assistance of the Project Management Consultants (PMC). The PMC-Specialists Unit financed out of the World Bank Project will provide expertise in areas of financial management, procurement, environment, resettlement, legal, and public relations through out the Corridor including road sections supported by other International Financial Institutions (IFIs)¹⁷.

8.2 Zhambyl Oblast Roads Department

102. However, day-to-day implementation of LAR activities will be the responsibility of the Zhambyl Oblast Roads Department. A special ad hoc unit within the Zhambyl Oblast RD composed of detailed staff from other units and additional temporary staff will implement the LARP for this subproject. This unit shall report to the Deputy Director of Zhambyl Oblast Committee of Roads. It will be tasked to:

- Finalize the list of APs and develop/update a database of APs based on the results of the census and new information;
- Prepare documents for negotiation of compensation with the APs;
- Coordinate regularly with relevant State Agencies at the Oblast (e.g. Land Resource Agency, Justice Department), and raion Akimats;
- Prepare documents for formalizing agreements with APs and processing of compensation payments;
- Conduct regular consultations and exchange of information with APs on the implementation of the LARP;
- Assist in receiving, recording, resolving and reporting of grievances related to land acquisition process and other aspects of the Subproject and coordinate with the Grievance Focal Points at the raion Akimats, the Construction Supervision Consultants and at the PMC;
- Assist in facilitating discussions and agreements among APs and other adjacent land users for land swapping and land reconsolidation;
- Assist APs who may wish to reclassify the remaining portions of their plots that are no longer viable for continued agricultural activities;
- Facilitate the conduct of field surveys, and re-registration of the remaining portions of the APs lands;
- Monitor/supervise the temporary land acquisitions done by contractors engaged for the Subproject;
- Prepare regular reports on the progress of LARP-related activities; and,

¹⁷ Annex 6. Project Appraisal Document, South West Roads Project, WE-WC International Transit Corridor Project, Project Appraisal Document, World Bank, April 7, 2009.

- Provide necessary data to the External Monitoring Agency.

103. Given the complexity of the work in relation to the land acquisition and resettlement activities and the limited experience of the Zhambyl Oblast Roads Department, ADB agreed to support the conduct of a training of the ad hoc unit and provide regular mentoring/coaching.

8.3 Akimats (District Local Governments) of T. Ryskulov and Merke

104. Although the Zhambyl Oblast RD will take the central role in implementing the LARP, the Akimats of T. Ryskulov and Merke will continue to play important roles in grievance resolution and in the provision of replacement land for APs who may opt for a land-for-land compensation. The raion Akimats will also tap leaders of village/rural settlements for information dissemination, and grievance redress.

8.4 Project Management Consultants (PMC)-ADB Unit

105. At the Project Management level, the PMC-ADB Unit will assist the Project Director in the overall responsibility for implementing, supervising, and evaluating LAR activities. It will assist to

- Ensure complete relocation or reconstruction of affected structures/businesses before civil works start, and paying appropriate compensation before displacing AP;
- Ensure that contractors take full responsibility for implementing the LARP; and
- Implement immediate remediation for any non-compliance with the LARP.

8.5 Construction Supervision Consultant

106. A Construction Supervision Consultant (CSC) will be engaged to assist the PMC-ADB Unit in monitoring and evaluating the progress of LARP implementation. It will

- Update the LARP to reflect (i) the adjustments in the valuation of affected assets, (ii) information on vulnerable households, (iii) agreed options with APs on land swapping, (iv) verified number of affected workers, (v) modifications in the official compensation rates (if any), and (vi) finalized agreements on plot re-organization;
- Monitor implementation progress of the LARP activities and prepare internal resettlement monitoring reports every three months indicating bottlenecks, and identifying items for management action¹⁸;
- Guide and monitor contractors' compliance with stipulated measures to mitigate, enhance or compensate for environmental and social impacts related to the implementation of the Project;
- Advise the Zhambyl LAR Unit in the conduct of LARP activities;
- Assist the Zhambyl Roads Department in the identification, facilitation, resolution, documentation and reporting of grievance from communities, groups or individuals related to the implementation of the Project;
- Serve as the overall Grievance Focal Point for the Project; and

¹⁸ The first quarterly monitoring report to be submitted by the Project Supervision Consultant will have major focus on the status of implementation of the LARP.

- Facilitate the engagement of the External Monitoring Agency and supervise their work.

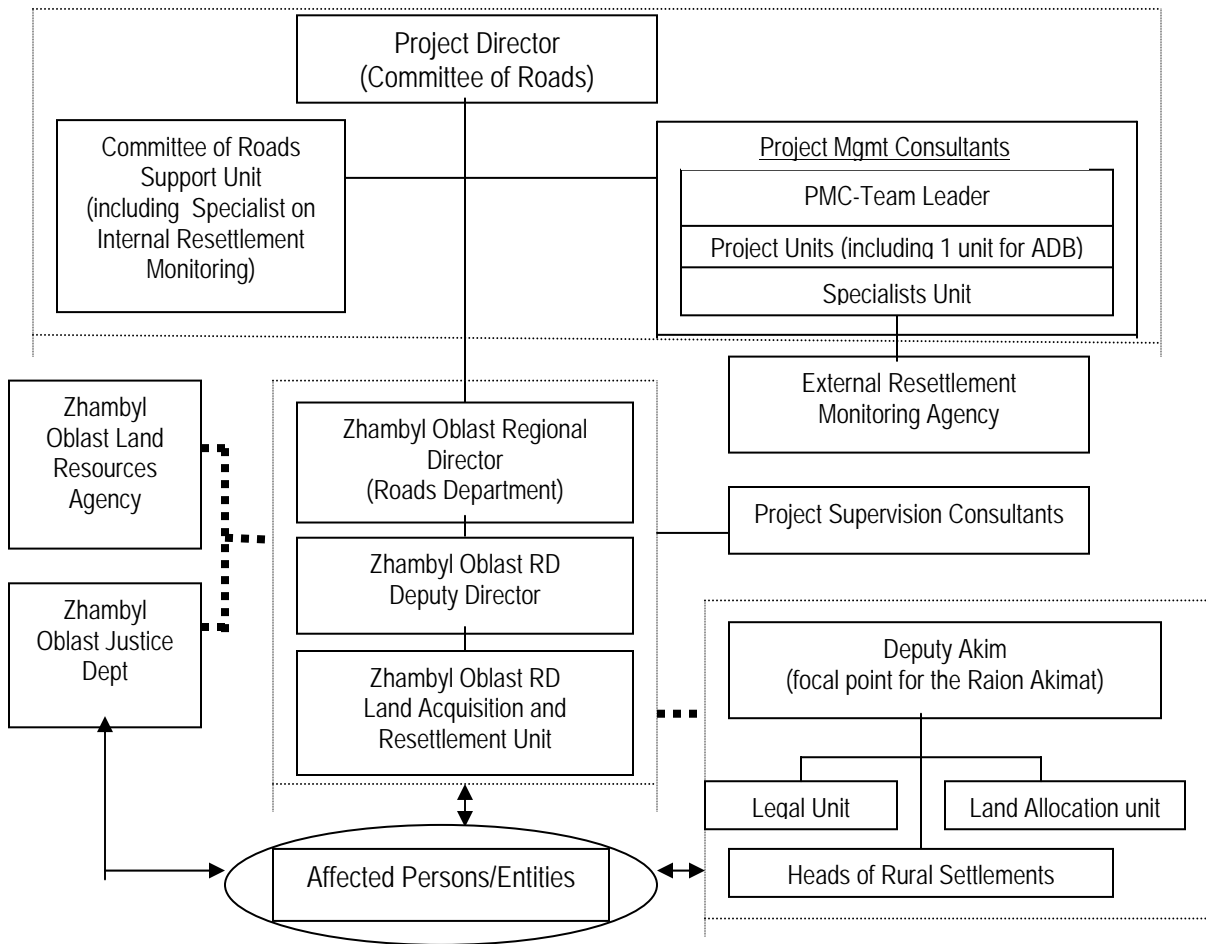
8.6 External Monitoring Agency

107. An External Monitoring Agency (EMA) will be engaged to provide an independent assessment of the implementation of land acquisition and resettlement activities for the entire Corridor. Specific role of the EMA for this road section is described in Chapter 11 – Monitoring. Figure 1 below shows the LARP implementation for this Project.

108. At the Project Management level, the PMC (ADB) Unit will provide overall support role in the implementation, supervision and evaluation of LAR activities. In coordination with the Specialist to be appointed by the Committee of Roads for Internal Resettlement Monitoring, the PMC-Specialists Unit shall be tasked to:

- Monitor implementation/progress of the LARP activities and prepare internal resettlement monitoring reports every three months indicating bottlenecks, and identifying items for management action;
- Guide contractors and monitor contractors' compliance with stipulated measures to mitigate, enhance or compensate for social impacts, including actions related to temporary land acquisition;
- Provide advise to the Zhambyl CR Resettlement Unit in the conduct of LARP activities;
- Serve as the over-all Grievance Focal Point for the Project; and
- Facilitate the engagement of External Monitoring Agency and supervise their work.

**Figure 1
LARP Implementation Arrangement**



Chapter 9 Resettlement Budget and Financing

109. The Committee of Roads (CR) is responsible for all land acquisition costs associated with the implementation of the LARP. A budget of approximately KZT 1,392,225,251 has been allocated for all LARP implementation activities in Zhambyl Oblast including KZT 901,739,166 for all ADB-financed road sections. This includes the cost for compensation of losses, operations of the Resettlement Unit, land re-registration, as well as resettlement monitoring and evaluation. LARP activities for this section (Km 310.5-Km 389.4) is estimated at KZT 87,164,600. The budget breakdown is shown in Table 27.

**Table 27
Land acquisition and resettlement budget**

	Particulars/Items	Number of APs	Unit Rate	Quantity	Estimated Budget (KZT)
1	Compensation for privately-owned land ¹⁹				
	a. arable land	4 HH	Varied	4.36 has	3,563,303
	b. commercial land	9 HH 3 LE	varied 15 M KZT/has	3.22 has 1.2 has	42,919,051 6,000,000
2	Compensation for permanently affected leased agricultural land				
	a. T. Ryskulov	21 HH	Varied	4.89 has	60,302
	b. Merke	74 HH; 8 LE	Varied	110.97 has	1,439,862
3	Additional compensation for severely affected households (losing more than 10% of productive land)	17 HH (leaseholders of agricultural lands)	Varied	17.96 has	844,549
4	Additional compensation for premature termination of obligations to 3 rd parties and development cost	19 HH	Varied	-	1,214,119
5	Compensation for affected trees (poplar)	1 HH	8,285 KZT per tree	15 poplars	(124,275) ²⁰
6	Compensation for structures	46 HH and 2 LE	Varied	7 clusters of structures	(44, 512, 611) ²¹
7	Compensation for affected rural workers	328) agricultural workers	Varied	-	348,631

¹⁹ Computations of compensation for affected structures have been integrated into the calculation of compensation for affected lands.

²⁰ Budget for compensation of the 15 poplar trees was included in the budget for compensation of privately-owned lands (item 1)

²¹ Amount was included in the estimated budget for compensation of privately-owned lands (item 1).

	Particulars/Items	Number of APs	Unit Rate	Quantity	Estimated Budget (KZT)
8	Business Losses Revenue				
	a. Compensation for permanent business income losses	3 HH with 2 businesses	13,470KZT/mo/business	12 months	1,131,480
	b. Compensation for temporary disruption of business of road side vendors	43 road side vendors	13,470 KZT	1 month	579,210
	c. lost jobs of workers of affected businesses	38 workers	13,470 KZT	3 months	1,535,580
9	Relocation assistance	43 road side vendors; 1 HH with 2 businesses	13,470 KZT	1 month	606,150
10	Assistance to vulnerable APs	4 HH	Minimum of 13,470 KZT with adjustments based on number of household members	1 month	110,454
11	Re-registration of APs remaining plots ²²	107 HH и 9 LE	45,000 KZT/plot	122 plots	5,490,000
12	Compensation for temporary impacts, including land restoration measures	14 HH, 5 LE and 9 parcels of State reserved lands/village administered lands	50,000 KZT/has	50.62 has	2,531,000
13	LAR Administration/Implementation including internal monitoring by CR/PMC				11,500,000
14	External Monitoring				1,200,000
	Total				79,258,736
	Contingencies (10%)				7,925,864
	Total + Contingencies				87,184,600

²² Four plots will be affected completely. Hence, there will be no remaining plot to be re-registered for these plots.

Chapter 10 Implementation Schedule

110. Civil works for km 310.5 – km 389.4 is expected to commence on March 2010. Related to this, the LARP needs to be fully implemented and evaluated not later than February 2010. LARP implementation activities can start after the mobilization and training of staff for the ad hoc Land Acquisition and Resettlement Unit (LARU) scheduled in August 2009. Implementation is expected to take between three to four months from the finalization of land acquisition documents, negotiation of compensation with APs, compensation payments, re-registration of plots and internal/external monitoring. However, the Zhambyl Oblast Roads Department will initially focus on the completion of Tranche 1 LARP implementation prior to the planned start of activities in November 2009. Table 28 shows the activities involved in the LARP preparation, finalization and implementation and the agencies/units involved.

**Table 28
LARP preparation, finalization and implementation process**

No.	Work Description	Responsible Agency/Unit
A. LARP Preparation		
A1	Detailed surveys/consultation	Zhambyl Roads Dept, supported by TA consultants
A2	LARP drafting	TA Consultants
A3	LARP Review	ADB
A4	Approval and Disclosure	Committee of Roads, MOTC
B. LARP Update		
B1	update of surveys	Zhambyl Roads Dept, supported by TA consultants
B2	Compensation rates fixed	
B3	identification of replacement plots	
B4	Legalization of legalizable APs	
B5	Identification of vulnerable APs	
B6	Preparation of updated LARP	
B7	Review/approval of updated LARP and issuance of no-objection to contract awards	ADB
B8	Approval and Disclosure	Committee of Roads, MOTC
C. LARP Implementation		
C1	Allocation of LAR funds, including those for relocation and rehabilitation assistance	Committee of Roads, MOTC
C2	EMA mobilization/Action plan preparation	Committee of Roads, MOTC
C3	Identification of different kinds of APs	Zhambyl Roads Dept. LARU, assisted by Supervision Consultants
C4	Official notification	Raion Akimat
C5	Preparation of vouchers	Zhambyl Roads Dept.
C6	Preparation of relocation plots	Raion Akimat
C7	Registration of new plots	Zhambyl Land Resource

No.	Work Description	Responsible Agency/Unit
		Management, assisted by Roads Dept.
C8	Expropriation proceedings	Zhambyl Oblast court
C9	Delivery of Compensation	
C10	Relocation of affected road side vendors	Zhambyl Roads Dept.
C11	Monitoring	EMA and Internal Monitoring Specialist
C12	Preparation of compliance report	EMA and Internal Monitoring Specialist
C13	Review of compliance report and issuance of No-objection for civil works	ADB

111. Efforts will be made to reach agreements or resolution of issues with the APs on the compensation payments without involving the Courts in order to avoid delay in project implementation. Table 29 presents the proposed implementation schedule for the LARP implementation and commencement of civil works.

Table 29
LARP Implementation Schedule

Milestones/Activities	2009										2010			
	April	May	June	Jul.	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March	April	
A. LARP Preparation														
A1. Detailed surveys/consultation	—————													
A2. LARP drafting			—————											
A3. LARP Review by ADB				●										
A4. LARP approval by Government/ Disclosure				—————										
Milestone 1: Project Appraisal				●										
B. LARP Update.														
B1. update of surveys/supplemental valuation				—————										
B2. compensation rates fixed							●							
B3. identification of replacement plots				—————										
B4. Legalization of legalizable APs				—————										
B5. Identification of vulnerable Aps				—————										
B6. LARP drafting								—————						
B7. ADB Review/approval of updated LARP									●		●			
Milestone 2: Loan Signing										●				
Milestone 3: Contract awards Signing											●			
C. LARP implementation														
C1. Allocation of LAR funds								●						
C2. EMA mobilization/Action plan preparation										—————				
C3. Identification of different kinds of APs										—————				
C4. Official notification									—————					
C5. Preparation of vouchers										—————				
C6 Preparation of relocation plots									—————					
C7 Deposits in escrow for Expropriation									●					
C8. Deposits in escrow for absentees									●					
C9. Registration of new plots										—————				
C10. Expropriation proceedings										—————				
C11. Delivery of Compensation and re-registration of plots										—————				
C12. relocation of affected road side vendors										—————				

Milestones/Activities	2009										2010			
	April	May	June	Jul.	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March	April	
C13. Monitoring									---	---	---	---	→	
C14 Preparation of compliance report												—		
<i>Milestone 4 no objection to start of civil works from ADB</i>												●		
Start of civil works													●	
Compensation of temporary impacts during civil works*												—	→	

* Restoration of temporarily acquired lands will be done at the end of the rental period.

Chapter 11 Monitoring and Evaluation

112. The LARP implementation will be subject to both internal and external monitoring. Results of these monitoring will be used as based for the issuance of notice-to-proceed (NTP) to the contractors.

11.1 Internal Monitoring

113. The Committee of Roads will appoint a Specialist for internal monitoring of resettlement who will be supported by the PMC-Specialists Unit to develop detailed plans and indicators for monitoring.

114. The Construction Supervision Consultant (CSC) will monitor the progress for implementing the LARP, and submit a quarterly report to CR and ADB, which includes monitoring indicators. The CSC will prepare summary reports for the due diligence assessment by the External Resettlement Monitoring Agency. Expenditures for this **internal monitoring** shall be incorporated into the Project budget. A general system of monitoring indicators is shown in table 30 below.

**Table 30
LARP internal monitoring and evaluation matrix**

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 LARP	Area of land subjected to temporary acquisition, for which compensations have been paid
		Area of land subjected to permanent acquisition, to 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.
		Amount of funding allocated for payment of compensations.
	Identification of reasons for which funds for compensations have been	Rate of spending of funds allocated for compensations, %

Purpose	Activities	Monitoring Indicators
	under/overspent	of amount envisaged in the LARP
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 (3 months after implementation of LARP)	Changes in household income/livelihood
Consultation 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
	Analysis of disputes and complaints content. Resolution of conflicts	Number of complaints Number of complaints resolved

11.2 External Monitoring

115. The Committee of Roads through the Construction Supervision Consultant will hire an External Monitoring Agency (EMA). Since the LARP implementation for this road section is expected to be completed within 3 months, the EMA will be required to prepare an inception report at the start of the LARP implementation and a due diligence report once the LARP activities between km 310.5 – km 389.4 have been fully implemented. The EMA will determine whether (i) the provisions in the resettlement plan have been observed during its implementation, (ii) whether the sources of income of the individuals, whose interests have been affected, were restored, and (iii) whether there occurred any unplanned or unexpected consequences of the resettlement. A draft Terms of Reference (TOR) for the EMA is shown in Appendix F.

116. The main duties of the EMA will be the following:

- Recommend on the organization and implementation of internal monitoring of resettlement, including a system of monitoring indicators, timelines and procedures, reporting forms, etc;
- Analyze and prepare recommendations on the preliminary list of persons who incur damages and may be eligible to compensation;
- Analyze the payment of compensations, procedures for approving payment of compensations and recommend on their compliance with the ADB resettlement policy;
- Participate (as an observer) in consultation meetings on land acquisition;
- Monitor the timely allocation of funds for compensation and recommend on required adjustment measures, if needed;
- Monitor the acquisition timelines and terms of temporary land acquisition and recommend adjustments, if needed;
- Conduct surveys with affected persons who incurred damages resulting from construction works under the Subproject in order to identify the level of satisfaction with the types and sizes of compensations

117. Expenditures for the **monitoring** will be incorporated into the Project budget.

APPENDIX A

CENSUS AND SOCIOECONOMIC SURVEY QUESTIONNAIRES

**Zhambyl Oblast Committee on Road
Ministry for Transport and Communications**

Western Europe to Western China (WE-WC) Corridor Development Project

CENSUS OF AFFECTED LAND USERS

1. Full name _____
2. Sex Male _____ Female _____
3. Address _____
4. Year of birth _____
5. Nationality _____
6. Members of the household

	Full name	Relation to household head (husband, wife, son, daughter etc.)	Age	Sex	Marital status	Education	Occupation	Any disabilities Yes/No
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								

7. What are potential impacts on your household due to the road development project? (Mark with X)

Description of Impact	Temporary	Permanent
Loss of some portion of lands (agricultural, commercial, residential)		
Loss of structure (house, shop-house, secondary structures etc.)		
Loss of business, livelihood or income		
Loss of grains, vegetable crops or trees		

8. What are your rights to the land?

- a) Long-term lease for 49 years
- b) Short-term lease for ____ years
- c) Private land ownership
- d) Common land ownership

9. Years you use this land? _____

10. If you lease the land from a private person, provide the following information on the owner of the land?

Owner's full name _____
Address _____ Phone number _____

11. Did you have any expenditure for land improvement during the last 3 years?

		Yes	No
a	Fertilizers		
b	Irrigation system		
c	Bank loan		
d	Seeds		
e	Access roads on the land plot subject to acquisition		
f	Fuels and lubricants		

12. Do you think that after acquisition of a portion of your land you will be able to continue with your former activities, namely:

Agricultural activities	1. Yes	<input type="checkbox"/>	2. No, but has alternative land to continue agricultural activity	<input type="checkbox"/>	3. No, and has no alternative land	<input type="checkbox"/>
Trading, Business	1. Yes	<input type="checkbox"/>	2. No, but has alternative land to continue trading or business activity	<input type="checkbox"/>	3. No, and has no alternative land	<input type="checkbox"/>
Residential life	1. Yes	<input type="checkbox"/>	2. No, but has alternative land to reside	<input type="checkbox"/>	3. No, and has no alternative land	<input type="checkbox"/>

13. If you have alternative land to continue with agricultural activity, trading or to reside, where is this land situated? _____

14. If the remaining land is not sufficient to continue with agricultural activity or trading, would you like to obtain alternative land plot instead of cash compensation?
 Yes No

15. What would you like to get as compensation for your land?

1. Cash compensation
2. Land for land
3. Other compensation (specify)

16. (For business owners only)

Type of business	Is it basic or non-operating activity?	Monthly income from this activity, in KZT	Amount of lost income

17. Only for persons engaged in trading, commerce or service

When did you start the mentioned activity in this location? (year)	Do you have an official permit to carry out this activity? (underline)	Authority that issued a trading permit
	Yes <input type="checkbox"/> No <input type="checkbox"/>	

18. Do you employ or hire workers to help you on the land plot that would be affected due to road improvement?

1. Yes (permanent or seasonal?) 2. No

19. If you have permanent hired workers, please fill in the table below:

Item No.	Work being done by hired worker	Age	Sex	Education	Worker's monthly income
1					
2					
3					
4					
5					

20. Main crops and trees cultivated on the land subject to acquisition for public needs

Grains	Area	Area that will be acquired	Year of sowing	Total area (ha)	Area subject to acquisition (ha)	Price per 1 metric centner (100 kg), in KZT	Total cost of the harvest lost

21. Structures on the land that will be affected due to road improvement

Type of building, structure	Area (sq. m)		Cost (in KZT)

22. Information on basic premises (house, shop, building) that will be affected due to construction

Building	Materials	Number of storeys	Number of rooms	Has electricity?	Has telephone facility?	Has pipe-borne water?	Year built

23. For persons whose structures will be affected:

a) Did you obtain any credit to build this/these structure/structures?

1. Yes
2. No

b) If yes, please specify your source(s) of credit for building the structure?

1. Bank
2. NGO
3. Cooperative Society

4. Money lender
5. Relatives/Friends
6. Other (specify)

24. Information from renters of affected structures:

a) Monthly rent _____ KZT

b) Number of years you have been renting the affected structure _____ years

c) Until when do you intend to rent the structure:

1. Less than 6 months
2. 6 to 12 months

3. More than 1 year
4. Indefinitely

d) Do you know of an alternative place to rent?

1. Yes
2. No

e) If no, will you need assistance in finding another place to rent?

1. Yes
2. No

25. In case you need to relocate your business as a result of road improvement, what would you prefer?

1. Self relocate to another site
2. Relocate in a site to be identified and provided by local authority (Akimat)
3. Undecided / Don't know

26. What opportunities and livelihood assistance do you expect from the road improvement to help restore your livelihood?

1. Employment from road construction
2. Skill training (specify kind of training)
3. Micro-finance/soft loan (specify business)
4. Others (specify)
5. Don't expect anything

27. Are you a member of any local/community organization?

1. Yes (Please indicate name of organization) _____
2. No

28. What portion of your income (in KZT) you will lose due to land acquisition for road construction?

29. What impact will the road improvement have on your household?

1. Positive
2. Negative
3. Neither positive, nor negative
4. Undecided / Don't know

30. What do you think are the advantages that you and your family would get due to construction of the road?

31. What are your suggestions to minimize the losses or adverse impacts due to construction of the road?

Thank you !

**Zhambyl Oblast Committee on Roads
Ministry for Transport and Communications**

Western Europe to Western China (WE-WC) Corridor Development Project

SOCIO-ECONOMIC SURVEY OF AFFECTED LAND USERS

1. Full name of household head _____
2. Sex Male _____ Female _____
3. District _____
4. Address _____

5. Land and asset ownership

- a) Total Land area, ha _____
- b) Area of cultivated land, ha _____
- c) Area of uncultivated land, ha _____
- d) Crops being cultivated _____
- e) Yield _____

6. Land type

- a) Irrigated arable land
- b) Non-irrigated arable land
- c) Garden
- d) Pasture
- e) Fallow land
- f) Commercial land
- g) Residential lands
- h) Other

7. Information on the structures that belong to the household head (including those outside the road corridor and in other locations)

Type of structure	Materials (bricks, clay, wood)	Number of storeys	Number of rooms	Has electricity?	Has telephone facility?	Has pipe-borne water?	Year built

8. Other assets owned by your family

Asset	Quantity
Livestock	
Agricultural equipment	
Tractor	
Lorry	
Car	
Well	
Trading and Business	

9. Family members who generate income (specify all of them including pensioners)

Member's name (father, mother, son, daughter etc.)	Income source (salary, pension, profit)	Monthly income, in KZT

10. Information on family expenditure (Monthly):

Item of Expenditure	Amount in KZT
Food	
Clothing	
Coal	
Gas	
Electricity	
Water	
Dwelling house and other accommodation	
Gasoline, fuel	
Medical/health	
Education	
Household utensils	
Telephone	
Transport expenses	
Payment of loan/credit	
Maintenance cost of household structures and equipment	
Smoking	
Alcohol	
Entertainment	
Other (if any)	
TOTAL	

11. Information on family income (2008 average)

Source of Income	Amount in KZT
Agriculture	
Livestock	
Salary	
Allowance	
Pension	
Rent of land or real assets	
Trade/Business	
Household products	
Renting heavy vehicles (bus, lorry, tractor)	
Renting light vehicles (car, van)	
Interest (bank deposit, money lending)	
Gardening	
Other (specify)	
TOTAL	

16. Do you think that women in your area have sufficient opportunities to participate in decision making in:

	Yes	No	Limited
Land use			
Bank credits			
Household development			
Land selling or renting			
Temporary workers hiring			
Harvest selling			
Household income distribution			
Purchasing agricultural equipment, seeds, livestock, fertilizers			
Other (specify)			

17. (For respondents who think that there are no or limited opportunities for women) What do you think are the possible reasons why there are limited opportunities for women to participate in decision making in their family and society?

18. What can be done to improve women's life in your region?

19. Should the women receive any supplemental assistance related to land acquisition for road construction?

1. Yes (Please specify)

2. No

3. Don't know

THANK YOU

APPENDIX B

List of Affected Persons and Affected Lands
(Leased, Privately Owned and Village-
Administered/Reserved Lands)

APPENDIX C

INFORMATION BROCHURE ON AP RIGHTS AND ENTITLEMENTS

**WESTERN EUROPE TO WESTERN CHINA (WE-WC) CORRIDOR
DEVELOPMENT PROJECT**

INFORMATION

**for land owners and users on their entitlements and compensation in
land acquisition for public needs**

HIGHWAY SECTIONS:

404 km – 483 km - Tranche I

210 km – 260 km – Tranche I

305 km – 383 km -Tranche II

ZHAMBYL OBLAST

Revised June 2009

Compiled by:

Olga G. Gorpnich, Project Senior Specialist for land law, GeoData Plus, PLC, Almaty, National Resettlement Specialist, ADB TA-7254 (KAZ)

Tito Nicolas (Philippines), International Resettlement Specialist, ADB TA-7254 (KAZ)

with participation of **Svetlana Shakirova**, National Social Development Coordinator, ADB TA-7254 (KAZ).

Translated into Kazakh by Aidar Zhumadilov

INFORMATION IN THIS BROCHURE HAS BEEN COMPILED IN CONFORMITY WITH RK LAND LAWS AND THE LAND ACQUISITION AND RESETTLEMENT FRAMEWORK AGREED ON BETWEEN ASIAN DEVELOPMENT BANK AND GOVERNMENT OF THE REPUBLIC OF KAZAKHSTAN ON COMPENSATIONS AND ASSISTANCE TO AFFECTED PERSONS UNDER THE WESTERN EUROPE TO WESTERN CHINA (WE-WC) CORRIDOR DEVELOPMENT PROJECT.

DEAR OWNERS AND LAND USERS,

Tranche I and Tranche II of the CAREC Transport Corridor 1 (Zhambyl Oblast Section) Project financed by the Asian Development Bank (ADB) will rehabilitate/upgrade road sections within the Zhambyl Oblast as part of the Western Europe to Western China (WE-WC) Corridor Development Project that is being implemented by the Government of Kazakhstan.

Following are the road sections included in the rehabilitation/upgrading of road sections within Zhambyl Oblast that are to be funded by ADB:

Tranche 1 (loan approved by ADB in December 2008) – amount \$ 340 million

- a. Rehabilitation of km 210 – km 260 section (Blagoveschenka-Kordai), maintaining the existing 2-lane highway
- b. Upgrading of road sections between km 404 – km 483, upgrading of the existing 2-lane road to a 4-lane highway

Tranche 2 (loan under preparation) – amount \$ 210 million

Upgrading of the existing 2-lane road to a 4-lane highway from km 305 to km 383. Some road straightening will also be implemented from Merke to Blagoveschenka villages. Initially, the construction of a 14.8 km new bypass that connects to the existing Kulan bypass was included under Tranche 2. However, the government later decided to exclude this section from the works proposed under Tranche 2.

Planned civil works between km 210 – km 260 are expected to only involve temporary land acquisition during construction as sites for storage, work camps, and burrow pits. Contractors will be responsible for these temporary land acquisitions and for returning the lands to their original state after work is concluded. However, works planned in the other sections will involve permanent land acquisition and affect a number of temporary and permanent structures along the road corridor. In road sections that involve land acquisition, construction will only start after affected persons have been properly compensated and assisted. Related to this, Land Acquisition and Resettlement Plans (LARPs) will be prepared and implemented prior to the commencement of civil works.

The RK Committee on Roads plans to commence construction for Tranche 1 Blagoveschenka-Kordai section (km 210 – km 260) tentatively by September-October 2009. Civil works in km 404 – km 483 will follow after the completion of compensation payments to affected persons and legal entities. For Tranche 2 (km 305 – km 383), construction is expected to commence by March 2010.

Efforts were made in the design to minimize possible adverse impact on your interests and land plots. For unavoidable impacts, measures will be made to ensure that your wellbeing will improve and will not be worse off. To achieve this, legislative norms of the Republic of Kazakhstan will be applied strictly, as well as the procedures of land acquisition and compensation payment based on the Land Acquisition and Resettlement Framework for the Project.

Land plots will be acquired and compensations will be paid by the State Agency “Zhambyl Oblast Department of the Road Committee under RK Ministry for Transport and Communications” (Zhambyl Oblast Roads Department), which can provide you with information and answers to all questions arising in connection with land acquisition. Staff from the Department can familiarize you with all available documents on the road construction affecting your lands. They can provide you with information on the construction firms to be engaged, dates of the planned civil works and the name of the official responsible for matters related to the acquisition of your land. They can also clarify all legal peculiarities of compensation in every case of land acquisition.

Preparatory actions for land acquisition for public needs

The first step in this procedure is the conduct of field surveys of the land plots to be acquired in order to get data on the condition of the land plots, as well as of the real assets (buildings and structures) on it and to define the actual borders and areas of the land plots to be acquired.

It is mandatory that the owner or land user witnesses the survey of the land plot and real assets on it (buildings and structures) in order to clarify the data on the present owner or land user. This is because there can be situations when the owner or land user has changed but has not registered his rights with the State Scientific Production Center on Land (GosNPTsZem) and the Justice Administration of his raion.

Based on the validated data, the Raion Akimat shall issue a resolution on land acquisition for public needs. The Akimat resolution is accompanied by a list of owners and land users, whose lands and other real estates will be requisitioned.

After the adoption of the Akimat resolution, staff from Zhambyl Oblast Department of the Road Committee will notify the owners or private land users in writing on the forthcoming land requisition for public needs.

You may have already received a notice that your land plot (or a portion of your plot) or real assets is subject to requisition for public needs. It means that the proposed alignment for the Western Europe to Western China Corridor Development Project in your area will affect your land or real assets. You have to study thoroughly the information on your entitlements as an affected person.

This information brochure is prepared in order to help you.



Western Europe to Western China (WE-WC) Corridor Development Project

Entitlements of owners or private land users affected by land acquisition for public needs

In conformity with the Land Code of the Republic of Kazakhstan, the losses inflicted to owners or land users shall be compensated to the full amount under requisition, including land acquisition for public needs.

You may use and exercise your rights to a land plot and make necessary expenditures in compliance with its purpose after notification on acquisition for public needs until you agree on the amount of compensation.

In such a case you will not be indemnified for the expenditures and losses related to new construction, extension or improvement of buildings (facilities, structures) on this land plot you have incurred after notification on the land requisition.

If after acquisition of a part of your land plot for public needs you cannot use the remaining part of the land for its former purpose, then the whole land plot will be compensated.

When a land owner or user does not agree with a decision that entails cancellation of the ownership or land use (lease), it may not be exercised before the dispute is resolved judicially. Dispute consideration includes also all matters of indemnifying the owner or land user for the losses incurred.

Nobody can be deprived of the right to land use other than on the grounds stated by the Land Code and other legislative acts of the Republic of Kazakhstan.

Table 1 describes the entitlements and compensations of affected persons and legal entities based on the Land Acquisition and Resettlement Framework for the Project.

Table 1: Entitlements and Compensation Framework

Asset	Specifications	AP	Compensation Entitlements
Permanent Loss			
Arable Land	All Land Losses irrespective of severity of impact	Owners	<ul style="list-style-type: none"> Cash compensation at replacement cost or through replacement land equal in value/productivity to the plot lost and at location acceptable to APs where feasible.
		Leaseholders (short-term / long-term)	<ul style="list-style-type: none"> Cash compensation, market value of one year gross yield (based on a 3-year average) or renewed lease in an alternative plot
	Severe Impact— >more than 10% of income/productive land lost	Owners, leasers	<ul style="list-style-type: none"> Cash compensation equal to market value of two crop years.
Commercial Lands		Owners	<ul style="list-style-type: none"> Cash compensation at replacement cost or through replacement land equal in value/productivity to the plot lost and at location acceptable to APs where feasible.
		Squatters	<ul style="list-style-type: none"> Free or leased plot on State land; Self-relocation cash allowance option;
Houses, Buildings and Structures		Owners of permanent structures	<ul style="list-style-type: none"> Compensation of full market value or, at the owner option, house for house swap
		Temporary structures (kiosks, stalls) owners	<ul style="list-style-type: none"> Approved site to relocate; Self-relocation cash allowance option.
Crops	Crops affected	All APs including squatters	<ul style="list-style-type: none"> Crop compensation in cash at full market rate for 1 year gross harvest — paid to owners and tenants based on their sharecropping agreement.
Trees	Trees affected	All APs including squatters	<ul style="list-style-type: none"> Cash compensation reflecting economic value of trees and forest strips based on age and category determined as market value of the number of years required to grow a tree to similar productivity, plus purchase price of seedlings and starting materials.
Business and employment	Temporary or permanent business/employment loss	All APs including squatters and workers from affected establishments	<ul style="list-style-type: none"> Owner: if permanent loss, cash compensation equal to one year income (lost profits); if temporary, cash compensation for the period of income loss. compensation to workers for lost job (forced interruption) due to complete or temporary business cancellation – amounting up to 3-months average wages.
Relocation	Transport and transitional livelihood costs	All APs affected by relocation	<ul style="list-style-type: none"> Allowance sufficient to cover transport expenses and livelihood expenses for one month due to relocation.
Vulnerability		APs with special needs to avail of project benefits	<ul style="list-style-type: none"> Special programs providing additional compensation, adjustment allowances or other initiatives, based on social assessment and AP census findings
Unexpected adverse effects		<ul style="list-style-type: none"> Raion Akimats and Zhambyl Oblast Roads Department would deal with any unexpected adverse effects of the project during and after project implementation to execute project principles of APs social safeguard 	

Price of the land plot to be acquired

Price of a land plot acquired for public needs, dates and other provisions of requisition shall be defined in an agreement with the land owner or temporary user (leaseholder).

Price of an agricultural land plot acquired for public needs (losses exclusive) and purchased by the land owner from the State at the cadastre value or privileged price shall be defined as equal to the amount paid to the State.

When a land plot purchased from the State in installments is not paid in full (losses exclusive) and this land is being acquired for public needs, its price shall be defined as the total amount paid to the State.

Price of a land plot acquired for public needs shall include the market value of this land plot (or the right to it) and of the real assets located on this land at the moment of cancellation of the right of ownership or land use (lease). This price shall also include all losses to the full amount incurred by the land owner or land user (leaseholder) in connection with the land acquisition including the losses incurred due to early termination of their commitments to third parties.

Market value of the land shall be determined in conformity with the laws of the Republic of Kazakhstan on evaluation activities.

In cases when a land plot or the right to it was supposed to be bought out from the state, but the buyout was not performed, the market value of this land shall not be included in its price, and under agreement with the land user he may instead be granted another equivalent land plot.

When defining the amount of compensation for land losses, it shall include:

- 1) market value of the land plot or the right to land use;
- 2) market value of real assets on the land including fruit trees and perennial plants;
- 3) amount of expenditures connected with the land development, maintenance, protective measures and soil fertility improvement, taking into account the inflation;
- 4) all losses incurred by the owner or land user due to land acquisition at the moment of cancellation of the right of ownership or land use including the losses they incur due to early termination of their commitments to third parties;
- 5) lost profits.

In requisition for temporary occupation of land plots resulting in partial or complete disorder of irrigation and drainage structures (systems), the losses shall include the cost of the work for the construction of new facilities or rehabilitation of existing structures (systems) including the cost of design and survey works.

Losses (expenditures) caused by arising inconveniences in the land use (disturbed transport connections, disconnection of territory etc.) shall include the cost of the design and survey works, as well as the construction of access roads and other structures.

When defining the losses (expenses) connected with the need to reclaim disturbed soils, the calculation may include the costs of soil, agrochemical and other specialized investigation and surveys as well as soil reclamation measures.

In addition, the Land Acquisition and Resettlement Framework provides for supplementary compensations as follows:

- a) *for privately owned agricultural lands* - cash compensation for lost lands at a market value with no deductions for taxes, transaction, registration and transfer costs;
- b) *for agricultural lands under short-term lease* - cash compensation to the amount of market value of gross yield (3-year average); renewed lease in an alternative plot, with no deductions for registration and land documents transfer;

- c) *for agricultural lands under long-term lease* - cash compensation to the amount of market value of gross yield (3-year average); renewed lease in an alternative plot subject to previous conditions or payment for lease equal to the sum paid to the state.

Acquisition of a land plot from state land user for public needs

Land plot shall be acquired from the state land user for public needs based on the unilateral decision of the executive authority conducting the requisition – Raion Akimat.

Acquisition of a land plot and real assets located on this plot

If you agree with the price proposed, Zhambyl Oblast Roads Department shall sign with you an agreement on acquisition of the land plot and real assets located on this plot.

Acquisition of a land plot under court decision

When an owner or a non-state land user (leaseholder) does not agree with the decision on his land plot acquisition for public needs or with the acquisition price of this plot or with other conditions of acquisition, the Akimat, in the person of authorized Zhambyl Oblast Roads Department, 3 months after the day of notice on the land plot acquisition for public needs may initiate commencement of action at the court on the land plot acquisition.

Commencement of action shall be filed on behalf of the Akimat, while Zhambyl Oblast Roads Department shall prepare necessary documents for judicial proceedings and provide representation at the court. The amount of compensation defined by the court decision shall be paid to the settlement account of the owner or land user.

In doing so, it is necessary to keep in mind that independent valuers who get their interest depending on the transaction amount, sometimes unreasonably overvalue the price which is not satisfactory for the building company. In such cases the court may, on its own initiative or under solicitation of the parties concerned, institute an expert examination in order to find compromise options suitable for both parties.

Zhambyl Oblast Roads Department aims at clearing the territory for construction and upgrading the West Europe-West China Highway Transit Corridor in compliance with the design estimates prepared by key Kazakhstani design organizations in road construction. But not at all costs. We are for fair compensation for the acquired lands and all your costs!

Zhambyl Oblast Roads Department and Raion Akimats will adhere to this position, study and use national and international experience and strictly observe the rights entitled to you by the laws of the Republic of Kazakhstan.

Dispute settlement and grievance redress

Disputes and disagreements that may arise in land requisition for public needs (temporary and permanent loss) shall to the extent possible be resolved through negotiations between the parties.

When it is impossible to settle disputes through negotiations, the parties, following the procedure of prejudicial settlement of disagreements, bring the case to the court at the place of the land and real assets location.

Private reception of Affected Persons

Management of Zhambyl Oblast Roads Department, Akims and their deputies as well as leaders of state agencies - Zhambyl State Scientific Production Center on Land (GosNPTsZem), raion statistics agencies etc. are obliged to respond and act on queries and complaints from affected persons and their representatives within one month in compliance with the standards approved by the top manager of respective state agency. Reception shall be arranged at a workplace at specified hours and days brought to the public notice.

If the matter cannot be settled by an authorized person during private reception, it shall be set forth in writing and considered as a written application.

Questions and complaints related to land acquisition or other aspects of the Project can be lodged or reported to the following:

- a. Mr. Aliakhmetov Toishibai Zhanadilovich, Deputy Director,
Zhambyl Oblast Roads Department, Taraz City
Telephone Nos: 8 (7262) 31-6006 / 8 (7262) 31-6004
Email: uad_zhamb@mtc.gov
- b. Mr. Shukeev Muratkhan Zhunussalievich, Vice Akim,
T. Ryskulov Raion Akimat
Telephone No: 8 701 216 5344
Email: kulan2008@mail.ru
- c. Mr. Akhmetzhanov Ilyas Bekturgaevich, Vice Akim,
Merke Raion Akimat
Telephone Nos: 2 19 41 / 8 701 400 5172
- d. Mr. Kilibayev Azimkhan, Vice Akim,
Baizak Raion Akimat
Telephone No: 8 726 372 1342

Affected persons filing applications are entitled to:

- present additional documents and materials to confirm their application, or call up the documents;
- set forth the arguments to the official considering the application;
- review the materials related to consideration of their application, take part in consideration of the application unless it does not infringe the rights and freedoms of other persons;
- get a reasoned reply in writing or verbally on the decision made;
- demand for indemnification of losses should these result from violation of established procedure of application consideration;
- appeal against action (omission to act) of officials or against a decision made in relation to their application;
- solicit for termination of application consideration.

Rights and obligations of officials

Officials are entitled to demand and receive under the established procedure the information necessary to consider complaints and applications.

Officials must:

- receive and consider complaints and applications from affected persons;
- make legal and reasoned decisions;
- inform affected persons on the decisions made, in writing or through electronic documents;
- stop pursuit of affected persons, including those who act in the interests of legal entities and their families in connection with bringing a grievance or application to a state authority (officials) criticizing the activities of the latter or to protect the rights, freedoms and legitimate interests;
- not send complaints for consideration to the officials whose actions (omission to act) are being appealed;
- eliminate to assign checkup to the persons who may reasonably be considered as not interested in objective resolving the matter;
- not disclose information on the private life of persons including those who act in the interests of the affected persons without their consent; prevent identification of data on the persons irrelevant to the application;
- analyze and summarize the applications and critical remarks in these documents; investigate public opinion in order to improve the work and eliminate the causes giving rise to grievance from affected persons;
- check regularly the status of the work on consideration of affected persons applications;

**Answers to typical questions from owners and users of lands
and real assets acquired for public needs**

1. I have an arable land plot by the right of temporary long-term land use. May I get an agricultural land as a private ownership free of charge?

No, you may not. Under the Land Code of the Republic of Kazakhstan, the right to private ownership of agricultural land shall be paid.

2. May national roads be located in a privately owned land?

No, land plots where public backbone motor roads locate may not be privately owned.

3. A land plot is subject to acquisition for public needs. The owner of this land died. Will the contractor wait for re-issuance of the document to transfer them to the heir and will they pay compensation?

Compensation will be paid to the heir who must be established in conformity with the Civil Code of RK upon expiration of 6 months after the date of the testator death or under the testament.

Making transactions related to the land plots with no relative documents are forbidden by the legislation.

4. For what duration a land plot may be given for gratuitous land use and may I dispose of it?

The duration of temporary gratuitous land use may not exceed five years except for the cases when land plots are granted as service land allotments and for restoration of degraded and disturbed lands. You will not be entitled to dispose of such a plot. It is not allowed to acquire land plots under temporary gratuitous land use including their transfer for secondary land use.

A service land allotment is also a kind of temporary gratuitous land use. Making any transactions relating to the right to use a service land allotment is forbidden by the laws.

5. For what duration a land plot may be given for paid land use?

The right of temporary paid land use for farm works and commercial agricultural production shall be given to the nationals and non-state legal entities of the Republic of Kazakhstan for the period up to 49 years, while to foreign citizens and stateless persons – up to 10 years.

6. What will be the compensation for the land plot sold to me by the state in installments and then mortgaged? May I resell it?

It is forbidden to make transactions relating to a land plot sold in installments, till its buyout price is paid in full. A land plot sold in installments may be mortgaged when at least fifty percent of its buyout price is paid. In the case of land acquisition for public needs, you will receive compensation amounting to the plot value equal to the sum paid to the state, as well as all losses to the full amount you incur due to the plot requisition including the losses you incur due to early termination of commitments to third parties.

7. In addition to compensation for the land and buildings, will I be paid for moral damage? I indeed do not want to sell anything to anyone, but I am forced to do it unwilfully. Owing to this, my hypertension has become acute and skin rash appeared. Doctors recommend me not to be nervous, but I am not able to cope with it.

For the purpose of correct and equal judicial application of the laws regulating the protection of private non-property rights and values of the citizens as well as for compensation of the moral damage inflicted to them, there has been adopted Regulatory Resolution of the Supreme Court

of the Republic of Kazakhstan No. 3 dated 2 June 2001 “On application by courts of the laws on moral damage compensation”. Under clause 3 of this Resolution, private non-property rights and values which infringement, deprivations and undervaluation can cause moral damage shall be construed as the values a citizen has from his birth or the rights by act of law that inseparably are linked with his (her) personality.

Your private non-property rights (**to inviolability of the home or property**) are not infringed. You have a choice: to sign an agreement on the land plot and real assets acquisition in case of consent on the buyout price, or to exercise your right to protect your own interests judicially in conformity with RK current legislation. In either case **your rights are not infringed**.

8. The land plot I lease is subject to acquisition for public needs. What may I receive instead – another plot or compensation?

Acquisition for public needs of a temporarily leased land plot, if you did not bought out the right from the state, shall be performed with no buyout of the right to land use. You will be compensated to the full amount for the losses inflicted due to land acquisition for public needs and also at your option you may be given another plot should free lands be available.

You will be indemnified to the amount of the expenses related to the land plot development, maintaining, protective measures and soil fertility improvement, taking into account the inflation.

In addition, the Land Acquisition and Resettlement Framework agreed on by RK Government and Asian Development Bank provides for supplementary compensations to APs as follows:

- a) *in case of short-term lease of a land plot or not bought out right to long-term land use* - cash compensation to the amount of market value of one-year gross yield (based on a 3-year average); renewed lease in an alternative plot, with no deductions for registration and land documents transfer costs;
- b) *in case of the bought out right to land lease* - cash compensation to the amount of market value of one-year gross yield (based on a 3-year average); renewed lease in an alternative plot under previous conditions or payment for the bought out right equal to the sum paid to the state.

9. What rights to the land and crop may be entitled to the workers of peasant and farm enterprises?

In conformity with the Land Code and laws of the Republic of Kazakhstan on household (farming) enterprises, land plots for farming shall be given to citizens of the Republic of Kazakhstan by the right of private ownership or by the right of temporary paid land use for the period of up to 49 years. For distant pasture livestock farming (seasonal pastures) – by the right of temporary gratuitous land use.

In addition to the payments guaranteed by current land legislation, the Agreement between RK Government and Asian Development Bank provides for supplementary compensation as follows:

- a) *for rural workers* - cash compensation equal to salary in cash and in kind for the rest of agricultural year;
- b) *for squatters* - cash compensation equal to market value of lost harvest;
- c) *under severe impact* — more than 10 % of income lost – owners and lessees will receive cash compensation equal to market value of two crop years.

10. What will be the compensation for lost agricultural production and the damages we incur?

Lost agricultural production caused by acquisition of agricultural lands for the purposes not connected with farming will be subject to compensation paid **to the state budget** in order to

preserve the level of agricultural production through restoration of agricultural lands and their quality (Article 105 in the Land Code of the Republic of Kazakhstan).

Losses incurred by the owners and land users due to land plots acquisition, including buyout, for public needs will be compensated in conformity with Article 166 in RK Land Code as well as in compliance with the Land Acquisition and Resettlement Framework agreed between RK Government and Asian Development Bank on supplementary compensation.

11. Will the land plots under forest strips along the road be requisitioned?

Protective forest strips adjoining the right-of-way are referred to the areas of special conditions of the land use.

It is allowed not to acquire such lands from the owner and land users should these plots be not required under improvement of existing motor road.

The borders of the mentioned areas and conditions of land use on such areas shall be determined by the agency that has made a decision on giving the lands for ownership or use in conformity with the norms and design estimates.

12. Our roadside café and gas station are subject to demolishing. We are losing business and job. What compensation shall we receive?

In addition to compensation for the land plot as well as for buildings and structures on it, with permanent loss of business the owner shall be paid:

- a) *under permanent loss of business* - cash compensation equal to one year income (lost of profit);
- b) *under temporary loss of business* - cash compensation for the period of income loss.

Compensation shall be calculated based on the tax declaration or official minimum wage.

Should the worker be dismissed related to termination of the enterprise operation, Article 157 in RK Labor Code provides for average salary payment for 1 month only.

However the Land Acquisition and Resettlement Framework agreed on between RK Government and Asian Development Bank provides for supplementary compensation to the owner (employer) to pay allowances to his employees for job loss due to full or temporary business termination amounting to 3-month average salary.

Family members working in small business enterprises have no right to compensation as they are paid for expected business loss.

13. We haven't got documents for roadside land plots where our temporary kiosks (stalls) are located to sell honey and refreshments to passing motorists and commuters. Does it mean that we will not receive any compensation?

Informal land users must leave the squatted land plot within thirty calendar days from the moment of enforcement provided by the laws of the Republic of Kazakhstan on administrative offence and demolish the structure built (being built) on such a plot, on his own, except for the cases stipulated by the civil legislation of the Republic of Kazakhstan. (Grounds: Article 164-1 in RK Land Code and Article 244 in RK Civil Code).

However, the Land Acquisition and Resettlement Framework for the Project agreed on between RK Government and Asian Development Bank provides for supplementary compensation, so you will be assisted in transferring to another land plot to arrange honey trade under temporary free land use with signing a lease agreement for the period of 5 years and payment of allowance sufficient to cover transport expenses for relocation.

Honey mini-markets will supposedly be located in areas where drivers and passengers have rest along the Transport Corridor and also on an alternative plot to be determined by a special raion land committee.

14. In the case of temporarily affected land, in what condition will lands be returned to land users after civil works and burrow pit arrangement?

These lands, irrespective of their ownership (private or public) will be restored to original status at the end of rental.

APPENDIX D

INFORMATION BROCHURE ON TEMPORARY LAND ACQUISITION FOR LOCAL DISCLOSURE

Western Europe to Western China (WE-WC) Corridor Development
Project

INFORMATION

**for
contractors, owners and users of land plots
on entitlements and compensations under temporary land loss
related to arrangement and performing of civil works**

HIGHWAY SECTIONS:

404 km – 483 km - Tranche I
210 km – 260 km – Tranche I
305 km – 383 km -Tranche II

Zhambyl Oblast

July, 2009

Compiled by:

Olga Gorpinich, Almaty, ADB consultant for resettlement policy

Tito Nicolas (Philippines), international consultant of Asian Development Bank (ADB),
with participation of **Svetlana Shakirova**, ADB social and economic consultant

Translated into Kazakh by Aidar Zhumadilov

INFORMATION FOR LAND OWNERS AND USERS HAS BEEN PREPARED IN COMPLIANCE WITH RK LAND LAWS AND LAND ACQUISITION AND RESETTLEMENT FRAMEWORK AGREED ON BETWEEN ASIAN DEVELOPMENT BANK AND GOVERNMENT OF THE REPUBLIC OF KAZAKHSTAN ON PROVIDING COMPENSATIONS AND ASSISTANCE TO PEOPLE AFFECTED IN IMPLEMENTATION OF WESTERN EUROPE TO WESTERN CHINA TRANSPORT CORRIDOR DEVELOPMENT PROJECT.

Dear owners and land users,

Tranche I and Tranche II of the CAREC Transport Corridor 1 (Zhambyl Oblast Section) Project financed by the Asian Development Bank (ADB) will rehabilitate/upgrade road sections within the Zhambyl Oblast as part of the Western Europe to Western China (WE-WC) Corridor Development Project that is being implemented by the Government of Kazakhstan.

Following are the road sections included in the rehabilitation/upgrading of road sections within Zhambyl Oblast that are to be funded by Asian Development Bank (ADB):

Tranche 1 (loan approved by ADB in December 2008) – amount \$ 340 million

- c. Rehabilitation of km 210 – km 260 section (Blagoveschenka-Kordai), maintaining the existing 2-lane highway
- d. Upgrading of road sections between km 404 – km 483, upgrading of the existing 2-lane road to a 4-lane highway

Tranche 2 (loan under preparation) – amount \$ 210 million

Upgrading of existing 2-lane road to a 4-lane highway from km 305 to km 383. Some road straightening will also be implemented from Merke to Blagoveschenka villages. Initially, construction of a 14.8 km new bypass that connects to the existing Kulan bypass was included under Tranche 2. However, the government later decided to exclude this section from the works proposed under Tranche 2.

Planned civil works between km 210 – km 260 are expected to only involve temporary land acquisition during construction as sites for storage, work camps, and burrow pits. Contractors will be responsible for these temporary land acquisitions and for returning the lands to their original state after work is concluded.

However, works planned in other sections will involve permanent land acquisition and affect a number of temporary and permanent structures along the road corridor. In road sections that involve land acquisition, construction will only start after affected persons have been properly compensated and assisted. Related to this, Land Acquisition and Resettlement Plans (LARPs) will be prepared and implemented prior to the commencement of civil works.

The RK Committee on Roads plans to commence construction for Tranche 1 Blagoveschenka-Kordai section (km 210 – km 260) tentatively by September-October 2009. Civil works in km 404 – km 483 will follow after the completion of compensation payments to affected persons and legal entities. For Tranche 2 (km 305 – km 383), construction is expected to commence by March 2010.

Efforts were made in the design to minimize possible adverse impact on your interests and land plots. For unavoidable impacts, measures will be made to ensure that your wellbeing will improve and will not be worse off. To achieve this, legislative norms of the Republic of Kazakhstan will be applied strictly, as well as the procedures of land acquisition and compensation payment based on the Land Acquisition and Resettlement Framework for the Project.

Land plots will be acquired and compensations will be paid by the State Agency “Zhambyl Oblast Department of the Road Committee under RK Ministry for Transport and Communications” (Zhambyl Oblast Roads Department), which can provide you with information and answers to all questions arising in connection with land acquisition. Staff from the Department can familiarize you with all available documents on the road construction affecting your lands. They can provide you with information on the construction firms to be engaged, dates of the planned civil works and the name of the official responsible for matters related to the acquisition of your land. They can also clarify all legal peculiarities of compensation in every case of land acquisition.



Western Europe to Western China (WE-WC) Corridor Development Project

The road alignment plan is designed basing on the main principles as follows:

- Maximum use of existing road bed;
- Maximum taking of arable lands;
- Minimum felling of road-side forest belts;
- Minimum demolishing of buildings and structures.

Practically, through the entire length, depending on conditions of the alignment strip, the road design axis goes along the left or right edge of the existing road.

It is expected that upgrading of the most part of the Corridor will be rather simple and will not have adverse impact on your interests and land plots. However, on some plots, in addition to land acquisition for public needs, loss of agricultural and other lands (pasture, buildings and structures and underground resources) may happen. This can potentially affect the income and welfare of people who own the lands, resources and structures.

On some plots the losses will be temporary and will be related to arrangement and performing of civil works. Such plots will be used for storage of equipment and materials as well as for arrangement of works and burrow pits, camps for workers or temporary roads.

Proposals for location of sites for storage of equipment and materials are included in the final design. Such plots will be selected and temporarily leased at the contractor's discretion.

Priority will be given to the use of state-owned lands. To do this, local executive authorities (akimats) will sign agreements on land lease (or materials extraction) with contractors for the period of road section construction.

When a contractor needs a land plot, privately owned or leased on temporary long-term basis, to arrange sites for storage of equipment and materials as well as burrow pits, the contractor may obtain this land via signing a lease (or materials extraction) agreement with a private owner or land owner. In this case, under mutual arrangements, an agreement shall be made taking into consideration environmental standards related to remedy by the contractor of all pollutions resulting from civil works.

Persons whose lands will be subject to temporary acquisition to arrange storage of equipment and materials as well as burrow pits, will unlikely suffer adverse impacts if they are adequately aware of their rights and ways to defend their interests.

Based on the designs used as a source of initial data, Resettlement Plans have been developed providing for coordination by all parties of the measures to solve the issues related to temporary land use and acquisition uniformly along the Corridor section in compliance with existing Kazakhstani laws and procedures and pursuant to resettlement policy on providing compensation and assistance to affected persons.

Land Acquisition and Resettlement Framework will be applied to all persons whose ownership rights to the land will be affected temporarily due to the Corridor upgrading, including temporary land use in the course of construction. However it will not be applied to state-owned lands used for the road construction and upgrading.

Compensation is not envisaged for affected underground resources (extraction of building materials.) Also, contractor will not pay for the land lease during temporary use of the lands of permanent state land users (owned by village administration.)

You should know that detailed designs provide for reclamation of all territories subject to temporary use during construction. These lands will be restored to original status at the end of rental irrespective of the rights to the land. Also, environmental protection policies will be applied to these lands

Affected Persons

Groups of persons affected temporarily are:

- private and collective owners as well as long-term leaseholders who will pass their lands for temporary use during construction or will permit to extract materials for construction on their lands, but their income will not be affected.

What you should know when signing a contract on land acquisition for temporary use

- affected persons are entitled to full compensation for temporary losses;
- temporary land acquisition for the period of construction shall be implemented within the Project and shall be fully financed;
- compensation will be fully provided before the land can be entered for civil works.

The road construction design specifies possible locations of work camps, sites for storage of equipment and materials, burrow pits and other facilities for temporary use during construction.

Contractors may use this information to evaluate the costs, but they are not obliged to use the recommended plots mandatorily.

Contracts on civil works shall include a provision that contractors bear responsibility for temporary acquisition and restoration of all lands to arrange beyond right-of-way work camps, offices, burrow pits, sites for material storage, sites for material processing and access roads. Contractors will select the land plots they need and will be responsible for signing with the owners and long-term leaseholders the agreements on their land use or material extraction. If the contractor cannot achieve agreement with a land user, the contractor shall find an alternative plot and hold negotiations on signing another agreement.

No land shall be taken for temporary use for construction without owners consent. It is supposed that contractors will prefer to lease state-owned lands rather than private ownership, but choice is up to them. In any case arrangements shall be made up as a written agreement between the contractor and owner, and lands shall be restored to original status after the works are completed by the contractor.

This provision will clearly be defined in the text of contract on civil works.

Entitlements and Compensation

The Table below shows losses and compensations for the lands subject to temporary use in the course of construction.

Table 1: Entitlements and Compensation Framework

Asset	Specifications	Affected Persons	Compensation Entitlements
Temporary Loss			
Lands used to arrange and perform civil works	To be negotiated between owner and contractor	Owners (private)	<ul style="list-style-type: none"> Contractor shall pay cash compensation at local commercial rental rates for duration of temporary use. Land shall be restored to original status at the end of rental. Drawing up of land management and legal documents shall be at the expense of contractor. Environmental protection measures shall be implemented.
		Long-term (short-term) leaseholders	<ul style="list-style-type: none"> Contractor shall pay cash compensation at local commercial rental rates for duration of temporary use. Land shall be restored to original status at the end of rental. Drawing up of land management and legal documents shall be at the expense of contractor. Environmental protection measures shall be implemented.
		Lands of village administration (permanent users)	<ul style="list-style-type: none"> Land shall be restored to original status at the end of temporary use. Environmental protection measures shall be implemented. Drawing up of land management and legal documents shall be at the expense of contractor.
Lands to arrange burrow pits	To be negotiated between owner and contractor	Owners(private)	<ul style="list-style-type: none"> Contractor shall pay cash compensation at local commercial rental rates for duration of temporary use. Land shall be restored to original status at the end of rental. Drawing up of land management and legal documents shall be at the expense of contractor.

			<ul style="list-style-type: none"> • Environmental protection measures shall be implemented.
		Long-term (short-term) leaseholders	<ul style="list-style-type: none"> • Contractor shall pay cash compensation at local commercial rental rates for duration of temporary use. • Land shall be restored to original status at the end of rental. • Drawing up of land management and legal documents shall be at the expense of contractor. • Environmental protection measures shall be implemented.

Special conditions

Prior to civil works the contractor shall have:

- Approval and specific layout of temporarily acquired land boundaries. It is forbidden to start earth works, bypass arrangement and other works prior to approval and outlining (specifically) the boundaries of temporarily acquired lands.

Reclamation

Contractor is not entitled to impair or destroy crops and vegetation on the plots adjacent to the boundaries of temporarily acquired lands.

In the places of construction sites and access roads arrangement, the fertile layer shall be removed and laid in piles by a bulldozer.

When construction of temporary bypass, sites for warehousing and temporary storage of building materials, work camps and ground reserves is completed, the affected lands shall be restored to land status useable in agriculture. Fertile layer shall be restored and sown with perennial grasses on all sites used temporarily for construction.

When reclamation works on affected lands acquired for temporary use are completed, these lands shall be returned to the land user supported by appropriate land management and legal documents to be prepared at the expense of the contractor.

Impact on underground resources

It is proposed to use as road construction materials the usable materials from existing burrow pits of rocks and ground reserves which location is specified in the design.

All deposits of rock materials have been explored in 1980 by South-Kazakhstan Production Association "Yuzhkazgeologiya" and have been used earlier by construction organizations. When needed, reserves of usable materials from burrow pits can be increased due to extension and deepening of the burrow pits.

When necessary, at the contractor's discretion, to arrange burrow pits and ground reserves, the priority will be given to the plots unsuitable for agricultural use or low-quality agricultural lands, and from forest areas – plots planted with low-value trees.

For temporary land use to develop building material deposits, the contractor shall obtain written consent from land users:

- on reserved lands (long-term leaseholders) and state-owned lands of village administrations (permanent land users) – from management of mentioned entities or heads (akims) of village administrations with subsequent issue of respective resolutions by raion authorities (akimats);
- on state forest fund lands – from management of forestry with subsequent approval of the decision by oblast forestry departments;

- on river beds and basins of other water bodies – from heads of basin inspectorates under fish and water protection agencies;
- on territory of existing quarries of enterprises – from head of the enterprise that owns that quarry.

Consent in principle for temporary land loss shall be made up on a large-scale schematic map of deposits location based on available maps that shall be an integral part of written agreement between contractor and land user (owner).

Dispute resolution and grievance redress

Disputes and disagreements that may arise out of conducting the procedure of land acquisition for public needs (temporary and permanent loss) shall, when possible, be settled in negotiations between the parties.

When it is impossible to resolve disagreements in negotiations, the parties, after the procedure of prejudicial settlement, shall present the case to the court at the land location.

Personal reception of affected persons

Management of Zhambyl Oblast Road Department under Committee on Motor Roads of RK MToC, akims and their deputies as well as contractor representatives shall hold personal reception of affected persons and their representatives at least once a week as per time table approved by raion akims.

Reception shall be arranged at their work place at set up days and hours delivered to the public.

If a complaint or query cannot be resolved during personal visit of AP, it shall be drawn up in writing and considered as a written application.

Rights of physical persons and legal entities in complaints and grievances redress

Affected persons who presented an application are entitled to:

- present supplemental documents and written materials to confirm their application or request for their vindication;
- set forth arguments to the person who deals with the application;
- look through written materials related to consideration of his application, take part in consideration of his application unless it does not violate the rights and freedoms of other parties;
- obtain a reasoned reply in writing or verbally on the decision made;
- demand for losses indemnification resulting from violation of established procedure of applications consideration;
- appeal against action (inaction) of officials or against decision made related to their application;
- apply with solicitation for termination of application consideration.

Rights and obligations of officials

Officials are entitled to request and obtain under set up procedure the information needed to consider grievances and applications.

Officials must:

- receive and consider grievances and applications of affected persons;
- make legal and reasoned decisions;

- inform affected persons on decisions made, in writing or via electronic documents;
- restrain persecution of affected persons including those who support interests of a legal entity and members of his family in connection with presenting a grievance or application to a state body (official) criticizing their activities or in order to defend their rights, freedoms and legitimate interests;
- not forward the grievance to officials against whose action (inaction) a complaint is lodged;
- prevent assignment of inspections to the persons who are reasonably suspected as not interested in objective resolution;
- not disclose information on private life of people including those who support interests of affected persons without their consent and prevent disclosure of data on the persons not related to the application;
- analyze and generalize applications, their critical comments, study public opinion in order to improve the work and elimination of causes giving rise to grievances from affected persons;
- check regularly the status of the work on consideration of applications from affected persons.

Complaints can be received through the staff of the Akimat of T. Ryskulov, Baizak, Merke or Kordai raions, Zhambyl Oblast Roads Department or Project Management Consultants. Grievance Focal Points have been designated at these levels to receive, help resolve, report or forward complaints received from APs and the general public. The following are the Grievance Focal Points designated for the Subproject:

Mr. Aliakhmetov Toishibai Zhanadilovich, Deputy Director
 Zhambyl Committee of Roads, Taraz City
 Telephone: 8 (7262) 31-6006 / 8 (7262) 31-6004
 Email: uad_zhamb@mtc.gov

Mr. Shukeev Muratkhan Zhunussalievich, Vice Akim,
 T. Ryskulov Raion Akimat
 Telephone No: 8 701 216 5344
 Email: kulan2008@mail.ru
 Mr. Akhmetzhanov Iliyas Bekturgayevich, Vice Akim
 Merke Raion Akimat
 Telephone: 2 19 41 / 8 701 400 5172

Mr. Kilibayev Azimkhan, Vice Akim
 Baizak Raion Akimat
 Telephone: 8 726 372 1342

APPENDIX E

LAND ACQUISITION PROCESS

**CAREC Corridor 1 Transport Program (Zhambyl Oblast Section)
Land acquisition process**

Item	Work Description	Responsible Agency/Unit
A. Land Acquisition for Permanent Use		
1. Finalization of documents for land acquisition		
	1.1 Finalize information on land owners and users, their rights to real assets, refine land plot borders, areas, legal addresses, cadastre numbers and prepare the list	Zhambyl Oblast RD Land Acquisition Unit (LARU), in coordination with Zhambyl Land Agency (GosNPTsZem)
	1.2 Review/finalize asset valuation documents prepared by independent valuers during detailed design and LARP preparation	
	1.3 Survey land plots subject to acquisition	
	1.4 Prepare data on availability and condition of real assets and trees on the plots to be acquired	
2. Preparation and registration of resolution on land acquisition		
	2.1 Send request to Akimats for the issuance of resolution on land acquisition for public needs including buyout	Zhambyl RD Director
	2.2 Prepare draft resolution	Raion Akimat
	2.3 Adopt resolution	Raion Akimat
	2.3 Register resolution with the Zhambyl Justice Administration Agency	Raion Akimat
3. Official Notification, Negotiations, and Compensation of Land Owners		
	3.1. Officially notify land plot owners on forthcoming acquisition (buyout) of land plots for public needs	Raion Akimat, with support from Zhambyl RD LARU
	3.2. Orient land owners and users with the suggested amount (extract from report on evaluation of land, real assets and other losses) or alternative proposal.	Zhambyl RD LARU
	3.3 Negotiate with the affected persons. Joint review of alternative options of compensation and draft agreements	Zhambyl RD LARU
	3.4 Sign agreement on acquisition of a land plot and real assets for public needs.	APs and Zhambyl RD
	3.5 Transfer agreed compensation to the owner (land user).	Zhambyl RD
	3.6 (In case of land swap) Prepare draft resolution on granting the right to equivalent land plot	Land Allocation Agency of the Raion Akimat
	3.7 Adopt resolution on granting right to equivalent land plot	Raion Akimat
4. Registration of agreements and re-registration of APs remaining land		
	4.1 Register with Zhambyl Justice Administration the agreements on real assets acquisition for public needs, as well as resolution on establishing the right to equivalent land plot.	Zhambyl RD LARU / Raion Akimat

Item	Work Description	Responsible Agency/Unit
	4.2 Conduct geodetic survey of remaining plot areas of the APs and prepare individual technical descriptions of remaining land.	Surveyors supervised y Zhambyl Land Agency
	4.3 Assign new cadastral numbers and issue land registration certificates to APs	Zhambyl Land Agency
	4.4 Register new land certificates with Zhambyl Justice Administration	Zhambyl Oblast Land Agency
	4.5 Deliver new land registration certificates to APs	Zhambyl RD LARU
B. Land Acquisition for Temporary Use		
	1.1 Provide list of potential sites for temporary acquisition to contractor and brochure on land acquisition process and requirements	Zhambyl RD LARU
	1.2 Survey sites and negotiate with owners and users of land plots	Zhambyl RD/ Road Contractor
	1.3 Prepare and sign agreement with the affected owner/user	Zhambyl RD/ Road Contractor
	1.4 Transfer agreed compensation to the owner (land user) and submit documents to Zhambyl CR	Zhambyl RD/ Road Contractor
	1.5 Submit copies of the agreements and related document to Zhambyl Justice Administration	Zhambyl RD LARU
C. Land Acquisition through the Court System (In case of Disagreements with APs)		
	1.1 Prepare documents and materials for initiating suits on the compulsory redemption of land	Zhambyl RD LARU
	1.2 Submit request/complaint to the court	Zhambyl RD
	1.3 Review and hearing of case	Court
	1.4 Issue order/decision	Court
	1.5 Pay compensation and prepare legal documents	Zhambyl RD LARU
	1.6 Register new land certificates with Zhambyl Justice Administration	Zhambyl RD LARU
	1.7 Deliver new land registration certificates to APs	Zhambyl RD LARU

APPENDIX F

DRAFT TERMS OF REFERENCE (TOR) FOR EXTERNAL RESETTLEMENT MONITORING

Draft Terms of Reference
External Resettlement Monitoring
CAREC Corridor 1 Program (Zhambyl Oblast Section)

1.0 Introduction

1. Land acquisition and resettlement activities for projects funded under the CAREC Project 1 (Zhambyl Oblast Section) will be monitored internally by the Committee of Roads (CR) which will appoint a Specialist for internal monitoring of resettlement. The Specialist will be supported by the PMC-Specialists Unit to develop detailed plans and indicators for monitoring.

2. The Monitoring Specialist will submit quarterly information about the progress of resettlement to be incorporated into Project reports. He will prepare summary reports for the due diligence assessment by the External Resettlement Monitoring Agency (EMA).

2.0 Objectives

3. The Committee of Roads will recruit an EMA for independent review of resettlement implementation to determine whether intended goals are being achieved, and if not, what corrective actions are needed. The objectives of the EMA will be three - fold:

- a. verify that resettlement has been implemented in Zhambyl Oblast complies with the approved framework and resettlement plan; and
- b. ensure that APs have been able to at least restore their livelihoods and living standards.

3.0 Scope of Work

4. The main duties and responsibilities of the EMA will be the following:

- Analyze and prepare recommendations on the lists of persons who incur damages and may be eligible to compensation;
- Analyze the LARP, payment of compensations, procedures for approving and payment of compensations, and preparation of recommendations on their compliance with the ADB resettlement policy and the agreed LARF;
- Participate (as an observer) in consultative meetings on land acquisition;
- Monitor timely allocation of funds for compensations; recommend adjustments;
- Monitor land acquisition timelines and terms of temporary land acquisition; recommend adjustment of timelines/terms; and
- Conduct special baseline update surveys with affected persons who incurred damages resulting from construction works under the Project, in order to identify the level of satisfaction with types and sizes of compensations.

5. The work of the External Monitoring Agency (EMA) for each road section can be subdivided into two phases:

- a. **Baseline survey** – This involves establishing the pre-LARP implementation conditions of the APs to allow for the measurement of the initial impacts of the

compensation and assistance provided in the course of LARP implementation. In this phase, the EMA will:

a1. Review the socio-economic baseline/land acquisition and resettlement (census) / DMS information of pre-displaced persons available with the Zhambyl Oblast Roads Department, and confirm its accuracy and validity. In order to obtain insight on the number and types of APs and impacts and determine the sampling plan for the conduct of surveys, the EMA shall review the socioeconomic data/census data/DMS information for each road section. The EMA will propose a methodology for confirming the baseline socioeconomic survey and census survey results as provided in the LARP through sample random checks of a representative number of APs/AHHs.

a2. Identify and select impact indicators. Based on the goal of the LARP of restoring livelihood and living standards of APs, the EMA shall identify and select appropriate indicators to measure the impact of the LARP in this aspect, including possible impact differentials between men and women APs.

a3. Having confirmed the validity of available socioeconomic and census data available with the Zhambyl Oblast RD, EMA will undertake an M&E baseline survey of each road section. To the extent possible, M&E baseline survey shall be conducted prior to the implementation of the LARP. The survey will be done using the appropriate external monitoring variables to a representative sample of APs base on the master list/census list, stratified according to types and severity of impact. The survey shall follow the general rule of taking 10% of all APs and at least 20% of severely affected APs. However, adjustment in the sample size can be made to ensure that the error margin is +/- 5% at a CI of 95%. The sampling procedures for the baseline survey and the subsequent formal survey should be consistent to ensure comparability of samples.

b. ***Post LARP Due Diligence Reporting*** – Upon the completion of the LARP implementation, an evaluation shall be made as to what extent the LARP was able to accomplish its objectives. This evaluation shall be used as basis for allowing the construction to proceed. At this phase, the EMA shall:

b1. Assess the impact of the LARP through formal and informal surveys with the affected persons. Upon completion of compensation payments/assistance, the EMA shall conduct a formal survey of a representative sample of men and women APs to determine changes that have occurred on the APs. Care shall be made to identify impoverishment risks despite of the compensation/assistance provided in order to properly advise Zhambyl Oblast RD on corrective/supplemental measures needed to prevent impoverishment among the APs. Focus group discussions and other unstructured data gathering methods will also be used for men and women AP groups to supplement the findings from the formal survey. The assessment will also look into potential differential impact or benefit that men and women APs experienced from the resettlement activities. The result of

the surveys will serve as the end term review report of the EMA for the specific subproject.

b2. Assess APs satisfaction on the valuation of assets and entitlements, timing of payments, fund availability and disbursements. In the same post-LARP survey, the EMA shall ascertain the satisfaction of APs on the valuation of assets, as well as, the scope and timing of assistance provided under the LARP.

b3. Assess the resettlement efficiency, effectiveness and sustainability, drawing lessons for future resettlement policy formulation and planning. The post-LARP report shall also assess the efficiency, and effectiveness of the LARP to draw lessons for future LARP planning and implementation.

b4. Consult APs, officials, community leaders for preparing the due diligence report. Prior to submission of the due diligence report, the EMA shall ensure that informal and formal meetings are held with the men and women representatives from the APs, community leaders and other key officials and seek feedback on the contents/analysis in the review report. Highlights of these consultations will also be attached as annex to the report.

4.0 Implementation Arrangements

6. The EMA shall report directly to the Project Director. Close coordination with the PMC-ADB Unit, the Construction Supervision Consultations (CSC) and Zhambyl Oblast Road Department will also be needed. The assignment is on an intermittent basis following the pace of the progress of resettlement plan preparation and implementation in each road section. It is estimated that the total time needed to complete the first baseline M&E survey for each road section is 2 weeks. Subsequent surveys will take a similar period of time.

5.0 Reporting Requirements

7. The EMA is expected to submit to ADB, CR and Zhambyl Oblast RD the following:

- An inception report and detailed work plan including draft formats (as appropriate for various outputs) and draft outlines for various M&E reports (including baseline survey report), mid-term report, and final report, 1 month upon signing of the contract
- A due diligence report for each road section upon completion of LARP activities

8. For each road section with a LARP, the EMA is expected to submit to ADB, CR and Zhambyl Oblast RD the following:

- Inception/Baseline survey report
- Post LARP due diligence report for each road section

5.0 Consultant Qualifications

9. A domestic firm shall be engaged as the External Monitoring Agency (EMA) for the Project. The firm must have prior experience in conducting external resettlement monitoring for development projects in Kazakhstan. Familiarity with ADB Involuntary Resettlement Policy, and the Kazakhstan's Land Code is an advantage.

Indicators for External Resettlement Monitoring and Evaluation

Monitoring Indicators	Basis for Indicators
Basic Information on the APs	Location
	Composition and structure, age, educational and skill levels
	Gender of the household head
	Ethnic group
	Access to health, education, utilities and other social services
	Housing type
	Land and other resource owning and using patterns
	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	Were house compensation payments made free of depreciation, fees or transfer costs to the AP?
	Have APs adopted the housing options developed?
	Have perceptions of "community" been restored?
	Have APs achieved replacement of key social and cultural elements?
Restoration of livelihoods	Were compensation payments 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	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	Were the APs and their assets correctly enumerated?
	Did any land speculators assisted?
	Was the time frame and budget sufficient to meet the objectives?
	Were entitlements too generous?
	Were vulnerable groups identified and assisted?

Monitoring Indicators	Basis for Indicators
	How did resettlement implementers deal with unforeseen problems?
Budget and Time Frame	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 concerned units/agencies on time?
	Did agencies/units involved in the land acquisition/LARP implementation receive the scheduled funds?
	Have funds been disbursed according to the LARP?
	Has the social preparation phase taken place as scheduled?
	Has all land been acquired and occupied in time for subproject implementation?
Delivery of AP Entitlements	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 who experienced temporarily loss of land 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 (if available and provided in the LARP) or contracts been provided? Was the land developed as specified? Are there measures to provide secure tenure (titles) to APs, if applicable and provided in the LARP?
	How many AP households have received secure tenure (titles), if applicable and provided in the LARP?
	Does house quality meet the standards agreed, if applicable and provided in the LARP?
	Have relocation sites, if applicable and provided in the LARP, been selected and developed as per agreed standards?
	Are the APs occupying the new houses, if applicable and provided in the LARP?
	Are assistance measures being implemented as planned for host communities? (If applicable and provided in the LARP).
	Is restoration proceeding for social infrastructure and services as provided in the LARP?
	Are APs able to access schools, health services, cultural sites and activities as provided in the LARP?
	Are income and livelihood restoration activities being implemented as set out in the income restoration plan, for example utilizing replacement land, commencement of production, numbers of APs trained and provided with jobs, micro-credit disbursed, number of income generating activities assisted as provided in the LARP?
	Have affected businesses received entitlements including transfer and payments for net losses resulting from lost business and stoppage of production as provided in the LARP?
	Are there APs who were not included in the LARP and were measures made to compensate for the impacts? Were these measures sufficient to replace losses/restore livelihoods?
	Gender Impacts

Monitoring Indicators	Basis for Indicators
Consultation, Grievance and Special Issues	Have consultations taken place as scheduled including meetings, groups, community activities? Have resettlement leaflets been prepared and distributed? Were men and women equally able to participate in these meetings/consultations?
	How many APs know their entitlements? How many know if they have been received?
	Did the APs contributing land/asset do so in their own free will and without pressure, intimidation or deceit?
	Have any APs used the grievance redress procedures? What were the outcomes?
	Have conflicts been resolved?
	Was the social preparation phase implemented?
	Were special measures for indigenous peoples implemented (if relevant)?
Benefit Monitoring	What changes have occurred in patterns of occupation, production and resource use compared to pre-subproject situation?
	What changes have occurred in income and expenditure patterns compared to pre-subproject situation? What have been the changes in cost of living compared to pre-subproject 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? What changes occurred for women APs?
Other Impacts	Were there unintended environmental impacts?
	Were there unintended impacts on employment or incomes?