

RESETTLEMENT PLANNING DOCUMENT

Land Acquisition and Resettlement Plan
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MFF 0024-KAZ: CAREC Transport Corridor I
(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 Committee of Roads, Ministry of Transportation and Communications
(MOTC), Republic of Kazakhstan, for Asian Development Bank.

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 30 June 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	Multitranches 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.

In preparing any country program or strategy, financing any project, or by making any designation of or reference to a particular territory or geographic area in this document, the Asian Development Bank does not intend to make any judgment as to the legal or other status of any territory or area.

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 draft 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 Multitranche 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.
3. A number of information that was not gathered in the valuations conducted during the detailed design will require additional field assessments and collection of official data. Agreements related to land swapping, plot reorganization and the plan for the provision of a site for organized trading have not been firmed up. Hence, this draft LARP will need to be updated to reflect the adjustments/refinements in the valuation of affected assets, information on vulnerable households, agreed options with APs on land swapping, verification on the number of affected workers, possible modifications in compensation rates, plot re-organization, and action plan for organized trading among road side vendors.
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 LARP by ADB;
 - b. full disclosure of this 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 200 affected parties comprising of 158 households, and 42 legal entities and will be affected. Of these, 24 households and 1 legal entity will lose more than 10% of their productive lands. Ninety-one households and 41 legal entities will experience marginal land losses. Forty-three road side vendors will need to relocate their businesses. The employment of 38 workers/staff may also be affected. No household is expected to be displaced from housing.
6. Approximately 219.67 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 (69.7%) are agricultural/arable lands. Only 0.5% is used for commercial purposes. Around 21.3% of land is managed by village administration units for various uses, while 8.6% are reserved lands granted permanently to legal entities mainly for agriculture use. Most of the affected areas (172.31 hectares or 63.8%) are leased on a long-term basis (49 years). A total of 101 households and 19 legal entities are long-term leaseholders.

7. Around 72.64 hectares of the affected lands are planted with wheat, while 169.83 hectares are planted with hay. Another 13.82 hectares are planted with other crops. Average yield of wheat is 17.5 centner (100 kg), while hay is 4.5 centner per hectare.

8. Most of the privately-owned lands are less than 1.0 hectare in size. Majority of 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. One AP household will lose 15 poplar trees that he planted on his plot. Three households and one legal entity will lose their permanent structures completely. 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	139*
2	Total number of temporarily affected land parcels	29*
3	Total area of land to be acquired permanently (in hectares)	219.67
4	Total area of land to be acquired temporarily (in hectares)	50.62
5	Total area of arable land, including pasture land (in hectares)	177.79
6	Total area of commercial land (in hectares)	1.01
7	Total area of lands owned by State enterprise and reserved land for community use (in hectares)	34.95
8	Total area of lands administered by the village (in hectares)	56.54
9	Total number of privately-owned trees	15
10	Total number of affected households and legal entities	200
11	Total number of severely affected households and legal entities	25
12	Total number of vulnerable households	7
13	Total number of affected structures, including permanent, temporary and movable structures	47
14	Total number of households and legal entities losing business	47
15	Total number of APs, including workers in affected establishments	935

* Some affected households (HH) and legal entities (LE) have more than 1 affected parcel of land. Hence, the number of affected land parcels is higher than the number of affected HH and LEs.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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*	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) (93 HH and 14 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 (24 HH and 1 LE)	• Cash compensation equal to market value of two crop years.
Commercial Lands		Owners (4 HH and 1 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;
Houses, Buildings and Structures		Owners of permanent structures (3 HH and 1 LE)	• Compensation of full market value or, at the owner option, house for house swap
		Temporary structures (kiosks, stalls) owners (43 HH)	• Approved site to relocate; • Self-relocation cash allowance option.
Crops	Crops affected	All AP including squatters (111 HH and 27 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

Asset	Specifications	AP*	Compensation Entitlements
			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 (45 HH, 1 LE and 38 APs-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 (45 HH and 1 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 (7 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 14 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.

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

16. 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.

17. 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 as agreed between the Government of Kazakhstan and the World Bank.

18. A budget of approximately A budget of approximately 77,871,000 KZT (\$519,100) is needed for the implementation of this LARP. This includes cost for compensation of losses, operations of the Resettlement Unit, land re-registration, as well as resettlement monitoring and evaluation.

19. 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 Multitranche 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 draft 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 feasibility study 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; and (v) a socio-economic surveys of the AH.

1.2 LARP Finalization

3. This draft LARP is based on detailed design¹. However, a number of information that was not gathered in the valuations conducted during the detailed design will require additional field assessments and collection of official data. Agreements related to land swapping, plot reorganization and the plan for the provision of a site for organized trading have not been firmed up. Hence, this draft LARP will need to be updated to reflect the adjustments/refinements in the valuation of affected assets, information on vulnerable households, agreed options with APs on land swapping, verification on the number of affected workers, possible modifications in compensation rates, plot reorganization, and action plan for organized trading among road side vendors.

4. The update LARP will include: i) updated number of vulnerable households and cost of relative allowances; ii.) updated number of employees affected by businesses displacement and costs for their compensation; iii.) AH-agreed options on land swapping; iv) a scheduled action plan for the preparation and distribution of replacement plots to be offered to displaced vendors for lease or rent; v) completion/updating of land registration of affected landusers; vi) finalization of decision on temporary and permanent land acquisition and vii) updated overall costs.

¹ The detailed engineering design from km 310.5-389.4 was prepared by the Kazakhstan Scientific and Industrial Institution Dortrans Ltd and was submitted to MOTC for approval in May 2009.

1.3 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.
- (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:

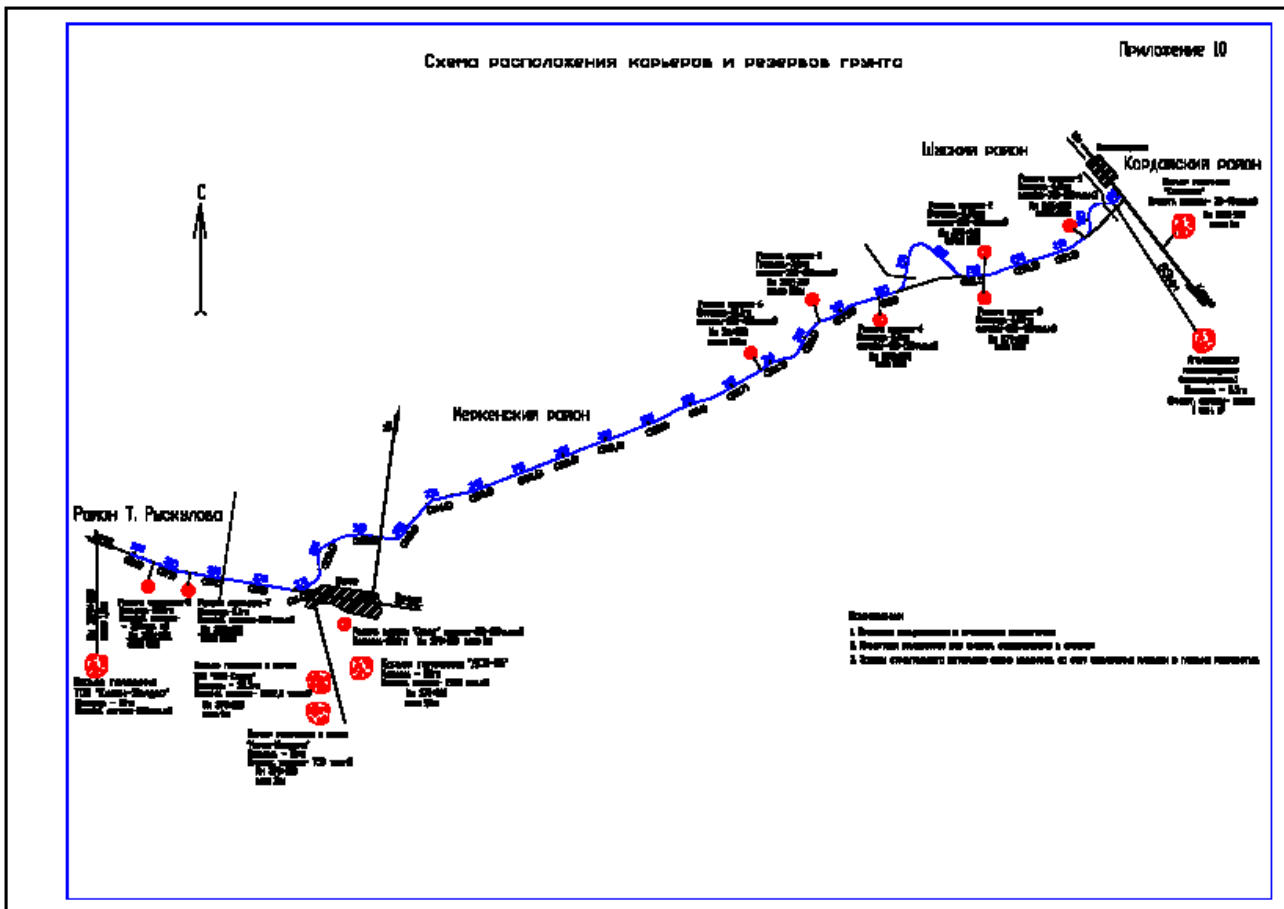
- **Appraisal:** i) approval of the LARF and of this LARP by ADB and Government; ii) full disclosure of this LARP to the APs.
- **Contract Awards Signing and LARP implementation:** i.) update of the final LARP based on detail design as indicated above (para. 3); ii.) disclosure of the updated LARP to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

1.4 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.

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

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 T. Ryskulov and Merke. 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. Refinements to these valuations will be made prior to negotiation with the APs once additional information from the raion Statistics Office, Agriculture Department, Justice Department, Tax Committees and the Technical Inventory Bureau have been gathered. 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

11. Detailed measurements made at the detailed design stage revealed a total of 219.67 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 (69.7%) are agricultural/arable lands. Only 0.5% is used for commercial purposes, of which 0.96 hectares are privately-owned while 0.05 is leased on a long-term basis. Around 21.3% of land is managed by village administration units for various uses, while 8.6% are reserved lands granted permanently to legal entities mainly for agriculture use. 57.99 hectares of affected lands are classified as irrigated lands.

12. A total of 101 affected households and 28 legal entities will lose portions of their lands permanently. Another 14 households and 14 legal entities will experience temporary land losses during construction. 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	
Arable land	53.14	19.41	97	14	666
Commercial land *	0.61	n/a	4	n/a	24
Residential land	n/a	n/a	n/a	n/a	n/a
Sub total (for affected Households)	53.75	19.41	101	14	690

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
Arable land	99.89	5.35	14	5
Commercial land*	0.40	n/a	1	n/a
Lands owned by State Enterprise and Reserved Land for Community Use**	18.85	16.10	4	4
Village Administration owned land (permanent use)	46.78	9.76	9	5
Sub total (for affected legal entities)	165.92	31.21	28	14
Total (A and B)	219.67	50.62	129	28

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

** These include lands owned by the Zhambyl Oblast Akimat, State Enterprise (Kyrgyz Temirzholy), and reserved land for community use (ZZ Zhanaturmys and Karakystak).

13. Most of the affected areas (172.31 hectares or 63.8%) are leased on a long-term basis (49 years). A total of 101 households and 19 legal entities are long-term leaseholders. Around 1.47 hectares of affected land are leased by six households on a short-term basis, while 5.02 hectares of affected lands are privately-owned by 8 households and 1 legal entity. Another 34.95 hectares of affected land (12.9%) have been granted by the State to eight legal entities for permanent use in agriculture. Lastly, 56.54 hectares of affected lands (20.9%) are managed by the village administration (akimat). 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 / Legal Entities	
	Permanent Loss	Temporary Loss	Permanent Loss	Temporary Loss
Privately Owned	4.62 0.4	n/a	8 households 1 legal entity	n/a
Long-term lease	47.66 99.89	19.41 5.35	87 households 14 legal entities	14 households 5 legal entities
Short-term lease	1.47		6 households	n/a
Unregistered	n/a	n/a	n/a	n/a
Reserved land granted permanently for agricultural use	18.85	16.1	4 legal entities	4 legal entities
Village Administration owned land (permanent use)	46.78	9.76	9	5
Total:	219.67	50.62	129	28

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
1	Abdrakhmanov Maksut	Commercial land	0.09	0.09	100.0
2	Akhanov Tursyn	Irrigated land	0.14	0.07	50.0
3	Alimbekov Batyrbek	Pasture land	13.85	0.09	0.6
4	Aliyeva Dzhuman	Pasture land	70.07	2.08	3.0
5	Baimukhanbetov Arman	Pasture land	100.0	1.67	1.7
6	Bubnov Yuri	Commercial land	0.10	0.10	100.0
7	Kurymbayev Shokhan	Irrigated and	0.46	0.15	32.6
8	Seidualiyeva Nazym	Commercial land	0.20 0.17	0.20 0.17	100.0 100.0
9	TOO Beibars Gas Ltd.	Commercial land	0.40	0.40	100.0
	Total		185.48	5.02	

2.3 Crop Losses

14. 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.

15. GosNPTsZem estimates that 256.29 hectares of agricultural land will be affected between km 310.5 to km 389.4. These lands include privately-owned and leased lands, as well as portions of reserved lands granted and lands managed by the village administration for agriculture use. Of these, 72.64 hectares are planted primarily with wheat, while 169.83 hectares are planted with hay. Another 13.82 hectares are planted with other crops. See table 4.

Table 4
Summary of crop losses

Crop	Cultivated Land (in Hectares)	Harvested Yield per Year, centner/ha	Average Annual Yield in the Project Area, centner (100 kg)
Wheat	72.64	17.5	1,271.2
Hay	169.83	4.5	764.2
Others ((barley, perennial herbs, alfalfa, lucerna, oats, safflower,	13.82	varied	
Total	256.29³		

2.4 Tree Losses

16. 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

17. Three households and 1 legal entity will totally lose permanent structures. One household will lose its gas station. One household will lose its café/shop, while another will lose its concrete well/water hole. A legal entity will also lose a 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. The affected permanent structures have a combined area of 155.62 sqm. See tables 5 and 6.

³ This includes privately-owned/leased lands for agriculture use, as well as portions of reserved land and village-administration land used for agriculture.

Table 5
Details of affected structures

Structure Type	Quantity	Brief description
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
Sub-total (A)	43	All structures are easily movable without damaging the structure.
B. Permanent or Non-movable structures		
Café	1	Metal frame and walls
Gas filling station	2	One structure is made of brick, while another is made of metal frame and walls
Bore well and foundation	1	Concrete blocks and cement.
Sub-total (B)	4	All these structures will be compensation as per scope of impacts for each structure.
Total (A + B)	47	

Table 6
Buildings/permanent structures by type/category

Use of Structure	Number	Total Area (Square meters)
A. Movable Structures		
Kiosks/stands	43	129.00
Subtotal	43	129.00
B. Permanent/Fixed Structures		
B1. Café	1	9.00
B2. Gas filling station	2	46.62
B3. bore well and foundation	1	100.00
Subtotal	4	155.62
Total	47	284.62

2.6 Business Losses

18. The two AP households and 1 legal entity that will lose their permanent commercial structures/buildings and the 43 owners of mobile/temporary stores along the existing road shoulders are expected to incur some business losses. 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)⁴.
- 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

⁴ Official minimum wage per month as of January 2009 based on Government Resolution no. 810, August 30, 2008

are not available - based on the official monthly minimum salary in the project area (13,470 KZT x 12 months).

19. Road side vendors are expected to be able to transfer to another site and resume their trading within one-month. 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, the owners of the 2 gas stations and 1 cafe that will be demolished are expected to lose their businesses permanently. See table 7.

**Table 7
Business losses estimates**

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	13,470	12.0	161,640	2	323,280	Permanent impact
Café	13,470	12.0	161,640	1	161,640	Permanent impact
Subtotal (permanent business losses)	26,940		323,280	3	484,920	
Total (Type 1 and 2)	40,410		336,750	46	1,064,130	

* time needed to re-establish the business

2.7 Employment Loss

20. 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.

21. The Zhambyl Oblast Road Department will coordinate with the Statistics office at the raion (district) level to obtain official records of employment and salaries of the workers from the affected farms/establishments in order to use as basis for compensation for loss wages. Compensation will be based on the duration of work disruption and officially reported salaries/wages.

2.8 Relocation of Structures and Businesses

22. The 43 road side vendors will need to relocate their carriages and temporary structures away from the expanded road right-of-way. Moreover, the three shop owners (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, Most vendors/business owners (23 APs) are still undecided. Others (17 APs) prefer to simply self-relocate. A few others (6 APs) would like to relocate to a site to be identified and provided by the government. Agreement and plan for the relocation of vendors to the site to be provided by the Merke Akimat will still need to be firmed up and reflected in the updated LARP.

2.9 Number of Affected Households/Legal Entities and Persons

23. 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. Land			
A1. Agricultural land			
-owned/leased by households	111 HH	111 HH	666
-owned/leased by legal entities	19 LE	19 LE	
A2. Commercial land			
-owned/leased by households	4 HH	4 HH	24
-owned/leased by legal entity	1 LE	1 LE	
A3. Lands managed by State Enterprises (granted to legal entities for permanent use in agriculture)	8 LE	8 LE	
A4. Village-administered lands (14 plots)	14	14	
Sub-total (A)	157	157	690
B. Crops			
. Titled owners/leaseholders/permanent land users	111 HH	-	
-owners/leaseholders (households)	27 LE	-	
-owners/leaseholders/permanent users (legal entities)			
Sub-total (crops)	138	-	
C. Business/Income Losses			
C1. Temporary small business losses	43	43	207
C2. Permanent business losses		-	

AP Category	Number of Affected Households (HH)/ Legal Entities (LE)		Net Number of household APs
	(x impact type)	Absolute (Without double counting)	
-owners (household) -owner (legal entity)	2 HH 1 LE		
C3. Wage workers/Employee			38
Sub-Total (C)	46	43	245
D. Structures			
D1. Movable/temporary structures	43	-	
D1. Commercial Structures	3	-	
D4. Other Structures	1	-	
Sub-total (D)	47	-	-
E. Total (A+B+C+D)	388	200	935

2.10 Severely Affected APs

24. Twenty-four households and 1 legal entity (TOO Beibars Gas) will permanently lose more than 10% of their productive lands. All these APs have tenurial rights over the affected land. Fifteen households are long-term leaseholders. One household is a short-term leaseholder, while 5 households are landowners. Three households also have permanent land-use rights to the land. TOO Beibars Gas has full ownership of its 0.40 hectare land. Twenty-one households will lose between 10–50% of their lands. Three households and TOO Beibars Gas will lose their entire plot. These APs will lose a combined area of 18.14 hectares. See table 9.

Table 9
Severely affected households and legal entity

No.	Name of Household Head/ Legal Entity	Right to Land Use	Area to be Acquired (in hectares)	Percent of Total Landholding
	<u>Merke Raion (District)</u>			
1	Abdrakhmanov Maksut	Private landowner	0.09	100.0
2	Aitzhanov Abu	Permanent land-use right	0.54	16.4
3	Aitzhanov Azamat	Long-term leaseholder	0.23	23.0
4	Akhanov Tursyn	Private landowner	0.07	50.0
5	Aliyev Salimbek	Long-term leaseholder	1.12	10.4
6	Argynbaiuly Rakhymbai	Long-term leaseholder	4.31	18.3
7	Arykbayev Murat	Short-term leaseholder	0.50	10.4
8	Beissebayev Ilibek	Long-term leaseholder	0.32	21.3
9	Beksultanov Amanbai	Long-term leaseholder	4.12	16.0
10	Beksultanov Nurmadil	Long-term leaseholder	0.12	24.0
11	Bubnov Yuri	Private landowner	0.10	100.0
12	Dzhumatayev Ali	Permanent land-use right	5.5	11.0
13	Kassabekova Ainakhan	Long-term leaseholder	2.02	24.3
14	Kurymbayev Shokhan	Private landowner	0.15	32.6
15	Lomanov Ibragim	Long-term leaseholder	0.48	10.9
16	Madimarova Botakoz	Long-term leaseholder	0.77	10.0
17	Omarbekov Abdrakhman	Long-term leaseholder	0.42	24.7

No.	Name of Household Head/ Legal Entity	Right to Land Use	Area to be Acquired (in hectares)	Percent of Total Landholding
18	Orchibekov Akimbek	Long-term leaseholder	0.59	26.3
19	Seidualiyeva Nazym	Private landowner	0.20	100.0
20	Tilepbayev Daulet	Long-term leaseholder	0.16	13.3
21	Tynybekova Alia	Long-term leaseholder	0.05	25.0
22	Zhakayev Madiyar	Long-term leaseholder	0.18	22.0
23	Zhunssaliyev Akimbai	Permanent land-use right	0.98	32.7
	<u>T. Ryskulov Raion (District)</u>			
24	Satylganov Alpamysh	Long-term leaseholder	1.90	18.5
25	TOO Beibars Gas Ltd	Private landowner	0.40	100.0
		Total	18.14	

2.11 Vulnerable Households

25. 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.

26. Efforts were made during the census to identify poor and vulnerable households. Seven affected households can be considered vulnerable as a function of having aged/disabled/widowed household heads, and income. See table 10 below. The Zhambyl Road Department will coordinate with the Zhambyl Oblast Statistics Office and the raion akimat of Merke and T. Ryskulov to verify if these AP households are TSA or State social benefits beneficiaries. Those not yet included will be included in these existing programs. 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	Baudankyzy Akzhar	74	Female	Did not indicate	Did not indicate	
2	Kassabekova Ainakhan	70	Female	Did not indicate	6	
3	Begassilova Zhumash	69	Female	Widow	6	
4	Akmedzhanova	73	Female	Widow	Single HH	
5	Muraliev A.	84	Male	Married	7	Disabled and World War 2 veteran
6	Lomanov Ibragim	82	Male	Married	5	World War 2 veteran
7	Kairalapov Alpispai	75	Male	Married	10	Disabled. Wife is also disabled

2.12 Perceived Impacts and Suggestions

27. 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

28. 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.

29. 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.

30. 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

31. 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.

32. 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

33. 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

34. 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.

35. 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

36. 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

37. 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

38. 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.

39. 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

40. 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.

41. 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

42. 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

43. The Land Acquisition and Resettlement Policy Framework (LARF)⁵ 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

44. 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

45. 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

46. 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.

47. 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).

48. 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

⁵ 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).

49. 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.

50. 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

51. 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

52. 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

53. 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

54. 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

55. 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.

56. 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

57. 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.
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.

4.4 Actions Made to Address the Gaps

58. 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.

59. 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

60. 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.

61. 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.

62. 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 adoption of the final detailed design by the MOTC.⁶ 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.

⁶ Refer to paragraph 49, Land Acquisition and Resettlement Policy Framework, CR-MOTC, July 2008

Table 18
Entitlement and Compensation Framework

Asset	Specifications	AP*	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) (93 HH and 14 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 (24 HH and 1 LE)	<ul style="list-style-type: none"> Cash compensation equal to market value of two crop years.
Commercial Lands		Owners (4 HH and 1 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 1 LE)	<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 (43 HH)	<ul style="list-style-type: none"> Approved site to relocate; Self-relocation cash allowance option.
Crops	Crops affected	All AP including squatters (111 HH and 27 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 (45 HH, 1 LE and 38 APs-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 (45 HH and 1 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 (7 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 14 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.

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

63. 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 93 households, 14 legal entities with short-term (5 years or below) and long-term (49 years) leases to arable lands, and the 8 state enterprises and village-administered lands used for agricultural purposes will be paid cash compensation equivalent to the market value of one-year gross yield (based on a 3-year average). Alternatively, these land leasers may be granted a renewed lease in an alternative plot on the same terms and conditions, with no deductions for registration or transfer cost. 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. Twenty-four households and 1 legal entity 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. However, no AP falls under this category.
- 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 Merke raion akimat.
- 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. Three 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. 111 households and 19 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 three permanently affected businesses 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 (14,470 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.

64. 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.

65. 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

66. 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.

67. 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-consultations⁷

68. 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.

69. Mr. Muratkhan Shukeev, Vice Akim of T. Ryskulov, chaired the consultation in Kulan, while Mr. 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.

70. 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.

71. 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

⁷ Highlights of these consultations are provided in the Summary Environmental Impact Assessment, Kazakhstan: Multitranchise 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

5.2 Disclosure

72. 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.

73. 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.

74. 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

75. 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

76. 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

77. 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.

78. 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.

79. 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

80. 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.

81. 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.

82. 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.

83. 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.

84. 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

85. 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

86. 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

87. 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 range of the current market prices for different types of land. These were used in determining the value of each affected land. In addition, compensation also considered 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.

Table 20
Unit values for various types of privately-owned lands in the project area

Land Category	Affected Land (in square meters)	Location		Market Price Range Per m ² (in KZT)
		Raion (District)	Road Section	
Irrigated arable land	2,200	Merke	km 310.5 - km 358.6	128 – 132
		Merke	km 358.6 - km 373	137 – 145
		T. Ryskulov	km 373 - km 389.4	137 - 145
Non-irrigated	--	Merke	km 310.5 - km 358.6	27 – 28
		Merke	km 358.6 - km 373	36.2 - 37.4
		T. Ryskulov	km 373 - km 389.4	36.2 - 37.4
Pasture land	38,400	Merke	km 310.5 - km 358.6	5.4 – 5.88
		Merke	km 358.6 - km 373	10.2 - 11.7
		T. Ryskulov	km 373 - km 389.4	10.2 - 11.7
Commercial land	9,600	Merke	km 310.5-358.6	1,800 - 1,900

7.2 Compensation for Crops and Trees

88. Leased agricultural lands shall be provided cash compensation equivalent to the market value of one-year gross yield (based on a 3-year average). Yields and crop values were taken from the Zhambyl Oblast Agriculture Office. Records revealed that farms in the area produce an average yield of 17.5 centner (100 kg) of wheat and 4.5 centner of hay per hectare. Wheat is grown once a year (within a period of 4-5 months), while hay is grown every three months. Additional assessments will be made to

ascertain the other crops reported by the APs. See tables 21 and 22. In terms of trees, one AP will reportedly lose 15 poplar trees with an estimated combined value of KZT 50,000.

Table 21
Assessment of income from planted crops

Indicator	Types of Crop in the Project Area	
	Wheat	Hay
Crop Cultivation Period (from seeding to maturity)	12 months	3 months
Av. Yield per hectare	17.5	4.5
Price Per 100 kg (KZT)	3,150	753
Source: Zhambyl Oblast Agriculture Office		

Table 22
Compensation estimates for crops

Crop	Compensation Rate per Hectare (KZT)	Total crop area (Hectare)	Compensation (KZT)
Wheat	55,125	72.64	4,004,279
Hay	3,388	169.83	575,441
Others		13.82	tbd

7.3 Compensation for Affected Structures

89. The four affected permanent structures will be completely affected. These structures include one gas station made of brick, one concrete bore well, 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 22,379,791. Table 23 below shows the area, description and estimated compensation for each of these affected structures.

Table 23
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
Bore well (including foundation)	100.00	Concrete	Km 383 – km 404	2,213,500
Gas station	15.62	Metal	Km 305 – km 352	3,048,212
Café	9.00	Metal	Km 305 – km 352	1,080,269
Total	154.62			22,379,791

7.4 Relocation and Livelihood Restoration

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

- a. Provision by the Merke raion Akimat of a designated area for organized trading which can provide spaces for lease to the affected road side kiosks/shops. Coordination will be made with the Merke Akimat in preparing and implementing an action plan for this. The action plan will finalize the identification of site, indicate site development measures, firm up agreements with the affected vendors (including lease arrangements and plot assignments), and time frame for implementation and budget.
- 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

91. 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

92. 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)⁸.

8.2 Zhambyl Oblast Roads Department

93. 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,

⁸ 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.

94. 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

95. 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 Specialists Unit

96. At the Project Management level, the PMC Specialists 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.

8.5 Project Supervision Consultants

97. A firm will be engaged by the CR to serve as Project Supervision Consultants (PSC) in the implementation of the Project to assist the Zhambyl Land Acquisition and Resettlement Unit. The PSC shall:

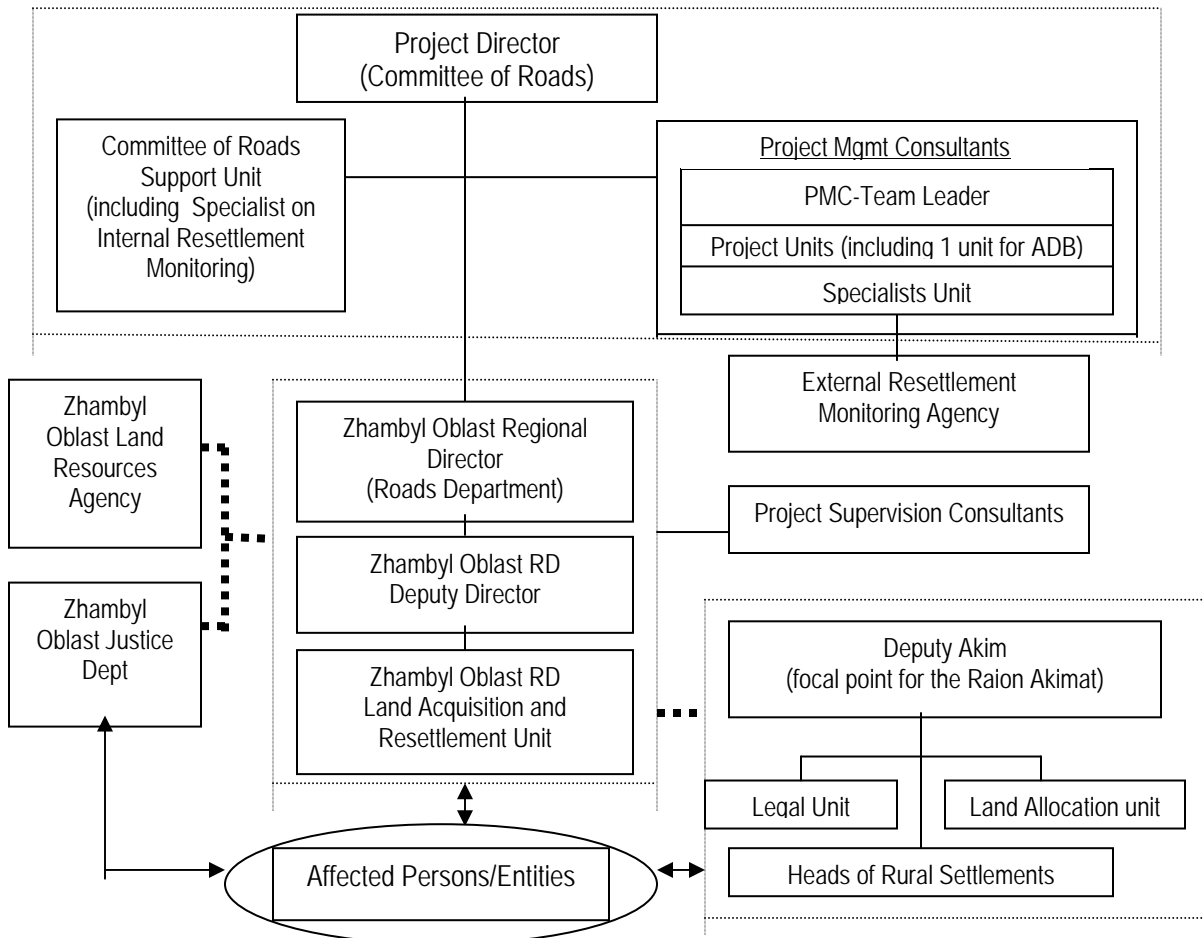
- Update the LARP that will reflect (a) the adjustments/refinements in the valuation of affected assets, (b) provide information on vulnerable households, (c) firm up agreed options with APs on land swapping, (d) verify the number of affected workers, (e) indicate modifications in the official compensation rates (if any), (f) finalize agreements on plot re-organization, and (g) describe the action plan by the Akimat of Merke for organized trading which can be offered to road side vendors for lease or rent;

- Monitor and report on the implementation of LARP⁹;
- Monitoring Contractors' compliance with stipulated measures to mitigate, enhance or compensate for environmental and social impacts related to the implementation of the Project; and,
- 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;

8.6 External Monitoring Agency

98. 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.

**Figure 1
LARP Implementation Arrangement**



⁹ 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.

Chapter 9 Resettlement Budget and Financing

99. The Committee of Roads (CR) is responsible for all land acquisition costs associated with the implementation of the LARP. A budget of approximately 77,871,000 KZT (\$519,100) is needed for the implementation of this LARP. This includes cost for compensation of losses, operations of the Resettlement Unit, land re-registration, as well as resettlement monitoring and evaluation. The budget breakdown is shown in Table 24.

**Table 24
Land acquisition and resettlement budget**

	Particulars/Items	Number of APs	Unit Rate	Quantity	Estimated Budget (KZT)
1	Compensation for privately-owned land	8 HH and 1 LE			
	a. irrigated land		132.0 KZT/sqm	2,200 sqm	290,400.0
	b. pasture land		10.5 KZT/sqm	38,400 sqm	403,200.0
	c. commercial land		1,900.0 KZT/ sqm	9,600 sqm	18,240,000.0
2	Compensation for Crops and trees	112 HH and 27 LE			
	a. wheat		55,125 KZT/has	72.64 has	4,044,279.0
	b. hay		3,388 KZT/has	169.83 has	575,384.0
	c. other crops		tbd	tbd	tbd
	d. poplar trees		3,333 KZT/unit	15 units	50,000.0
3	Compensation for structures	3 HH and 1 LE	Varied	4 units	22,479,791.0
4	Business Losses Revenue	45 HH, 1 LE and 38 workers			
	a. temporary loss		13,470 KZT	43 vendors	579,210.0
	b. permanent loss		161,640 KZT	3 APs	484,920.0
	c. lost jobs of workers		13,470 KZT x 3 months	38	1,535,580.0
5	Relocation assistance	45 HH and 1 LE	13,470 KZT	46	619,620.0
6	Assistance to vulnerable APs	7 HH	13,470 KZT	7	94,290.0
7	Re-registration of APs remaining plots ¹⁰	127 HH and LE	45,000 KZT/plot	137 plots	6,165,000.0
8	Compensation for temporary impacts, including land restoration measures	14 HH and 14 LE	50,000 KZT/has	50.62 has	2,531,000.0
9	LAR Administration/ Implementation including internal monitoring by CR/PMC				11,500,000.0
10	External Monitoring				1,200,000.0
	Contingencies (10%)				7,078,326.0
	Total				77,871,000.0

¹⁰ Of the 129 HH/LEs who will lose privately-owned or leased land, 2 will lose their entire plot. Hence, there will be no remaining plot to be re-registered for these two APs.

Chapter 10 Implementation Schedule

100. 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 25 shows the activities involved in the LARP preparation, finalization and implementation and the agencies/units involved.

**Table 25
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
C9	Registration of new plots	Zhambyl Land Resource

No.	Work Description	Responsible Agency/Unit
		Management, assisted by Roads Dept.
C10	Expropriation proceedings	Zhambyl Oblast court
C11	Delivery of Compensation	
C12	Relocation of affected road side vendors	Zhambyl Roads Dept.
C13	Monitoring	EMA and Internal Monitoring Specialist
C14	Preparation of compliance report	EMA and Internal Monitoring Specialist
C15	Review of compliance report and issuance of No-objection for civil works	ADB

101. 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 26 presents the proposed implementation schedule for the LARP implementation and commencement of civil works.

Table 26
LARP Implementation Schedule

Milestones/Activites	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				—————										
B2. compensation rates fixed					●									
B3. identification of replacement plots				—————										
B4. Legalization of legalizable APs				—————										
B5. Identification of vulnerable Aps				—————										
B6. 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/Activites	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

102. 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

103. 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.

104. 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. Expenditures for this **internal monitoring** shall be incorporated into the Project budget. A general system of monitoring indicators is shown in the following table.

**Table 27
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 under/overspent	Rate of spending of funds allocated for compensations, % of amount envisaged in the

Purpose	Activities	Monitoring Indicators
		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

105. The Committee of Roads will contract an External Monitoring Agency (EMA) for the Program. 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 final due diligence report once the LARP has been fully implemented. The EMA will be tasked to 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.

106. 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

107. The budget for the EMA shall be covered by Component III of the World Bank-financed South West Roads Project on the same Corridor that will include all sections of the Corridor, including those funded by other IFIs.