

Involuntary Resettlement Assessment and Measures

Land Acquisition and Resettlement Plan
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KAZ: Proposed Multitranche Financing Facility for the CAREC Corridor 2 (Mangystau Oblast Sections) Investment Program, Tranche 1

Manashy River (Km 372.6)–Sai-Utes (Km 514.3);
Km 574–Shetpe (Km 632.3) Road Section

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

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

CURRENCY EQUIVALENTS

(as of 30 July 2010)

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

ACRONYMS AND ABBREVIATION

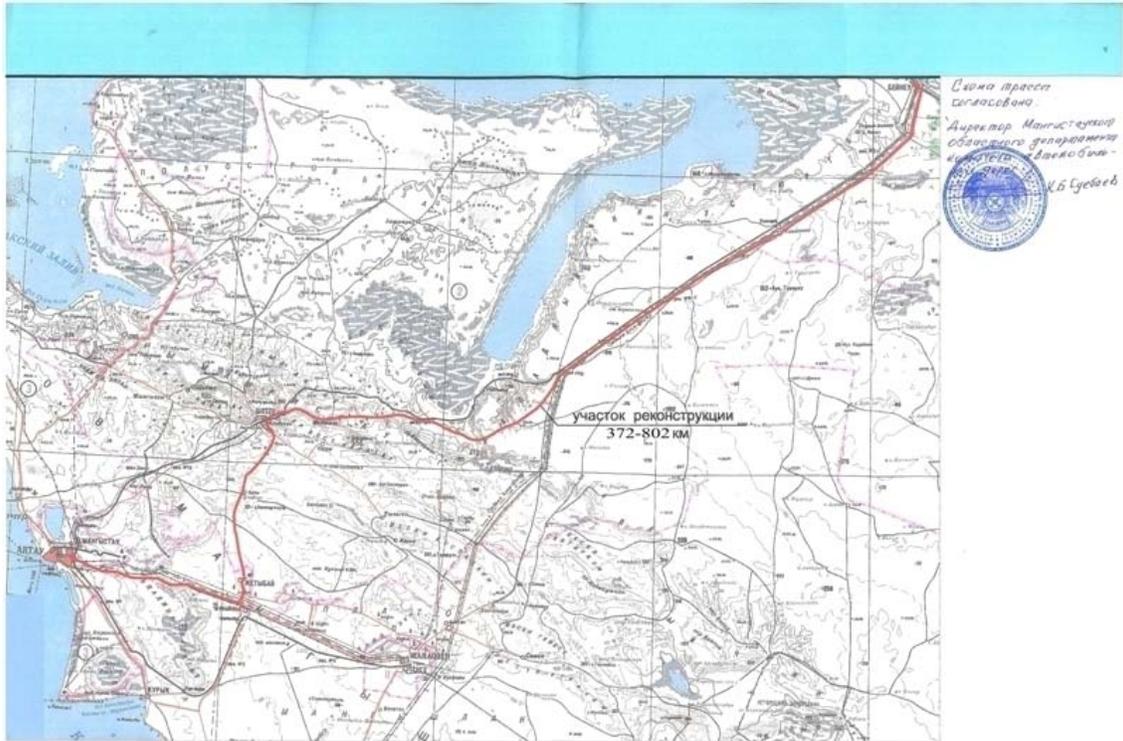
ADB	-	Asian Development Bank
CAREC	-	Central Asia Regional Economic Cooperation
COI	-	Corridors of Impact
CoR	-	Committee on Roads
CSC	-	Construction Supervision Consultants
DMS	-	Detailed Measurement Survey
DP	-	Displaced Person
EA	-	Executing Agency
ECLP	-	External Loans and Concession Projects Department
EM	-	External Monitor to Validate Negotiated Settlements
FFA	-	Financing Framework Agreement
FGD	-	Focus Group Discussion
FS	-	Feasibility Study
GosNPTsZem	-	Land State Scientific and Production Center for Land Management
IA	-	Implementing Agency
LAR	-	Land Acquisition and Resettlement
LARF	-	Land Acquisition and Resettlement Framework
LARP	-	Land Acquisition and Resettlement Plan
LLP	-	Limited Liability Partnership
MDoR	-	Mangystau Oblast Department of Roads
MFF	-	Multitranches Financing Facility
MOTC	-	Ministry of Transport and Communications
NGO	-	Non-government Organization
NTP	-	Notice-to-Proceed
OM	-	Operational Manual
OP	-	Operational Procedures
PIB	-	Project Information Booklet
PIU	-	Project Implementation Unit
PPTA	-	Project Preparatory Technical Assistance
PRC	-	Peoples Republic of China
RCS	-	Replacement Cost Survey
RK	-	Republic of Kazakhstan
ROW	-	Right-of-Way
SPS	-	Safeguard Policy Statement
TSA	-	Targeted Social Assistance

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Appendix: List of Displaced Land Users



PROJECT MAP

DEFINITION OF TERMS

Compensation – refers to any payment in cash or in kind of the replacement cost of the acquired assets.

Corridors of Impact – It is the area that is impacted by the road civil works or by the need to retain sites for use in road maintenance. In the context of involuntary land acquisition and resettlement, it is the area where the displaced persons will be identified who are eligible to receive compensation based on the cut-off date established under the project.

Cut-off Date – means the date prior to which the occupation or use of the Project area makes residents/users of the Project area eligible to be categorized as DPs. The cut-off date for the Project is the date of approval of the Feasibility Study by the Committee on Roads (CoR), after being subjected to an Expert Panel review.

Displaced Persons (DPs) – are individuals, households, collective owners or other legal entities who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihood) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas, regardless of their legal rights to the affected lands

Entitlement – is a range of measures comprising compensation in cash or in kind, income restoration, transfer assistance, income substitution, and relocation which are due to DPs, depending on the nature of their losses, to restore their economic and social base.

Grievance Procedures – is the process established under law, local regulations, or administrative decisions to enable property owners and other DPs to redress issues related to acquisition, compensation, or other aspects of resettlement.

Household – means all persons living together as a single social unit. They are identified in a census being an instrument of their recognition and legitimacy to receive compensation, rehabilitation and assistance under the Project.

Income Restoration – is the reestablishment of income sources and livelihoods of DPs to their pre-project levels.

Indigenous Peoples – a distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees: (i) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others; (ii) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories; (iii) customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and (iv) a distinct language, often different from the official language of Kazakhstan

Land Acquisition and Resettlement Plan – is the planning document that describes the activities to be done in addressing the direct social and economic impacts associated with involuntary taking of land.

Relocation – is the physical shifting of DP from his/her pre-Project place of residence and/or business.

Replacement Cost - The value determined to be fair compensation for land based on its productive potential, the replacement cost of houses and structures (current fair market price of building materials and labor without depreciation or deductions for salvaged building material), and the market value of residential land, crops, trees, and other commodities.

Resettlement - All measures taken to mitigate any and all adverse impacts of the Project on DP's property and/or livelihood, including compensation, relocation (where relevant), and rehabilitation.

Safeguard Zones – are the designated areas regulated under the Law on Oil, Safeguard Regulations for Trunk Lines and Safeguard Regulations for Telecommunications Networks which provides for the protection of the facilities of strategic industries in the Republic of Kazakhstan.

Severely Affected Persons – are persons who will: (i) lose 10% or more of their productive assets, such as agriculture/aquaculture landholding, and/or (ii) physically displaced from housing.

Vulnerable Group – is a distinct group of people who might suffer disproportionately or faced the risk of being further marginalized by the effects of resettlement and specifically include: (i) households living below the poverty line; and (ii) households headed by women, the elderly or disabled.

EXECUTIVE SUMMARY

1. This Land Acquisition and Resettlement Plan (LARP) has been prepared by the Committee of Roads (CoR) of the Ministry of Transport and Communications (MOTC) for the reconstruction and building of road sections in Mangystau Oblast from Km 372.6 (Manashy river) to Km 514.3 (Sai Utes) and Km 574 to Km 632.3 (Shetpe) covered under Tranche 1 of the Multitranche Financing Facility (MFF) for the CAREC Transport Corridor 2a (Mangystau Oblast Section) Investment Program financed by the Asian Development Bank (ADB).
2. This LARP is based on the preliminary engineering design prepared during the PPTA. It will have to be updated once the detailed engineering design is completed and approved. The final LARP will be based on (i) detailed measurement surveys, (ii) asset valuation/documentary research on affected plots, (iii) follow-up consultation with raion (district) local governments, and displaced parties; and (iv) census and consultation with displaced households and will reflect the final impacts and costs, final list of DPs, and agreed options with DPs on renewed leases for pasturelands.
3. The approval of this draft LARP by the ADB is a condition for the approval of Project 1 of the MFF, while ADB approval of the final LARP is a condition for contract awards. No civil works will be started in sections that involve land acquisition until full delivery of compensation to the DPs and conduct of third-party validation of negotiated settlements..
4. Initial assessment and identification of DPs was made during the Project Preparation Technical Assistance (PPTA) conducted from March-July 2010. Information on registered land users was provided by Mangystau State Scientific and Production Center for Land Management (GosNPTsZem). Initial survey on the DPs only yielded partial information on the social and living conditions of the DPs. Moreover, valuation of affected assets by licensed valuers is still to be conducted. A more comprehensive survey will have to be undertaken during detailed design.
5. Preliminary assessment revealed that an additional 63.46 ha of State-owned lands will be needed permanently for the Project. Of these, 27.91 ha is leased to 8 households and 1 legal entity. During construction, 358.93 hectares of land will be used temporarily as temporary bypasses, access to construction sites and sites for construction materials. Of which, 109.48 ha is leased to 1 household and 3 legal entities. No road side businesses or residential structures will be affected.
6. Contractors may also need land for batching plants, sites for storage of materials and equipment and field offices. The preliminary design consultant identified the possible location of construction sites and asphalt plants. It will be the contractor's discretion to decide which sites to use.
7. Lands leased by households and legal entities (collectives) are huge in area. Displaced households lease between 500 ha to 1,515 ha of land, while legal entities (collectives) lease between 53,000 ha to 382,000 ha. None of the DPs losing portions of their pasturelands is expected to be severely affected as a result of land loss.

**Table E-1
Summary Land Acquisition and Resettlement Impacts**

No.	Description	Number/Amount
1	Total number of permanently affected land plots a. leased lands (natural pastureland) b. State reserved lands	10 4
2	Total number of temporarily affected land plots a. leased lands (natural pastureland) b. State reserved lands	4 8
3	Total area of land to be acquired permanently (in hectares) a. leased lands (natural pastureland) b. State reserved lands Total	27.91 35.55 63.46
4	Total area of land to be acquired temporarily (in hectares) a. leased lands (natural pastureland) b. State reserved lands Total	109.48 249.45 358.93
5	Total number of affected households and legal entities	8 hh 3 LE
6	Total number of vulnerable households	Tbd
7	Total number of affected structures (permanent)	-
8	Total number of households losing business	-
9	Total number of DPs (including household members)	tbd

8. The Project will pass through two rural raions of Mangystau Oblast, where most of the population is engaged in livestock raising. Many also run small businesses for the population in the area. It is expected that the Project will improve the economic conditions in these areas by improving connectivity with the urban regions of the Oblast, improving access to services and facilitating the increase in transit traffic.

9. In terms of ethnicity, 86% of the population are Kazakhs. Others are Russians (8.9%), or other ethnic groups (5.1%). None of the smaller ethnic groups in the project area may be considered as indigenous people as defined under ADB Policy. A considerable portion of the population lives in poverty, especially those in these rural areas. Based on official statistics, every third inhabitant in Mangystau region has income below the subsistence level, and every 25th is in extreme poverty. In terms of health, Mangystau oblast has high maternal and infant mortality, with hemorrhage as the main cause. The poor road condition is a major factor for the disparity in the social, health and economic condition of urban and rural settlements in the region.

10. The objective of this LARP is to provide MOTC and the CoR the guidelines that will address the involuntary land acquisition and resettlement (LAR) issues and the adverse social impacts brought about by the Project, in compliance with the laws enforced in Kazakhstan and ADB SPS Safeguards Requirement 2.

11. There is congruence between Kazakhstan's laws and ADB's Involuntary Resettlement Safeguards with regard to the entitlement of persons with legal rights/titles for compensation. However, ADB's SPS 2009 does not consider the absence of land rights of DPs as an impediment to receiving compensation for non-land assets. Likewise, ADB Policy stipulates the improvement of livelihood for vulnerable DPs. These differences in the national legislation and practice and ADB SPS 2009 were reconciled through the adoption of a Land Acquisition and

Resettlement Framework (LARF) for the MFF that ensures that: (a) compensation is provided at replacement cost of all items, (b) non-titled DPs are given livelihood rehabilitation, and (c) the provision of subsidies or allowances for DPs who are vulnerable. This LARP has been prepared following the LARF which was approved by ADB and Kazakhstan Government .

**Table E-2
Entitlement and Compensation Matrix**

Asset	Specifications	Affected Persons	Compensation Entitlements
Permanent Loss			
Agricultural Land	Natural pastures affected irrespective of the lease term	Long-term/ short term Leaseholders	<ul style="list-style-type: none"> Land for land compensation with plots of equal productivity to the plots lost.
Vulnerable population groups		Households at or below the poverty line, or households headed by an elderly, handicapped, widow/woman.	<ul style="list-style-type: none"> Linking with akimats for inclusion in the Targeted social assistance (TSA) provided by the State to poor households. <ul style="list-style-type: none"> Priority of members of vulnerable households in project-related employment with provision for basic on-the-job training.
Temporary Loss			
Land for civil works or borrow pits	Negotiated between owner and contractor	Leaseholders (long-term and short-term land lease)	<ul style="list-style-type: none"> Contractor pays cash compensation at local state rental rates for duration of temporary use plus income/crop/structure loss due to temporary land use, if any Land restored to original status at the end of rental. Contractor pays for making land management and legal documents. Environmental safeguard measures.
		State lands (permanent land users)	<ul style="list-style-type: none"> Land restored to original status at the end of rental. Environmental safeguard measures. Contractor pays for making land management and legal documents.
Land of public wildlife areas		State lands	<ul style="list-style-type: none"> Environmental safeguard measures. Safeguard measures for archeological and cultural monuments.

12. Initial public consultations were conducted in Aktau, and Shetpe in April 2010. The scope of these consultations was general in nature and aimed at initially introducing the Project to the community. Follow-up public consultations were held in June 2010 in Zhetybai and Shetpe to present additional information on the road alignment and discuss potential impacts on the community. The consultations also briefly covered the entitlements of DPs, and grievance procedures. These consultations were facilitated by the Director and Deputy Director of MDoR, with support from the raion Akims. Similar consultations will be organized during the LARP finalization, and LARP implementation to facilitate dialogue/communication between the Project, the DPs and the local communities.

13. Public Information Brochures (PIB) that summarize the AP entitlements, procedures, grievance redress and related information have been prepared. These will be distributed by MDoR at the raion akimats and to each displaced household.

The brochures are in two languages – Kazakh and Russian. A summary of the LARP will also be distributed among the DPs.

14. Individuals or groups with concerns about the Project can approach the staff of the raion Akimats, MDoR or the CSC. Grievance Focal Points will be designated at these levels to receive, help resolve, report or forward complaints received from DPs and the general public. The Director and Deputy Director of Mangystau Oblast Roads Department will be the Grievance Focal Points for MDoR. At the raion akimat level, it will be the Deputy Akim in charge of land and environment. Complaints that cannot be successfully resolved at the raion and MDoR level will be referred to CoR for action. If still unsatisfied, the DP can refer his complaint to the relevant courts.

15. The implementation of LAR activities will be the responsibility of MDoR. A special ad hoc unit within MDoR composed of detailed staff from other units and additional temporary staff will implement the LARP for the Project. At the CoR level, a PIU Staff will be formed to assist the Project Director in the overall responsibility of implementing, supervising, and evaluating LAR activities. A Construction Supervision Consultant (CSC) will also be engaged to assist MDoR in monitoring, evaluating and reporting the progress of LARP implementation, including temporary land acquisition by contractors during Project implementation.

16. This LARP will be subjected to internal monitoring and third party validation of negotiated settlements. Internal monitoring will be done by MDoR with support from the CSC. An external party will be engaged by the PIU Staff to validate the negotiated settlements conducted by MDoR with the DPs. and prepare compliance report for submission to ADB.

17. The government has already allocated KZ 2,489,987,822 for land acquisition/resettlement related expenses for civil works for Tranches 1 and 2 of the MFF, including cost related to relocation of utilities. For Project 1, LARP implementation and administration cost is estimated at KZ 1,348,600,450. This will be updated once full evaluation data and information on the DPs is available and will be incorporated in the final LARP.

18. Civil works for this Project is expected to commence by June 2011. Related to this, the LARP needs to be fully implemented and evaluated not later than May 2011. LARP Implementation will take between three to four months from the finalization of land acquisition documents, negotiation of compensation with APs, compensation payments/provision of renewed leases, and internal monitoring/validation of negotiated settlements.

I. INTRODUCTION

1.1. General

1. The (CAREC) Transport Corridor 2 Program (the Program) proposed by the Government of Kazakhstan for funding by the Asian Development Bank (ADB) aims to rehabilitate/upgrade the Manasha – Aktau, Beineu-Akzhigit and the Zhetybai-Zhana Ozen – Fetisovo – to the border with Turkmenistan sections in Mangistau Oblast through a Multitranche Financing Facility (MFF).

2. The MFF will be divided into three tranches. Tranche 1 (Project 1) will cover the road section from Km 372.6 (Manashy river) to Km 514.3 (Sai-Utes) and Km 574 to Km 632.3 (Shetpe) with an estimated cost of \$ 329.2 million. Tranche 2 (Project 2) will upgrade the remaining sections from Km 514 to Km 802 and the Beineu-Akzhigit section, while Tranche 3 will upgrade Beineu – Akzhigit section and Zhetybai-Turkmenistan border.

3. Project 1 consists of upgrading road sections from Manashy River to Shetpe (excluding Km 514 to Km 574: Package 4) with 2 lanes of asphalt pavement¹, which will include reconstructed culverts and bridges that do not conform to engineering requirements, overpass, and road signs and signal posts along accident prone spots. Most of the civil works for the road will follow the existing alignment.

4. This Land Acquisition and Resettlement Plan (LARP) has been prepared by the Committee of Roads (CoR) of the Ministry of Transport and Communications (MOTC) in compliance with the Land Acquisition and Resettlement Framework (LARF) agreed between the Government of Kazakhstan and ADB, relevant Kazakhstan laws, and ADB Safeguard Policy Statement (2009). Its objective is to assess the Project impacts and plan needed for compensation/rehabilitation measures. Its preparation is based on a partial survey of to be displaced households, initial inventory of affected assets and initial consultation with displaced persons (DPs) and other key stakeholders.

1.2 LARP Finalization

5. This LARP is based on the preliminary engineering design² prepared during the PPTA. Once the detailed engineering design for the Manashy-Shetpe road section is completed the following work will carry out: (i) detailed measurement surveys (DMS), (ii) asset valuation/documentary research on affected plots, (iii) follow-up consultation with raion (district) local governments, and affected parties; and (iv) census and consultation with all displaced households (will be conducted). Hence, this draft LARP will be updated to reflect the final impacts and costs, final list of DPs, and agreed options with DPs on renewed leases for pastureland.

1.3 LAR-related Conditions

6. Based on ADB policy and practice, the appraisal of the MFF and approval of project implementation for Tranche 1 will entail the following LAR-related conditions:

¹ Km 372.6 (Manashy river) to Km 632.3 (Shetpe) will be upgraded from Category III to Category II.

² The feasibility study and preliminary engineering design from km 732 – km 802 (including the section covered under Tranche 1) was prepared by LLP KazRii Dortans and approved by MOTC in June 2010. LLP KazRii Dortans is preparing the detailed design for Km 372- 514, while Kazdorproekt LLP is preparing the detailed design for Km 574-632.

- (i) Appraisal of the MFF and Tranche 1 (Project 1):
 - (a) Preparation/disclosure of a Land Acquisition and Resettlement Framework (LARF) for the whole MFF acceptable to ADB; and, (b) preparation/disclosure of a draft LARP for Tranche 1;
- (ii) No-objection for LARP implementation and signing of civil work contract award:
 - (a) Preparation/disclosure of updated/implementation-ready LARP approved by ADB and reflecting final impacts, DP list and official compensation rates; and (b) mobilization of External Party (EP) to validate negotiated settlements;
- (iii) No-objection for the issuance of notice-to-proceed (NTP) to civil works:
 - (a) full implementation of the compensation program described in the updated/final LARP including the full delivery of compensation to the DPs and (b) preparation/submission of a compliance report by the EP.

1.4 Tranche 1 (Project 1) Description

7. Civil works will be divided into four contract packages: Package 1 (Km 372.6-422); Package 2 (Km 422- 472.8); Package 3 (Km 472.8- 514.3); and Package 5 (Km 574- 632.3). Works will involve the following:

a. Upgrading of section km 372 - 514 (Packages 1 to 3):

- Building structures (installation of 67 round reinforced concrete pipes in place of old pipes);
- arrangement of embankments near pipes;

Construction of new bridge to replace the existing bridge over the Manashy

b. Upgrading of section km 574 - 632 (Package 5):

- Building structures ;
- arrangement of embankments near pipes;
- construction of 2 underpasses for livestock

8. During the construction phase, land may also be needed temporarily for batching plants, field offices/workers' camps, and temporary bypasses. Preliminary design estimates the possible length of bypasses in different sections as follow:

km 372+600 - km 422+000	=	49.4 km
km 422+000 - km 472+600	=	50.8 km
km 472+600 - km 514+383	=	41.6 km
km 574+383 - km 632+300	=	43.0 km

1.5 Minimizing Land Acquisition and Resettlement

9. Efforts were made in the design to follow the existing road alignment in order to minimize land acquisition. However, slight corrections and adjustments were made to ensure the safety of movements. To the extent possible, works will be done on State-reserved lands. Slight adjustments were also made in the alignment to avoid impacting on 7 road side businesses in the Mangystau district.

II. Impact Assessment

2.1 Methodology

10. Initial assessment and identification of DPs was made during the Project Preparation Technical Assistance (PPTA) conducted from March-July 2010 by a team of one International Resettlement Specialist, one Local Resettlement Specialist, and one Social Development Specialist. Information on registered land users was provided by Mangystau State Scientific and Production Center for Land Management (GosNPTsZem) based on the land cadastral map. The preliminary design was superimposed on the cadastral map to initially identify plots that may be affected. The same map was used to determine the land rights, land use, size of the affected plots and the proportion of affected land against the total area of the plot of the land users.

11. The assessment revealed that permanent land acquisition is required in a number of sections covered under Tranche 1. However, for most of the road section, only temporary land taking during the construction period is foreseen for temporary bypasses, access to construction sites and construction materials, location for batching plants, and other related construction-related sites.

12. To obtain basic socioeconomic data on the displaced households, a team from a local survey firm (CESSI-Kazakhstan) was engaged to conduct socioeconomic interviews on potential DPs. However, only preliminary information on a few DPs have been obtained. A number of the DPs were unavailable or were reluctant to be interviewed pending receipt of more specific information on the extent of impact on their lands and structures. Among the affected households and legal entities in Tranche 1, only three have agreed to be interviewed. Hence, the census and socioeconomic surveys of DPs will have to be conducted during the detailed design once the specific boundaries of the Project alignment has been marked on the ground parallel with the valuation activities by licensed appraisers. Socioeconomic information for this draft LARP is limited to the information gathered from the Statistics Office, and the Agriculture Office.

2.2 Impacts

13. The Project will generally follow the existing right-of-way. Hence, land acquisition is relatively minimal. However, a total of 63.46 ha of land need to be acquired permanently. These include 35.55 ha of State-reserved land and 27.91 ha of natural pastures leased by 8 households and 1 legal entity. During construction, 358.93 ha of land may be used temporarily, including 109.48 pasturelands leased by 3 legal entities and 1 household. See table 2.1. A detailed list of the affected lands is presented in Appendix 1.

Table 2.1
Categories of affected land

Land Category	Number of Plots	Number of Displaced HH and Entities	Total (in ha)
A. Permanently Affected			
Natural pasture land			
- leased from the State	10	8 HHs and 1 LE	27.91
- State-reserved lands	4		35.55
Total (Permanently affected)	14	8 HHs 1 Les	63.46
B. Temporarily Affected			
Natural pasture land			
- leased from the State	4	1 HH 3 Les	109.48
- State-reserved lands	8		249.45
Total (Temporarily affected)	12	1 HH 3 Les	358.93

Note: 1 LE (TOO Zharmysh) will permanently lose 20.25 ha and temporarily lose 54.096 ha of its leased land. Likewise, 1 household (Shaga) will permanently lose 1.22 ha and temporarily lose 5.52 ha of its leased land. This data will be revised/updated during the detailed project design)

14. During construction, contractors may also need land for batching plants, sites for storage of materials and equipment and field offices. The preliminary design consultant identified the possible location of construction sites and asphalt plants as follow:

- Beineu village - km 332.3
- Turnout # 5 - km 417.0
- Sai Utes village - km 514.4
- Shetpe village - km 632.0

15. However, design proposals on location of construction sites, borrow pits and temporary bypasses are advisory in nature. Final choice and leasing of such land plots for temporary use will be at the contractor's discretion. In choosing the lands for temporary use, Preference will be given to state-owned lands. In doing so, local authorities (Raion Akimats) will sign lease (or extraction) agreements with the contractors for the period of civil works on a specific road section.

16. Contractors may select the land plots they need and will be responsible for signing with the owners and long-term leaseholders the agreements on their land use or material extraction. If the contractor cannot achieve agreement with a land user, the contractor shall find an alternative plot and hold negotiations on signing another agreement. No land shall be used for construction without the owner's consent. When a contractor needs a land plot as site for storage of equipment and materials as well as borrow pits, the contractor may obtain land via signing a lease agreement with a private owner or land owner. An agreement shall be made taking into consideration environmental standards related to remedy by the contractor of all pollution resulting from civil works and land restoration.

17. None of the affected leaseholders will be severely affected. All the households/entities permanently losing portions of their pasturelands/industrial lands will lose only between 0.005% to 1.03% of their leased pasture lands. The remaining areas of those with pasturelands are sufficient to support the food requirements of their livestock. Households lease between 500 ha to 1,515 ha of natural pasturelands, while the three affected collective farms/legal entities lease between 53,000 ha to 382,300 ha. All DPs who are permanently losing portions of their leased lands will be offered an alternative land to lease. Although, it is likely that affected leaseholders may not be keen in getting an alternative land to lease unless these are adjacent to their existing plots. However, there is a need to update the registration of their remaining leased land as this would affect the amount of annual taxes they pay for the land.

18. Except for losing marginal portions of their natural pasturelands, DPs are not expected to incur any other losses. No structure, business, crops or employment losses are anticipated from the proposed civil works under the Project.

III. Socioeconomic Information and Profile

3.1 General Characteristics of the Project Area

19. The Project is situated within Mangystau Oblast, which is one of the most dynamically developing regions of Kazakhstan, along with other oil-producing regions and major cities. It ranks third in the country in terms of income - after the Atyrau region and Astana. As of March 2010, population of Mangystau Oblast (region) stand at 449,200. Of these, 236,600 (52.7%) are in urban areas, while 212,600 (47.3%) live in rural settlements. In the rural *raions* between Beineu and Aktau, population is 178,300. Population density in the area is 2.5 persons / km². The population of the oblast is growing at an average of 5% per year. This is the result of in-migration from other regions and cities and high birth rate.

20. In terms of ethnicity, 86% of the population are Kazakhs. Others are Russians (8.9%), or other ethnic groups (5.1%). None of the smaller ethnic groups in the project area have collective attachment to geographically distinct habitats or ancestral territories and to the natural resources in these habitats and territories to be considered indigenous people based on ADB SPS 2009 definition. They all share the general Kazakh cultural, economic, social, or political institutions and use Kazakh as their common language.

21. At the heart of the region's economy is oil and gas sector. It supplies oil to both domestic and international markets. There are also manufacturing industries producing food products, textiles and clothing industry, rubber, plastic products, machineries, and chemicals. These industries are concentrated in the urban centers employing mostly abled-bodied men. In the rural areas, most residents rely on livestock raising. Much of the land is used as pastureland for animal herds. Women and people approaching retirement age are mostly involved in animal raising. Some women are engaged in the production of consumer goods made of camel wool and yarn like sweaters, socks, blankets, alasha, tekemet, decoration for yurts, etc. Others process camel milk into shubat, kurt, balgaymak, and irimshik. Very few are engaged in crop production due to bad climatic condition, and lack of natural water bodies. A number of collective farms have been converted into legal entities which raise sheeps, horses and goats.

22. Income levels vary greatly, with those in Aktau earning several times higher than those in rural districts. In spite of the high economic output in the Oblast, a considerable portion of the population lives in poverty, especially those in rural areas. Based on official statistics, every third inhabitant in Mangystau region has income below the subsistence level, and every 25th is in extreme poverty. In terms of health, Mangystau oblast has high maternal and infant mortality, with hemorrhage as the main cause. The poor road condition is a major factor for the disparity in the social, health and economic condition of urban and rural settlements in the region.

3.2 Profile of the Displaced Households

23. The local survey team engaged by the Project (CESSI-Kazakhstan) to obtain basic economic information on the displaced households from Beinue to Aktau only managed to cover a handful of DPs. In the section Km 372-Km 675, only three households agreed to be interviewed. Hence, this LARP only provides a preliminary profile of displaced households based on interviews with key informants and some DPs. A more extensive socioeconomic profile will be provided in the updated/final LARP.

24. Displaced households rely on livestock for their livelihood. Given the marginal vegetation in the area and very low cost of leasing land³, these households lease a substantial area as pastureland for their herd. Boundaries between pasturelands are not marked. At the same time, some households have developed a system with other households in looking after their herd which involves taking turns in shepherding and sharing of pasturelands. Income derived by the households in agriculture is still to be ascertained once the census has been completed. Other demographic information and information on living conditions of DPs are still to be completed. Such information will be used to identify vulnerable households and DPs requiring special assistance.

3.3 Profile of the Displaced Legal Entities

25. The three legal entities (Zhamysh LLP, Zhyngildy LLP, and Akshymrau LLP) that will lose portions of their leased pasturelands permanently/temporarily are among the collective farms in Mangystau Oblast that are engaged in sheep, goats and horse breeding. These farms employ between 100 to 150 people depending on the size of operations. Livestocks from these farms are sold in urban centers of the oblast.

³ Cost of leasing pastureland in the oblast is limited to registration fees and payment of marginal annual tax as lease payments to the State.

IV. Objectives, Policy Framework and Entitlements

4.1 Objectives of the LARP

26. The objective of this LARP is to provide MOTC and the CoR the guidelines that will address the involuntary land acquisition and resettlement (LAR) issues and the adverse social impacts brought about by the Project, in compliance with the laws enforced in Kazakhstan and ADB SPS 2009 Safeguards Requirement 2. This LARP was designed to: (i) guide the EA and IA in providing appropriate compensation of persons that will be physically and economically displaced by the Project; (ii) serve as a legal document to ensure that DPs will be provided with compensation, entitlements and assistance measures; and (iii) provide direction in preparing, implementing and monitoring the LARP.

27. This document defines the approaches that meet the three key policy points in involuntary resettlement, such as: (a) replace what is lost, (b) compensate the DPs, and (c) restore the earning capacity of DPs at least equal to or better than the pre-project level. The following are the legal bases of involuntary resettlement policies under the Project:

28. This section defines the eligibility for compensation and rehabilitation assistance, and details the entitlements for each impact type, as well as procedures for valuation, compensation, complaints consideration, consultations and disclosure and monitoring/evaluation. It combines existing legal framework and procedures for land acquisition in Kazakhstan and involuntary resettlement safeguards requirements as stipulated in ADB SPS 2009.

4.2 Kazakhstan Legal Framework and Practice

29. In Kazakhstan, land is owned by the State but can be transferred, sold or leased to individuals or legal entities. Most leases are on a long-term basis (generally for 49 years). However, a few others prefer to lease only for the short-term (between 1 to 5 years). The State can reclaim private lands only for specific uses, including road construction, and only after compensating the owner for the asset and other losses.

4.2.1 Kazakhstan Constitution

30. 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

4.2.2 The Land Code of 2003

31. The Land Code of the Republic of Kazakhstan (RK Code No. 442-II of 20 June 2003, amended on 6 July 2007) stipulates that a plot may be acquired for State needs by way of cash compensation 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 acquiring private land or terminating long-term leases (Article 84.2.4). In the case of land under lease from the State, the land user is compensated for the full amount of losses and, if the land user wishes, may be granted an alternative plot to

lease under the same terms and conditions (Article 84.4). However, the availability of suitable land to swap varies from one location to another.

32. Land owners/users must be notified of the decision to acquire their land 1 year in advance, unless the owner/user agrees to release the land more quickly (Article 85.2). If the remaining area cannot be used as before, the whole plot must be purchased (Article 86 para 2).

33. The compensation for a plot acquired for State needs is determined by agreement with the owner/land user (Article 87.1). The compensation amount 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 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).

34. If an owner disagrees with the decision to acquire the land, the amount of compensation offered or other conditions, the authority acquiring the land can file an expropriation case in court (Article 88 paragraph 1) after one year of notification has passed (Article 88 paragraph 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 regional office of the Land Resources Management Committee and registered at the Registration Service Committee. After which, civil works can begin on the land.

35. 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.

4.2.3 Law on Housing Relations

36. When residences are affected, the Law on Housing Relations shall apply. If a house is demolished for the State need, the owners can choose either to receive a new residence or receive compensation equal 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.

4.2.4 Labor Code

37. 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.

4.2.5 Law On Natural Areas of Preferential Protection

38. RK Law No. 175 dated 7 July 2006 "On Natural Areas of Preferential Protection" (Article 18) specifies protection zones within which prohibit any activity having adverse impact on the condition and rehabilitation of ecological systems. Area, boundaries, conditions and procedures of natural resources use are set by resolutions of the oblast executive authorities.

4.2.6 Standard Land Acquisition Practices and Process

39. 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 regional 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 region 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 Registration Service Committee of the Department of Justice. Owners are officially notified of the extent of land acquisition of their properties.
- The raion akimat establishes an evaluation 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.

4.3 ADB SPS 2009 Safeguard Requirements 2: Involuntary Resettlement

40. ADB SPS 2009 Safeguard Requirements 2: Involuntary Resettlement aims to avoid involuntary resettlement wherever possible; to minimize involuntary resettlement by exploring project and design alternatives; to enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and to improve the standards of living of the displaced poor and other vulnerable groups.

41. ADB Policy has the following requirements:

- a. Compensation, Assistance and Benefits for Displaced Persons (DPs)
 - Compensate/assist those with formal legal rights to the land lost, those who have claims to lands that are recognized or recognizable under

national laws; and those who have neither formal legal rights nor recognized or recognizable claims to such land.

- Compensate for affected lands, structures and other assets and put in place a comprehensive income and livelihood rehabilitation program prior to displacement
- Give preference to land-based resettlement strategies for displaced persons whose livelihoods are land-based. Provide physically displaced persons with relocation assistance, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, and civic infrastructure and community services.
- Promptly compensate economically displaced persons for the loss of income or livelihood sources at full replacement cost, and provided other assistance (i.e. access to credit, training, and employment opportunities) to help them improve, or at least restore, their income-earning capacity, production levels, and standards of living to pre-displacement levels.
- Provide displaced persons with opportunities to share project benefits in addition to compensation and resettlement assistance.

b. Social Impact Assessment

- Conduct socioeconomic survey(s) and a census, with appropriate socioeconomic baseline data to identify all persons who will be displaced by the project and to assess the project's socioeconomic impacts on them.
- As part of the social impact assessment, identify individuals and groups who may be differentially or disproportionately affected by the project because of their disadvantaged or vulnerable status.

c. Resettlement Planning

- Prepare a resettlement plan based on the social impact assessment and through meaningful consultation with the affected persons if the proposed project will have involuntary resettlement impacts
- Include in the resettlement plan measures to ensure that the displaced persons are (i) informed about their options and entitlements pertaining to compensation, relocation, and rehabilitation; (ii) consulted on resettlement options and choices; and (iii) provided with resettlement alternatives.
- Pay adequate attention to gender concerns to ensure that both men and women receive adequate and appropriate compensation for their lost property and resettlement assistance, if required, as well as assistance to restore and improve their incomes and living standards.
- Analyze and summarize national laws and regulations pertaining to land acquisition, compensation payment, and relocation of affected persons in the resettlement plan; and compare such laws and regulations with ADB's involuntary resettlement policy principles and requirements. If a gap between the two exists, propose a suitable gap-filling strategy in the resettlement plan in consultation with ADB.
- Consider all costs of compensation, relocation, and livelihood rehabilitation as project costs.
- Include detailed measures for income restoration and livelihood improvement of displaced persons in the resettlement plan. For vulnerable persons and households, include measures to provide extra assistance so that they can improve their incomes in comparison with pre-project levels.
- Finalize the resettlement plan soon after the completion of engineering design. Ensure that the final resettlement plan (i) adequately addresses all involuntary resettlement issues pertaining to the project, (ii) describes

specific mitigation measures that will be taken to address the issues, and (iii) ensures the availability of sufficient resources to address the issues satisfactorily.

- Consult with displaced persons identified after the formulation of the final resettlement plan and inform them of their entitlements and relocation options. Supplementary resettlement plan, or a revised resettlement plan should be submitted to ADB for review a supplementary resettlement plan or a revised resettlement plan before any contracts are awarded.
 - Use qualified and experienced experts to prepare the social impact assessment and the resettlement plan.
- d. Information Disclosure
- submit the following documents to ADB for disclosure on ADB's website: (i) a draft resettlement plan and/or resettlement framework endorsed by the borrower/client before project appraisal; (ii) the final resettlement plan endorsed by the borrower/client; (iii) a new resettlement plan or an updated resettlement plan, and a corrective action plan prepared during project implementation, if any; and (iv) the resettlement monitoring reports.
 - Provide relevant resettlement information in a timely manner, in an accessible place and in a form and language(s) understandable to affected persons and other stakeholders. For illiterate people, use suitable other communication methods.
- e. Consultation and Participation
- Conduct meaningful consultation with affected persons, their host communities, and civil society for every project and subproject identified as having involuntary resettlement impacts.
 - Pay particular attention to the need of disadvantaged or vulnerable groups, especially those below the poverty line, the landless, the elderly, female headed households, women and children, Indigenous Peoples, and those without legal title to land.
- f. Grievance Redress Mechanism
- establish a responsive, readily accessible and culturally appropriate mechanism to receive and facilitate the resolution of affected persons' concerns and grievances about physical and economic displacement and other project impacts, paying particular attention to the impacts on vulnerable groups.
- g. Monitoring and Reporting
- monitor and measure the progress of implementation of the resettlement plan. Attract qualified and experienced experts to verify internal resettlement monitoring information. If any significant involuntary resettlement issues are identified, prepare a corrective action plan to address such issues. Do not proceed with implementing the Project until such planning documents are formulated, disclosed and approved.
- h. Unanticipated Impacts
- If unanticipated involuntary resettlement impacts are found during project implementation, conduct a social impact assessment, update the resettlement plan or formulate a new resettlement plan
- i. Special Considerations for Indigenous Peoples

- avoid physical relocation of Indigenous Peoples that will result in adverse impacts on their identity, culture, and customary livelihoods. If adverse impacts cannot be avoided, formulate a combined Indigenous Peoples plan and resettlement to meet all relevant requirements specified under ADB Safeguard Requirements 3: Indigenous People.

j. Negotiated Settlement

- acquisition of land and other assets through a negotiated settlement whenever possible is encouraged.
- Negotiated settlements that would result in expropriation in case of failure of negotiation are subject to third-party validation to ensure that the compensation is based on fair price (replacement cost) of land and/or other assets, and is based on meaningful consultation with DPs.

4.4 Comparison of ADB Involuntary Resettlement Safeguards and Kazakhstan's Legislation and Actions to Address the Difference

42. There is congruence between Kazakhstan's laws and ADB's Resettlement Policy with regard to the entitlement of persons with legal rights/titles for compensation. However, ADB Policy does not consider the absence of land rights of DPs as an impediment to receiving compensation for non-land assets. Likewise, ADB Policy stipulates the improvement of livelihood for vulnerable DPs. Key differences between ADB Resettlement Policy and Kazakhstan's Legislation are outlined in Table 4.1 below.

**Table 4.1
Comparison of Kazakhstan's Land Acquisition/Resettlement Practice/Policy
and ADB Involuntary Resettlement Safeguards**

Kazakhstan's Land Acquisition Practice	ADB Involuntary Resettlement Safeguards
Land compensation only for titled landowners or leaseholders who purchased the right to land leasing from the State.	DPs without formal legal rights and claims are entitled to compensation for non-land assets.
Price of private agricultural land plot (with no account for losses) purchased by the land owner from the State and subject to acquisition for public needs shall be determined as equal to the amount paid to the State.	Price of private agricultural land is based on current market value.
Crop, tree, and structure losses compensated only to registered DPs	DPs without formal legal rights and claims are entitled to compensation for crop, tree and structure losses (non-land assets).
Objective is more on compensation for affected privately-owned assets, not restoration of livelihood and standards of living	Considers as a key objective the restoration of livelihood and standards of living displaced persons, regardless of tenure or legal status
No provision for additional assistance to vulnerable groups, relocation costs or transition period.	Stipulates enhancement of livelihood if possible and improvement of livelihood for vulnerable DPs
Uses negotiated settlement as an initial approach to acquiring land without the requirement for third party validation. If agreement cannot be reached, initiates expropriation procedures.	Encourages acquisition through a negotiated settlement subject to third party validation to ensure compensation at replacement cost and conduct of meaningful consultation with DPs

43. Differences in the national legislation and practice and ADB Involuntary Resettlement Safeguards were reconciled through the adoption of a Land Acquisition

and Resettlement Framework for the MFF. The LARF ensures that: (a) compensation is provided at replacement cost of all items, (b) non-titled DPs are given livelihood rehabilitation, and (c) the provision of subsidies or allowances for DPs who are vulnerable. This LARP is prepared following the LARF agreed between ADB and the Government of Kazakhstan.

4.5 Policy Framework and Entitlements for Displaced Persons

4.5.1 Displaced Persons (DPs)

44. The following groups of displaced persons (DPs) are included in this Land Acquisition and Resettlement Plan (LARP):

- (i) individuals, households and collective owners of land or facilities who lose their assets for public interest;
- (ii) private individuals, households or enterprises whose livelihood comes from rented/leased land acquired for public interest or whose livelihood is primarily dependent on road users;
- (iii) private and collective owners who cede the use of their assets temporarily during construction, or allow material to be removed from their land for construction, but whose livelihood sources are not sacrificed;
- (iv) persons who neither own nor rent affected land but who are using it for economic purposes and would suffer some economic impacts if they are prevented from doing so in the future; and,
- (v) workers who stand to lose their jobs/income temporarily or permanently as a result of the disruption of businesses or operations of affected farms or establishments

45. In case unregistered land users are affected, the Government, through the Mangystau Land State Scientific and Production Center for Land Management (GosNPTsZem), assists the affected land users to register or update the registration of their lands in order to enable the Government to compensate them under existing Kazakhstan legislation. The assets/structures on the affected plots of land users without titles will be evaluated by exactly the same criteria as those with titles.

4.5.2 Entitlements to Compensation and Assistance

46. Compensation and entitlements must ensure that the DPs maintain or improve their livelihood and standard of living after the project. For purposes of eligibility, the cut-off date for the each Project is the date of approval of the Feasibility Study by the Committee on Roads (CoR), after being subjected to an Expert Panel review. For Project 1, the only category of DPs that were identified are the leaseholders of the permanently and temporarily acquired natural pasturelands. Hence, compensation/assistance to be provided aims to ensure that permanently affected leaseholders are able to obtain replacement land leases while temporarily affected leaseholders are compensated based on current rental rates in the area and assisted in restoring their lands to their original condition. Table 4.2 below provides the entitlements for various categories of DPs and degrees of impacts related to the Project.

**Table 4.2
Entitlement and Compensation Matrix**

Asset	Specifications	Affected Persons	Compensation Entitlements
Permanent Loss			
Agricultural Land	Natural pastures affected irrespective of the lease term	Long-term/ short term Leaseholders	<ul style="list-style-type: none"> Land for land compensation with plots of equal productivity to the plots lost.
Vulnerable population groups		Households at or below the poverty line, or households headed by an elderly, handicapped, widow/woman.	<ul style="list-style-type: none"> Linking with akimats for inclusion in the Targeted social assistance (TSA) provided by the State to poor households. Priority of members of vulnerable households in project-related employment with provision for basic on-the-job training.
Temporary Loss			
Land for civil works or borrow pits	Negotiated between owner and contractor	Leaseholders (long-term and short-term land lease)	<ul style="list-style-type: none"> Contractor pays cash compensation at local state rental rates for duration of temporary use plus income/crop/structure loss due to temporary land use, if any Land restored to original status at the end of rental. Contractor pays for making land management and legal documents. Environmental safeguard measures.
		State lands (permanent land users)	<ul style="list-style-type: none"> Land restored to original status at the end of rental. Environmental safeguard measures. Contractor pays for making land management and legal documents.
Land of public wildlife areas		State lands	<ul style="list-style-type: none"> Environmental safeguard measures. Safeguard measures for archeological and cultural monuments.

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

- a. **Impacts on Leased Pasturelands.** Leaseholders (whether long-term or short-term) of natural pasturelands will be provided with an alternative pastureland as they may require for maintaining their livestock.
- b. **Temporary impacts.** In case of temporary land acquisition, compensation will be based at current local rental rates for the duration of use, plus income/crop/structure loss due to temporary land use, if any as provided for in the LARF. The Project will ensure that the land is restored to its original status at the end of the rental period.
- c. **Socially vulnerable households** (such as households at or below the poverty line, or households headed by an elderly, handicapped or widow/woman) identified during the census will be enlisted (if still not covered) to the existing targeted social assistance (TSA) program provided to poor households by the State through the raion akimats. Under this program, assistance to be provided will be computed as

follows: household income – (poverty line x number of family members). Moreover, able-members of vulnerable households who are of legal age will be identified and given priority in project-related jobs and will be given basic on-the-job skills training (i.e. basic masonry, machine operation, etc.) as feasible. This provision will be included in the civil works contracts for the Project.

48. For unexpected adverse effects during the project implementation, the Regional Akimats and MDoR will undertake measures in accordance with the objectives of the LARP of restoring the socio-economic and living conditions of DPs. The MDoR, with support from the Construction Supervision Consultant (CSC), will conduct census and socioeconomic survey of DPs and update the LARP or formulate a new LARP covering all applicable requirements consistent with the approved LARF.

49. In case of cash compensation, payment will be made through the banks or “KazPost” JSC, by checks or other means based on the preference of the DPs free from fees or processing charges. Expenses related to transfer of funds, and documentation requirements will be shouldered by the Project

V. CONSULTATION, PARTICIPATION AND INFORMATION DISCLOSURE

5.1 Consultations

50. The Project will promote the active public and stakeholders' participation that involve information exchange and decision-making during the LARP preparation and implementation process. The objectives of consultations are to: (a) identify and help address AP concerns related to the preparation and implementation of the LARP; (b) determine AP preferences the type and delivery of compensation; (c) minimize AP apprehensions and ensure transparency in LARP activities; and, (d) help avoid unnecessary and costly project development delay.

5.1.1 Consultations Conducted

51. Initial public consultation was conducted in Aktau on 20 April and in Shetpe on 21 April 2010. The scope of these consultations was general in nature and aimed at initially introducing the Project to the community. Both consultations were well attended. Participants to the consultation expressed support to the Project and their appreciation to ADB for considering to finance the Project. Questions raised revolve around project implementation and schedule, clarification on project benefit to local communities, mitigation of impacts related to noise and dust, as well as project administration and monitoring.

52. Follow-up public consultations were held on 21 June 2010 in Zhetybai and 22 June 2010 in Shetpe to present additional information on the road alignment and discuss potential impacts on the community. The consultations also briefly covered the entitlements of DPs, and grievance procedures. Comments raised during the follow-up consultation revolved around crossing for animals, impact of increased traffic on nearby residents and establishments, noise and dust from construction. The consultations were facilitated by the Director and Deputy Director of MDoR, with support from the raion Akims.

5.1.2 Consultations During LARP Updating and Implementation

53. Consultation with affected groups will be conducted at the detailed design stage. At least one consultation with DPs will be conducted once the Corridor of Impact has been finalized. The consultation will present the scope of the Project, description of scope of temporary and permanent impacts, entitlements of DPs to compensation and assistance, grievance procedures, schedule of land acquisition activities, role of various agencies and other related information. To ensure that DPs and other key stakeholders are informed of these consultations, Schedule and venues of consultations will be announced in local newspapers at least two weeks before the activity. Individual notifications of potential DPs will also be made as required under the Land Code. Representatives from NGOs will also be invited as observers and ensure that discussions are free of intimidation and allows DPs to speak. Staff from the MDoR will record the discussion and prepare minutes of the meeting. An English version of the consultation, including signed list of participants duly certified by raion akimat, will be included as an appendix to the LARP.

54. DPs whose assets are affected will be notified in writing by the MDoR, in coordination with the Raion akimats. A team from the Design Firm, the Raion akimats, GosNPTsZem and MDoR will meet the DPs during the field surveys to inform them of the extent of their assets to be affected. Licensed valuers will also meet with the affected persons to seek information on improvements, cost of

development, and supporting documents related to ownership and income from the affected land. Consultation with DPs and key groups will continue throughout the LARP preparation, finalization and implementation. Feedback/comments from DPs will also be sought during the conduct of census/socioeconomic surveys, planning for the provision of alternative leases, and delivery of compensation and rental payments..

5.2 Disclosure of information

55. Public Information Brochures (PIB) that summarizes the DP entitlements, procedures, grievance redress and related information have been prepared. These will be distributed by MDoR at the raion akimats and to each affected household. The brochures are in two languages – Kazakh and Russian.

56. A summary of the Land Acquisition and Resettlement Plan (LARP) (translated in Kazakh and Russian) will be distributed among the DPs to provide additional information on the implementation arrangement, payment schedule, assistance to specific groups and complaints resolution options.

57. The full-LARP document will be translated into Russian and Kazakh languages and disclosed at the MOTC-Project website, upon approval by both ADB and MOTC. Copies will also be distributed to the Regional Akimats during site visits. Both the draft and updated LARP in English will be submitted for uploading to the ADB website.

5.3 Participation/Involvement of Women and Vulnerable Groups

58. Measures will be undertaken to ensure that women-headed households, poor households and other vulnerable households are able to participate in public consultations and other LAR-related activities.

59. During the LARP updating/finalization, MDoR will identify affected women-headed households, poor households and other vulnerable groups and ensure that they are informed of the consultation dates and venues. Focus-group-discussions (FGDs) with these groups will be conducted to ensure that they are aware and properly informed of their rights, compensation, entitlements and types of assistance, as well as, seek inputs on their concerns, preferences, and recommendations.

60. During LARP implementation, MDoR will assign a staff to: (i) inform in advance the APs, including women-headed households and vulnerable groups, at least 45 days prior to demolition of their structures; (ii) persuade the housewives to be with their husband when receiving payment for compensation and assistance from CoR; (iii) involve women of affected households and vulnerable groups in the locality in addressing the unanticipated social and environmental impacts during Project implementation. Moreover, with the consent of the DPs, the names of both spouses will be reflected in the re-registration of the remaining land.

VI. GRIEVANCE REDRESS MECHANISM

61. Complaints consideration 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 Monitoring, Recording and Reporting

62. Complaints can be received through the staff of the rayon Akimats, MDoR or the CSC. Grievance Focal Points will be designated at these levels to receive, help resolve, report or forward complaints received from DPs and the general public. The following are the Grievance Focal Points designated for the Project:

- a. Director of Mangystau Oblast Roads Department –
Kazhimurat Borashevich Suebayev
11 Micro district, Aktau, phone: 8 (7292)-27-46-58
E-mail: mouad@mail.ru
- b. Deputy Director of Mangystau Oblast Roads Department –
Gizat Botabayevich Dyussebayev
11 Micro district, Aktau, phone: 8 (7292)-14-35-94
- c. Deputy Akim of Mangystau raion
- d. Deputy Akim of Beineu raion

63. At the Regional level, the Deputy Akims will be supported by the Land Allocation Unit and Legal Staff of the Akimat. DPs 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.

64. The Regional Akimats and MDoR will maintain a record-book to register the complaints, keep track of their status and report to the Director of MDoR. Reports and complaints resolution will be subject to follow-up by the Project Management at the CoR. The Grievance Focal Point at the CSC will also be tasked to regularly coordinate with MDoR and raion akimats 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 MDoR to facilitate recording of complaints.

6.2 Disputes Resolution Process

65. 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, DPs may also opt to initially course their complaints or queries through their local self-government heads.

66. 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 rayon Akimat. If the issue cannot be resolved in two weeks, the Akimat will then pass the complaint to the Grievance Focal Point at MDoR.

67. Issues requiring attention or action from the CoR will be forwarded by MDoR. If the case remains unsolved a complaint can be lodged to the court.

68. Alternatively, people with concerns about the Project may contact the CoR Office in Astana for their concerns. The CoR will designate a staff (Grievance Focal Point) who will receive, follow-up and report on a monthly basis all complaints, disputes or questions received about the Project.

69. The following standards will 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 regional Akimat for resolution.
Regional-level	Vice Akim, Grievance Focal Point	Receives the complaint, registers it and attempts to resolve it. If there is no resolution in 2 weeks, it is passed to the Mangystau DoR
Mangystau Oblast DoR	Deputy Director, DoR	Receives the complaint and attempts to resolve it. If there is no resolution within 2 weeks, it will be passed to the appointed official at the Committee of Roads RK
Committee of Roads	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	Raion court	Hears the case and renders decision.

6.3 Disclosure of the Grievance Process

70. The complaints resolution process for this LARP will be disseminated through information brochures and posted at the offices of the rural village heads, the rayon akimats and MDoR.

VII. INSTITUTIONAL ARRANGEMENTS AND IMPLEMENTATION

71. The preparation, implementation, monitoring and evaluation of LARPs requires adequate organizational and institutional support. This section describes the tasks of various units in LAR-related activities:

7.1 Committee of Roads (CoR)

72. The Committee on Roads (CoR), through the Project Director, has the overall responsibility for LARP preparation, implementation, financing, reporting and evaluation. The Project Director is assisted by the individual consultants on project management and the External Loans and Concession Projects Department (ELCP). The CoR will: a) appraise and approve the LARP upon having obtained ADB's approval; b) make decisions related to the land acquisition and compensation of affected people; c) steer government units and rayon akimats involved in land acquisition, plot allocation and complaint handling/grievance resolution; d) provide sufficient budget for compensation, support and resettlement activities; e) ensure compliance of land acquisition and resettlement activities with the approved LARP; and f) engage experts/consultants to assist in the preparation/updating of the LARP, and conduct of LARP monitoring/evaluation activities.

7.2 Mangystau Oblast Department of Roads (MDoR)

73. Day-to-day implementation of LAR activities will be the responsibility of MDoR. A special ad hoc unit within MDoR composed of detailed staff from other units and additional temporary staff will implement the LARP for projects under the MFF. This unit will report to the Director of MDoR. It will be tasked to:

- Finalize the list of DPs and develop/update a database of DPs based on the results of the census and new information;
- Prepare documents for negotiation of compensation with the DPs;
- Coordinate regularly with relevant State Agencies at the Oblast (e.g. Mangystau GosNPTsZem, Mangystau Justice Department), and raion Akimats;
- Prepare documents for formalizing agreements with DPs and processing of compensation payments;
- Conduct regular consultations and exchange of information with DPs 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 project and coordinate with the Grievance Focal Points at the raion Akimats, and the CSC;
- Assist in facilitating discussions and agreements among DPs and other adjacent land users for land swapping and land reconsolidation;
- Facilitate the conduct of field surveys, and re-registration of the remaining portions of the DPs lands;
- Monitor/supervise the temporary land acquisitions done by contractors engaged for the Project;
- Prepare regular reports on the progress of LARP-related activities (including temporary use of land during construction); and,
- Provide necessary data and assistance to the External Party for the validation of negotiated settlements.

7.3 Raion (District) Akimats

74. Although MDoR will take the central role in implementing the LARP, the raion akimats will continue to play important roles in DP consultation, grievance resolution and in the provision of alternative land leases for leaseholders. The raion Akimats will also tap leaders of village/rural settlements for information dissemination, and grievance redress.

7.4 Individual Consultant on Project Management

75. At the Project Management level, the PIU Staff will assist the Project Director in the overall responsibility for implementing, supervising, and evaluating LAR activities. The PIU will:

- Ensure complete relocation or reconstruction of affected structures/businesses before civil works start, and paying appropriate compensation before displacing DPs;
- Ensure that contractors take full responsibility for temporary land acquisition during Project implementation;
- Implement immediate remediation for any non-compliance with the LARP;
- Serve as the over-all Grievance Focal Point for the Project; and,
- Ensure the timely engagement/mobilization of the EP.

7.5 Construction Supervision Consultant (CSC)

76. A Construction Supervision Consultant (CSC) will be engaged to assist MDoR in monitoring, evaluating and reporting the progress of LARP implementation, including temporary land acquisition by contractors during Project implementation. The CSC will:

- Update the LARP to reflect (i) the adjustments in the valuation of affected assets, (ii) information on vulnerable households, (iii) agreed options with DPs on new/alternative land leases, (iv) verified number of affected workers, (v) modifications in the official compensation rates (if any), and (vi) finalized agreements on plot re-organization;
- Monitor implementation progress of the LARP activities and prepare internal resettlement monitoring reports every three months indicating bottlenecks, and identifying items for management action ⁴;
- Guide and monitor contractors' compliance with stipulated measures to mitigate, enhance or compensate for environmental and social impacts related to the implementation of the Project;
- Advise the MDoR in the conduct of LARP activities; and,
- Assist the MDoR in the identification, facilitation, resolution, documentation and reporting of grievance from communities, groups or individuals related to the implementation of the Project

⁴ The first quarterly monitoring report to be submitted by the CSC will have major focus on the status of implementation of the LARP.

VIII. BUDGET AND FINANCING PLAN

78. The Committee of Roads (CoR) is responsible for all land acquisition costs associated with the implementation of the LARP. During the Feasibility Study the amount of KZ 2,489,987,822 has been allocated for land acquisition/resettlement related expenses, including costs related to relocation of utilities, which will be further corrected during the work out of detailed Project and assessment. For Project 1, LARP implementation and administration cost is estimated at KZ 1,348,600,450 as outlined below in Table 8.1. This will be updated once full evaluation data is available and will be incorporated in the final LARP.

Table 8.1
Estimated Budget for LARP Implementation

	Cost Particulars	Number of DPs	Measurement Unit	Quantity	Estimated Budget (KZT)
1	Renewed lease in an alternative site	8 hh and 1 LE			NAP
6	Assistance to vulnerable households	Tbd	KZT 14,952 plus on-the-job training on project related jobs for members of vulnerable households	1 month	Tbd
7	Re-registration of DPs' remaining land plots	8 hh and 1 LE	KZT 45,000 / land plot	10 land plots	450,000
8	Compensation and restoration of temporarily affected lands	1 hh and 3 LE plus temporarily used reserved lands		109.48 ha 245.45 ha	1,143,000,000
9	LAR Administration and Monitoring (including EP validation)				83,000,000
10	Contingencies				122,600,000
	Total				1,348,600,450

IX. IMPLEMENTATION SCHEDULE

79. Civil works for this Project is expected to commence by June 2011. Related to this, the LARP needs to be fully implemented and evaluated not later than May 2011. LARP Implementation is expected to take between three to four months from the finalization of land acquisition documents, negotiation of compensation with APs, compensation payments, and internal/external monitoring. Table 9.1 shows the activities involved in the LARP preparation, finalization and implementation and the agencies/units involved.

Table 9.1
LARP preparation, finalization and implementation process

No.	Work Description	Responsible Agency/Unit
A. draft LARP Preparation		
A1	initial surveys/consultations	PPTA consultants, with support from MDoR
A2	LARP drafting	PPTA consultants
A3	LARP Review	ADB
A4	Approval and Disclosure	Committee of Roads, MOTC, ADB
B. LARP Update		
B1	Collection/verification of documents on affected assets and businesses	MDoR, District Akimats, supported by Valuation Experts and Resettlement Consultant
B2	Finalization of compensation rates	
B3	Finalization of sites to be made available as replacements plots for lease and agreements with leaseholders	
B4	Preparation of updated LARP	
B5	Review/approval of updated LARP and issuance of no-objection to contract awards	ADB
B6	Approval and Disclosure	Committee of Roads, MOTC, ADB
C. LARP Implementation		
C1	Processing of LAR funds transfer to MDoR, including those needed for supplemental assistance and provision of renewed leases	Committee of Roads, MOTC
C2	EM mobilization/Action plan preparation	Committee of Roads, MOTC
C3	Identification of different kinds of DPs	MDoR. assisted by Resettlement Consultant
C4	Official notification	Raion Akimat
C5	Issuance of new leases in alternative plots for leaseholders.	Raion Akimats
C6	Registration of new plots, including new leases	Mangystau Oblast Dept of Justice
C7	Finalization of rental agreements for temporarily acquire plots and payment of rent	Contractors, with supervision from CSC
C8	Quarterly Internal Monitoring (including temporary acquisition during construction)	Monitoring Specialist and CSC
C9	Preparation of compliance report	EM, Monitoring Specialist and CSC
C10	Review of compliance report and issuance of	ADB

No.	Work Description	Responsible Agency/Unit
	No-objection for civil works	
C11	Post LARP evaluation	CSC

80. Table 9.2 presents the proposed implementation schedule for the LARP implementation and commencement of civil works.

Table 9.2
Proposed implementation schedule for LARP implementation

Milestones/Activities	Start	Complete
A. draft LARP Preparation		
A1.Initial surveys/consultation	May, 2010	July, 2010
A2.LARP drafting	July, 2010	July, 2010
A3.LARP Review by ADB	July, 2010	July, 2010
A4.LARP approval by Government/ Disclosure	July, 2010	July, 2010
Milestone 1: Loan Signing		Nov, 2010
B. LARP Update.		
B1. collection and verification of supporting data on APs and affected assets/businesses and workers (DP census, DMS, asset valuation)	July, 2010	September 2010
B2. finalization of compensation rates	September 2010	September 2010
B3. finalization of sites to be made available as replacements plots for lease and agreements with long-term leaseholders	September 2010	October 2010
B4 . Preparation of updated LARP	November 2010	November 2010
B5. Review/approval of updated LARP	December 2010	December, 2010
Milestone 2: Contract awards Signing		April 2011
C. LARP implementation		
C1 Allocation of LAR funds, including those needed for supplemental assistance and provision of renewed leases	November 2010	November 2010
C2 ERM mobilization	January 2011	April, 2012
C3 Identification of different kinds of DPs	November 2010	November 2010
C4. Official notification	December, 2010	December 2010
C5 Issuance of new leases	March 2011	March 2011
C6 Re-registration of plots including new leases	March 2011	April 2011
C7 Finalization of rental agreements for temporarily acquired lands.	April 2011	May 2011
C8 Monitoring	January 2011	April 2011
C9 Preparation of compliance report	May 2011	May 2011
C10 Review of compliance report and issuance of No-objection for civil works	June 2011	June 2011
Milestone 3 no objection to start of civil works from ADB		June 2011
Start of civil works		June 2011
C11. Post LARP evaluation	Upon completion of civil works when temporarily acquired lands have already been restored and returned to the landuser	

Activities/ Milestones	2010									2011					
	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	
A. draft LARP Preparation															
A1.initial surveys/consultation	—	—													
A2.LARP drafting		—													
A3.LARP Review by ADB			●												
A4.LARP approval by Government/ Disclosure			—												
Milestone 1: Loan Signing								●							
B. LARP Update.															
B1. DP census, DMS and valuation			—	—											
B2. finalization of compensation rates					●										
B3. finalization of sites to be made available as replacements plots for lease and agreements with leaseholders					—										
B4 . Preparation of updated LARP								—							
B5. Review/approval of updated LARP and issuance of no-objection to contract awards								—							
Milestone 2: Contract awards Signing												●			
C. LARP implementation															
C1 Allocation of LAR funds, including those needed for supplemental assistance and provision of renewed leases								—							
C2 EMM mobilization/Action plan preparation										—	—				
C3 Identification of different kinds of DPs								—							
C4. Official notification								—							
C5 issuance of new leases to willing long-term leaseholders											—				
C6 re-registration of plots including new leases											—	—			
C7 Finalization of rental agreements for												—	—		

Activities/ Milestones	2010								2011					
	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
temporary acquisition and payment of rent														
C8 Monitoring										—————				
C9 Preparation of compliance report													●	
C10 Review of compliance report and issuance of No-objection for civil works												—————		●
<i>Milestone 3 no objection to start of civil works from ADB</i>														
Start of civil works														● — — ▶

* Restoration of temporarily acquired lands will be done at the end of the rental period. Provision of renewed leases and land re-registration will be completed as a condition for obtaining ADB no-objection for civil works.

X. MONITORING AND REPORTING

81. The primary objective of monitoring is to identify as early as possible the activities achieved and the cause(s) of constraints so that arrangements in LARP implementation can be adjusted. Monitoring is important because LARP implementation is often the critical path for any project where civil works is involved, due to issues on land acquisition, compensation and resettlement that may cause delay in civil works. The early identification of the causes of delay will enable the CoR (with support from individual consultants), MDoR, and CSC to prepare the mitigating measures during LARP implementation. In the context of project development, the CoR will use two mechanisms: (i) internal monitoring in collaboration with CSC; and (ii) external party validation of negotiated settlements.

10.1 Internal Monitoring

82. All activities in LAR are time bounded. MDoR and CSC will routinely perform internal monitoring of LAR activities with results to be reported to CoR and ADB on a quarterly basis. Related information will be collected from the field to assess the monthly progress and results of implementation, and to adjust the work program, when necessary. Indicators subject for integrated internal monitoring will be those related to process and immediate outputs and results, such as the following: (i) information campaign and consultations with DPs and stakeholders; (ii) provision of alternative land leases; (iii) re-registration of plots; and (iv) temporary land acquisition during construction.

83. The preceding indicators will be monitored quarterly by applying the following approaches: (a) review of DMS on all DPs; (b) consultations and informal interviews with DPs; and (f) public meetings with people in the villages traversed by the Project road. A review of the internal resettlement monitoring report and the external monitor validation report will be used as basis for ADB's issuance of "no objection" for the commencement of civil works.

84. Upon the completion of civil works, the CSC will prepare a post-LARP implementation evaluation report that will assess both the permanent and temporary land acquisition activities and impacts of the Project focusing on the restoration of impacted lands and conditions of DPs especially those who were identified as vulnerable.

10.2. External Monitor to Validate Negotiated Settlements

85. To ensure that negotiated settlements in the Project comply with ADB SPS 2009 requirements, EA will including the individual consultants on Project Management will attract the specialist with the experience in resettlement monitoring and evaluation (External Monitor) to document the negotiation and settlement processes. The EM will observe the consultations conducted with DPs and the negotiations conducted with regard to compensation payments. The EP will verify if the consultations are conducted in a free and transparent manner and that the compensation provided is based on replacement costs of land and other assets affected and will submit a report on observations and evaluation made. The EM will come from an independent organization, like academic or research institute, a non-government organization or consulting firm with experience in resettlement monitoring and evaluation.

Appendix 1
Land Users Affected by Land Acquisition: (km 372-514 / Km 574-632)

A. Land Users Affected by Permanent Land Acquisition

No.	Land users	Land plot cadastre number	Right to land	Total area, in ha	Area subject to acquisition, in ha	Land purpose / Type of agricultural land	Land location
1	2	3	4	5	6	7	8
section km 372- 514 (KazNiiPI Dortrans)							
1	Household "Suygen"	13-196-009-005	long-term lease	500.0	0.28	natural pastureland	km 372 – km 372+500
		adjacent land plots	long-term lease	673.0	0.46	natural pastureland	km 391+700 – km 394+100
2	Household "Edilge-2"		long-term lease	513.4	5.29	natural pastureland	km 372+150 -391+700
3	Household "Ruslan"	13-196-009-098	long-term lease	550.8	0.01	natural pastureland	km396- km 397+800
4	Household "Mann"	13-196-009-040	long-term lease	775.0	0.12	natural pastureland	km 397+800 - km 400 +350
5	Household "Zhandos"		long-term lease	750.9	0.08	natural pastureland	km 400+600-km402+650
6	Household "Talgat"		long-term lease	628.0	0.12	natural pastureland	km 402+500- km 405+075
7	Household "Meruert"		long-term lease	741.9	0.08	natural pastureland	km403-km 405+400 to the right
8	State reserved land		permanent use		27.78	natural pastureland	km 412+200-km 421+200
Total:					34.22		
<p>Note: On this section permanently affected will be the lands of 7 h/h (households) – long-term leaseholders of natural pasturelands. Apart from this, the state reserved lands (SRL) with the area of 27.78 hectares will be transferred to Mangystau Oblast Roads Department, and this will not affect the third parties.</p>							
Section km 574- 632 (TOO "Kazdorproekt"LLP)							
1	State reserved land		permanent use		4.25	natural pastureland	cattle crossing land + Turnout #10 km 573+600-km 580+100
			permanent use		0.46	natural pastureland	cattle crossing land km 580+100 – km 580+900
2	Zharmysh village		permanent use		3.06	Settlement lands / natural pastureland	km 607+300- km 619+200
3	TOO "Zharmysh"	13-198-016-009	long-term lease	382380.4	20.25	natural pastureland	km 580+900- km 607+300 km 619+200- km 623+300

4	Household "Shaga"	13-198-016-008	long-term lease	1515.2	1.22	natural pastureland	km 623+500- km 632+300 km 623+300- km 626+500
Total:					29.24		
Note: On this section permanently affected will be the lands of two long-term leaseholders: 1 l/e and 1 h/h. Apart from this, the state reserved lands (SRL) and the lands of two settlements with the area of 7.77 hectares will be transferred to Mangystau Oblast Roads Department, and this will not affect the third parties. The AP lists and land area have been refined based on the piquet lists of the detailed designs for the road upgrading on the three sections km 573+600- km 632+300, according to TOO "Kazdorproekt" LLP							
Total for Tranche 1a					63.46		
Note: In total for Tranche 1, permanently affected will be a portion of natural pasturelands leased by 9 leaseholders: 1 l/e and 8 h/h. Apart from this, the state reserved lands (SRL) and the lands of two settlements with the area of 35.55 hectares will be transferred to Mangystau Oblast Roads Department, and this will not affect the third parties. The AP lists and land area have been refined based on the piquet lists of the detailed designs for the road upgrading on the three sections km 372 – km 514 and km 574- 632 , according to KazNiiPI Dortrans, TOO "Kazdorproekt" LLP							

B. Land Users Affected by Temporary Land Acquisition

No.	Land users	Land plot cadastre number	Right to land	Total area, in ha	Area subject to temporary use, in ha	Land purpose / Temporary use purpose	Land location
1	2	3	4	5	6	7	8
section km 372- 514 (KazNiiPI Dortrans)							
1	State reserved land		permanent use		83.78	Natural pastureland / bypass road, fertile top soil layer, access to construction sites	km 372+600-km422,0
	State reserved land		permanent use		62.48	Natural pastureland / bypass road, fertile top soil layer, access to construction sites	km 422+000-km 472+800; km 400+483
	State reserved land (cattle crossing land)		permanent use		4.0	Natural pastureland / sites for fertile top soil layer	km 472+800 –km 493+286
2	Tulep village		permanent use		1.04	Settlement lands /natural pastureland, sites for fertile top soil layer	km 422,0 +423 – km 427+017
			permanent use		49.92	Settlement lands /natural pastureland, temporary	km 472+800 –km 514+383

						bypass road	
3	Sai-Utes village		permanent use		2.10	Settlement lands /natural pastureland, sites for fertile top soil layer and building materials	km 505+604 –km 514+383; km 514+000
4	TOO “Zhyngildy”	13-198-017-021	long-term lease	85,866.9	35.46	Natural pastureland / bypass road, fertile top soil layer, access to construction sites	km 427+017 – km 462 +722 km 462-722 – km 472+800 km 443+100; km 452+039
5	TOO “Akshymrau”	13-198-014- (stripped land plot)	long-term lease	40,905.6 13,003.8	14.40	Natural pastureland / sites for fertile top soil layer, building materials and soil reserves	km 493+286 –km 505+604 km 493+800; km 494+024
	Total:				253.18		

Note: On the whole, temporarily used (during civil works) will be the lands of 2 l/e (legal entities) – long-term leaseholders of natural pasturelands. In addition, state reserved lands (SRL) including the lands of two settlements with the area of 203.32 hectares will be restored to original status at the end of use.

km 574- km 632 (Kazdorproekt LLP)

1	TOO “Zharmysh”	13-198-016-009	long-term lease	382,380.4	54.096	Natural pastureland / bypass road, fertile top soil layer, access to construction sites	km 580+900- km 607+100 km 619+200- km 622+800 km 626+500 – km 632+300
2	Household “Shaga”	13-198-016-008	long-term lease till 2057	1,515.2	5.520	Natural pastureland / bypass road, fertile top soil layer, access to construction sites	km 622+800 – km 626+500
3	Zharmysh village		permanent use		27.480	Settlement lands/ bypass road, fertile top soil layer, access to construction sites	km 607+100 – km 619+200
4	State reserved land (cattle crossing lands)		permanent use		18.65	Natural pastureland / bypass road, fertile top soil layer, access to construction sites	km 573+600 – 580+900
	Total:				105.75		

Note: On the whole, temporarily used (during civil works) will be the lands of 1 l/e and 1 h/h – long-term leaseholders of natural pasturelands. In addition, state reserved lands (SRL) including the lands of two settlements with the area of 46.13 hectares will be restored to original status after the civil works completion.

Total for Tranche 1a

358.93

Note: In total, temporarily used (during civil works) will be the lands of 1 h/h and 3 l/e – long-term leaseholders of natural pasturelands. Also, the state reserved lands (SRL) including the lands of three settlements with the area of 249.45 hectares will be restored to original status at the end of use. The AP lists and land area have been refined based on the piquet lists of the detailed designs for the road upgrading on the sections km 372 - km 514 and km 574 – km 632, according to KazNliPI Dortrans, and Kazdorproekt LLP.