

Land Acquisition and Resettlement Framework

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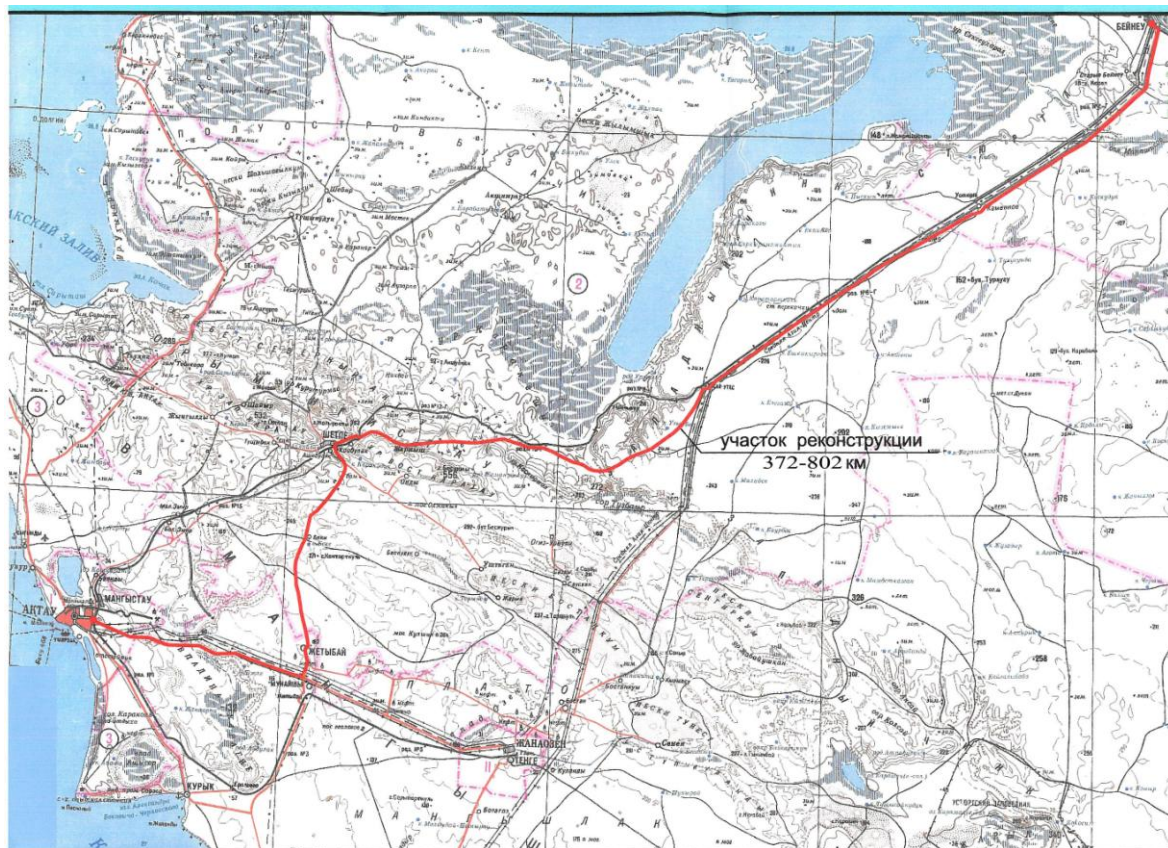
ACCRONYMS AND ABBREVIATIONS

ADB	- Asian Development Bank
CAREC	- Central Asia Regional Economic Cooperation Program
COI	- Corridors of Impact
CoR	- Committee on Roads
CSC	- Construction Supervision Consultants
DMS	- Detailed Measurement Survey
DP	- Displaced Person
EA	- Executing Agency
ERM	- External Resettlement Monitor
FS	- Feasibility Study
GDP	- Gross Domestic Product
GoK	- Government of Kazakhstan
ha	- Hectare
Mangystau	- Mangystau Land State Scientific and Production Center
NPTsZem	for Land Management
LAR	- Land Acquisition and Resettlement
LARF	- Land Acquisition and Resettlement Framework
LARP	- Land Acquisition and Resettlement Plan
km	- Kilometer
MOD CoR	- Mangystau Oblast Department of Committee of Roads
MFF	- Multitranche Financing Facility
MoTC	- Ministry of Transport and Communications
NGO	- Non-government Organization
NTP	- Notice-to-Proceed
PFR	- Periodic Financing Request
PPTA	- Project Preparatory Technical Assistance
RoK	- Republic of Kazakhstan
SPS	- Safeguard Policy Statement
sq.km	- Square kilometer

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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 Displaced Persons (DPs). The cut-off date for the Project is the date that will be determined by the Project Executing Agency.
Displaced Persons –	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.

1. INTRODUCTION

1.1 General information

1. The Central Asia Regional Economic Cooperation Program (CAREC) Corridor 2 is a very long route that passes through Azerbaijan, Public Republic China, Kazakhstan, Kyrgyz Republic, Turkmenistan, and Uzbekistan. At Navoi or Bukhara in Uzbekistan, the corridor diverges into 2a and 2b. Moving northwards, 2a enters Kazakhstan at Dautota-Tazhen (Uzbekistan - Kazakhstan), from where trucks move northwards into Russia, or go westwards to Aktau. Goods have to be reloaded onto ferries at Aktau and cross the Caspian Sea to be transported to Baku (Azerbaijan). Alternatively, trucks can depart Navoi or Bukhara and continue southwards into Turkmenistan, crossing at Alat - Farap (Uzbekistan - Turkmenistan). From the border, the goods can go to Mary or Ashgabat, and cross the Caspian Sea at Turkmenbashi into Baku. In total, six CAREC countries are involved, the highest compared to other corridors.

2. The proposed investment program will reconstruct 790 kilometers of roads in Mangystau Oblast of CAREC Corridor 2, which connect Kazakhstan to Azerbaijan, Europe and Turkey through the Caspian Sea to the west; to the Russian Federation to the north; to Uzbekistan to the southeast; and to Turkmenistan to the south. The rehabilitation/upgrading of this road corridor will bring about (i) increased trade and competitiveness, (ii) lower transport costs, (iii) increased mobility and accessibility of local residents to economic opportunities and social services, and (iv) improved governance. The Government of Kazakhstan (GoK) has requested the Asian Development Bank (ADB) to provide financing for the Tranches 1 and 2, which focuses on upgrading the Aktau – Beineu road.

3. Kazakhstan's booming trade is its main engine of economic growth in 2000s. From 2000 to 2011, the country's gross domestic product (GDP) grew in average by 8.3% annually. The largest sectors of the economy are mining, manufacturing, trade, and transport and communication. During this period, exports grew at 40% annually in average (with except of decline in registered in 2009). This trend gradually changed the trade orientation towards the Peoples Republic of China and other markets outside Russia. While Russia is still Kazakhstan's largest trading partner, other potential trading partners include Europe, East Asia, and South Asia.

4. Kazakhstan has a land area of 2,724,900 sq. km and had in beginning of 2012 a total population of 16,675,400 people. It has 14 regions and two administratively independent cities: Astana and Almaty. Aktau City, located in the eastern shore of the Caspian Sea, is Kazakhstan's gateway to various trading partners. Likewise, Aktau port is a hub for transporting Kazakhstan's bulk cargoes of oil and oil products to the neighboring countries, or for transit traffic to reach distant markets in Europe and China. Aktau is the largest city of Mangystau Oblast, which is the country's major oil and minerals producing region. The Aktau-Beineu-Akzhigit section of the Corridor, totaling 514 km, serves as a major channel for transporting commodities to and from the rest of the country. It is part of the priority CAREC Transport Corridor 2a, and Astrakhan-Atyrau-Aktau-Turkmenistan border Corridor.

5. However, road infrastructure in Mangystau Oblast is in bad shape to sustain the country's trade flow and economic growth. There are about 1,950 km of roads (republican and local roads), of which 99.5% are classified Class III roads or below, and lack adequate safety and traffic control devices. Built in 1988-1990, the road mainly cuts through the vast expanse of dry lands owned by the state, which are mainly used for grazing lambs, cattle and camels, and passes through a few built up areas, as well as the holy place at Manaty-

ata. The carriageway and shoulders cannot be distinguished anymore since both roadsides have expanded to their limits.

1.2 Program Description

6. The CAREC Transport Corridor 2 Program (the Program) is estimated at \$1.1 billion. ADB has been requested to finance up to \$800 million through a Multi-tranche Financing Facility (MFF) to be divided into three tranches with a total of 14 civil work packages as follows:

Tranche 1:

- Package 1 (km 372.6 – km 422)
- Package 2 (km 422 – km 472.8)
- Package 3 (km 472.8 – km 514.3)
- Package 5 (km 574 – km 632.3)

Tranche 2:

- Package 4 (km 514.3 – km 574)
- Package 6 (km 632.3 – km 675.6)
- Package 7 (km 675.6 – km 719)
- Package 8 (km 719 – km 754)
- Package 9 (km 754 – km 802.27)
- Package 10 (84 km) Beinue – Akzhigit

Tranche 3:

- Packages 11-14 (234 km) Zhetybai – Turkmenistan border, including cross-border infrastructure facilities.

7. The road sections covered under Tranche 1 will be upgraded from Category III to Category II. Civil works will include the construction of two-lane asphalt pavement, reconstruction of culverts and bridges that do not conform to engineering requirements of the new road, overpass, and road signs and signal posts along accident prone spots. Most of the civil works for the road will follow the existing alignments.

8. Tranche 2 is a road upgrading activity, comprising a total of 169.97 kilometers that can be divided, for technical reasons, into 2 sections. The road will be rehabilitated and partly constructed in accordance with the national highway categories:

- Section 1 involves the entire route between Shetpe bypass start (km 632.3), to the end of Shetpe bypass (km 644), and continuing to Zhetibay bypass (km 711-719) until joining the national highway from Zhanaozen and Turkmenistan to Aktau (km 719);
- Section 2 involves the stretch between Zhetibay junction (km 719) westwards to Aktau urban periphery, at the junction at km 802.27.

9. Tranche 2 section km 514.3 – km 573.6, financed by GoK. It involves the upgrading of an existing route starting at a small settlement known as Sai-Utes (near km 514) and then proceeding westwards until the existing road is covered with a blacktop layer.

10. Civil works for the Tranche 3 will also generally follow the existing road alignment, but their design has yet to be prepared.

11. The location of the proposed Project area in CAREC Corridor 2 within Kazakhstan is demonstrated on the Figure 1 below.

Figure 1: Location of project in the CAREC Corridor 2 within Kazakhstan.



1.3 The LARF Document

12. This Land Acquisition and Resettlement Framework (LARF) represents an updated version of the LARF prepared for CAREC Corridor 2a (Mangystau Oblast Section) Investment Program in August 2010. The LARF was prepared with assistance from consultants engaged through an ADB Project Preparatory Technical Assistance (PPTA). It has been reviewed and endorsed by the Ministry of Transport and Communications (MoTC), through the Committee on Roads (CoR).

13. This LARF is formulated from the relevant laws on land acquisition and resettlement (LAR) in the Republic of Kazakhstan (RoK) and the provisions of the 2009 Safeguard Policy Statement (SPS) of ADB. The LARF identifies likely impacts of the investment, describes anticipated groups of DPs, clarifies land and resettlement principles, assesses the legal framework for land acquisition and resettlement in Kazakhstan, describes standard procedures and methods of redress, and outlines steps that will be taken to plan, obtain concurrence from ADB, and to implement and monitor the impact of land acquisition and resettlement along the Corridor.

14. This LARF applies to private landowners whose land will be permanently or temporarily affected due to the Corridor's reconstruction. It also applies to people who lease State-owned lands or those who have no registered or legal rights over the land they use, and who will be adversely affected as the result of the investment. However, the LARF does not apply to State land that is transferred from one authority to another, or is used temporarily for the reconstruction, unless third parties are adversely affected by the transfer or use.

15. This LARF expresses GoK's commitment to avoid adverse LAR impacts, where possible, and to mitigate them to ensure that DPs are able to maintain or improve their well-being at the end of the Project. Once this document is approved by ADB and GoK, it will become an element of the respective financing agreements between the GoK and ADB with respect to the Project.

1.4 Anticipated Impacts

16. Reconstruction of much of the Corridor will be rather simple and straightforward, but some sections will require more complex inputs from soil testing and new surveying to preparing detailed designs and environmental assessments; determining needs for land acquisition and relocation; repositioning/protection of utility/gas lines; consulting local officials and stakeholders to gain support; and planning and managing the logistics of getting labor, machinery and materials to many remote locations. Most of these complex issues will be resolved during final design.

17. In the section covered under Tranche 1 (Manashy-Shetpe: km 372.6 – km 514.3 and km 574 – km 632.3), 4 parties leasing the State lands were affected as a result of permanent land acquisition. No households were physically displaced and none of affected parties lost 10% or more of their productive assets. During construction, portions of plots leased by 2 legal entities and 2 plots that belong to state will be used temporarily. Hence, Tranche 1 is classified as Category B in terms of resettlement.¹ A Land Acquisition and Resettlement Plan (LARP) was developed and implemented for Tranche 1.

18. Civil works in the Tranche 2 section (Shetpe-Aktau: km 632.3 – km 719 and km 719 – km 802.27) will require acquisition of land and property. Approximately 436 hectares of land will be acquired for permanent use. According to preliminary information provided in the draft LARP a total of 32 parties will likely to experience various losses/impacts from the implementation of the project. Most of displaced households will lose ownership/access to agricultural lands, while most of the displaced legal entities will lose ownership/access to agricultural and commercial lands. Less than 40 people are expected to experience major impacts (be physically displaced from housing or lose 10% or more of productive assets). Hence, Tranche 2 is classified as Category B in terms of resettlement.

20. The temporary use of lands needs to be set for batching plants (mixing plant for concrete or aggregate-asphalt mixture) by each contractor where it will store the sand and gravel, asphalt materials, mixer, heavy equipment and temporary field office of engineers and workers. Each batching plant may also need provision for temporary access linked to

¹ Based on paragraph 8 and 9 of ADB OM/F1, March 2010, a project or subproject is classified as Category "A" and a full LARP is needed if 200 or more people will suffer significant impacts (displaced from housing or losing 10% or more of productive assets). A project or subproject will be classified as Category "B" when less than 200 people suffer significant impacts. Category "C" projects/ subprojects have no LAR impacts.

the project road. About 343 ha of lands will be temporarily required for the implementation of construction works. Temporary impacts during construction will be the responsibility of the contractor, but will be monitored by the supervision consultant to ensure that these comply with the provisions under this LARF.

21. The Projects under the Program will not have any impact on indigenous people. The population in the districts where the road passes is relatively homogenous in terms of ethnic composition. The majority (55%) are ethnic Kazakhs. Among more than 120 nationalities, Kazakhs are the majority (55%), followed by Russians (28%). Others are Ukrainians, Germans, Uzbeks, and Tatars. Alashas and Uyghurs, who are sometimes referred to as ethnic minorities are not found in the Project area. None of the smaller ethnic groups have collective attachment to geographically distinct habitats or ancestral territories. They all share the general Kazakh cultural, economic, social and political institutions. In the rural regions, residents of varied ethnic origins use Kazakh as their language.

22. Impact of civil works for Tranche 3 of the MFF has not been assessed yet and will be determined during the preparation of the feasibility studies, while screening of Tranche 3 in terms of impact on land acquisition and resettlement. Based on the screening, an appropriate resettlement plan will be prepared, if deemed necessary. However, given the similar land use and landownership patterns, sparsely distributed settlements and the general plan of following the existing road alignment, it is expected that land acquisition impacts in these projects will likewise be limited.

1.5 ADB Processing Requirements

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

- (i) 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) Appraisal of the Periodic Financing Request (PFR) for succeeding tranches:
Preparation / disclosure of LARP for road sections with LAR fitting the approved LARF;
- (iii) 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 the External Resettlement Monitor (ERM);
- (iv) 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 ERM.

2. OBJECTIVES, POLICY FRAMEWORK AND ENTITLEMENTS

24. This LARF 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.

2.1 Kazakhstan Legal Framework and Practice

25. 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.

2.1.1 Kazakhstan Constitution

26. 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 state needs stipulated by law may be exercised on condition of its equivalent compensation.

2.1.2 The Land Code of 2003

27. The Land Code of the Republic of Kazakhstan (RoK Code No. 442-II of 20 June 2003, amended on 6 July 2007) which covers the acquisition of land for State needs stipulates that a plot may be reserved for State needs by way of purchase or by granting an equivalent plot with the consent of the owner or land user (Article 84.1). Road construction is one of several grounds for purchasing private land or terminating long-term leases (Article 84.2.4). In the case of land leased 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 lease varies from one location to another.

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

29. The compensation amount for a non-agricultural 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). In case of agricultural land plot purchased by the land owner from the State, the compensation amount shall be determined as equal to the amount paid by the person to the State. If the owner agrees, another plot of equal value can be substituted instead of cash compensation (Article 87.3).

30. If an owner disagrees with the decision to purchase (acquisition), the compensation offered or other purchase conditions, the authority issuing the decision to purchase can file an expropriation case in court (Article 88 paragraph 1) after the 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 before the reservation is processed by the regional level office of the Land Resources Management Committee and registered at the Registration Service Committee, and allow work to begin on the land.

31. The Land Code of RoK 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.

2.1.3 Law on Housing Relations

32. When residences are affected, the Law on Housing Relations also applies. 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 valuation are settled in court.

2.1.4 Labor Code

33. 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.

2.1.5 Law on Natural Areas of Preferential Protection

34. RoK Law No. 175 dated 7 July 2006 “On Natural Areas of Preferential Protection” (Article 18) specifies protection zones within which prohibited 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.

2.1.6 Standard Land Acquisition Practices and Process

35. 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 Department of Justice. Owners are officially notified of the extent of land acquisition of their properties.
- The rayon 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 displaced 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 displaced 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 displaced land user. Land cannot be accessed until compensation is completed and the title is transferred.

2.2 ADB SPS 2009 Safeguard Requirements 2: Involuntary Resettlement

36. 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.

37. ADB Policy has the following requirements:

1. a. Compensation, Assistance and Benefits for DPs
 - Compensate/assist those with formal legal rights to the land lost and those who have claims to lands that are recognized or recognizable under national laws. DPs who have neither formal legal rights nor recognized or recognizable claims to such land are entitled only to compensation for non-land assets.
 - 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 socio-economic survey(s) and a census, with appropriate socio-economic baseline data to identify all persons who will be displaced by the project and to assess the project's socio-economic 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 other suitable 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 rights 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. For projects/subprojects with significant LAR impacts, qualified and experienced external experts or qualified Non-government Organizations (NGOs) are retained 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.

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

38. There is congruence between Kazakhstan's laws and ADB's Resettlement Policy with regard to compensating at replacement value for affected privately-owned assets. However, ADB's Resettlement 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 1 below.

Table 1. Comparison of Kazakhstan's Land Acquisition / Resettlement Practice / Policy and ADB Resettlement Policy

Kazakhstan's Land Acquisition Practice	ADB Involuntary Resettlement Policy
Compensation for land and non-land assets is 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
Compensation 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.	Compensation of private agricultural land is based on full replacement cost which considers the following elements (i) fair market value; (ii) transaction costs; (iii) interest accrued; (iv) transitional and restoration costs; and (v) other applicable payments.
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
No requirement for LARP preparation and approval. No requirement for DP consultation.	Requires the preparation, approval, disclosure and monitoring of LARP based on DP consultation and social impact assessment.
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 costs and conduct of meaningful consultations with DPs

39. Differences in the national legislation and practice and ADB Policy will be reconciled through the adoption of this updated LARF for the MFF. The LARF ensures that: (a) compensation is provided at replacement cost of all items, (b) DPs without legal rights to land are compensated for non-land assets, (c) DPs are assisted in restoring their livelihood, and (c) the provision of subsidies or allowances for DPs who may experience severe losses of productive assets and DPs who are vulnerable.

2.4 Policy Framework and Entitlements for Displaced Persons in Projects under the MFF

2.4.1 Displaced Persons

40. The following groups of DPs are eligible for entitlements under this LARF and will be addressed in the LARP to be prepared for each Project under the MFF:

- individuals, households and collective owners of land or facilities who lose their assets for state needs;
- private individuals, households or enterprises whose livelihood comes from rented/leased land acquired for state needs or whose livelihood is primarily dependent on road users;
- 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;
- 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,
- 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

41. In case unregistered land users are affected, the Government, through the Mangystau NPTsZem, assist 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 non-land assets/structures on the affected plots of land users without titles will be evaluated by exactly the same criteria as those with titles.

2.4.2 Entitlements to Compensation and Assistance

42. 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 will be determined by the Project Executing Agency (EA) and usually is the date of approval of community /rayon/oblast Akimat decree on land acquisition for state needs. Table 2 below provides the entitlements for various categories of DPs and degrees of impacts related to the Project.

Table 2. Entitlement and Compensation Matrix

Asset	Specifications	Displaced Persons	Compensation Entitlements
Permanent Loss			
Agricultural land	Cropped / cultivated land or pastureland	Owners	<ul style="list-style-type: none"> • Land for land compensation with plots of equal value to the plots lost; or • Cash compensation for affected land plot at full replacement cost without deduction for taxes, transaction, registration or transfer costs.
		Long-term/ short term Leaseholders	<ul style="list-style-type: none"> • Land for land compensation with plots of equal productivity to the plots lost.

*Updated Land Acquisition and Resettlement Framework
KAZ: Multitranche Financing Facility for CAREC Corridor 2
(Mangystau Oblast Section) Investment Program*

Asset	Specifications	Displaced Persons	Compensation Entitlements
	Severe impact- >10% of income/ productive land lost	Owners, leaseholders of cropped/ cultivated land	<ul style="list-style-type: none"> Additional cash compensation equivalent to one-year gross harvest.
Residential, commercial, and industrial land		Owners	<ul style="list-style-type: none"> Land for land compensation with plots of equal value to the plots lost; or Cash compensation for affected land plot at full replacement value without deduction for taxes, transaction, registration or transfer costs.
		Long-term/ short-term Leaseholders	<ul style="list-style-type: none"> Land for land compensation with a plot comparable in value to the lost plot.
		Squatters	<ul style="list-style-type: none"> A land plot to be provided from the State Land Fund for lease (with no charge for taxes, transaction, registration and land legalization)
Structures	Residential houses and commercial buildings	Owners of permanent structures	<ul style="list-style-type: none"> House for house swap (at the owner option): if replacement is of lower value, cash compensation for the difference; or Cash compensation at the market value for affected structures and other real assets at existing prices at the moment of acquisition with no deduction for depreciation or transaction costs. Compensation will include the value of affected connections to water supply or other public utilities.
	Temporary structures (kiosks, stalls)	Owners of temporary/ movable structures	<ul style="list-style-type: none"> Approved site to relocate structure.
Crops	Crops affected	All DPs including squatters	<ul style="list-style-type: none"> Crop compensation in cash at full market rate for 1 year gross harvest
Trees	Trees affected	All DPs including squatters	<ul style="list-style-type: none"> Cash compensation reflecting income replacement. Fruit trees value based on age category and valued at gross market value of one year income times the number of years to grow a tree to similar productivity, plus purchase price of seedlings and starting materials. For wood/timber trees, compensation will be based on the price of dry wood volume.
Business and employment	Temporary or permanent business/ employment loss	Business owners (including those with no formal rights on the land) and their affected workers	<ul style="list-style-type: none"> if permanent business loss, cash compensation equal to one year income (lost profit) if temporary business loss, cash compensation for the period of income loss if permanent employment loss, 3 months average registered wages (if not registered, based on the official minimum wage in Kazakhstan) if temporary employment loss, average registered wage during disruption (if not registered, based on the official minimum wage in Kazakhstan) (note: Affected workers will be paid through their employers as per the Labor Code)

*Updated Land Acquisition and Resettlement Framework
KAZ: Multitranche Financing Facility for CAREC Corridor 2
(Mangystau Oblast Section) Investment Program*

Asset	Specifications	Displaced Persons	Compensation Entitlements
Relocation	Transport and transitional livelihood costs	All persons affected by relocation	<ul style="list-style-type: none"> Allowance sufficient to cover transport expenses and livelihood expenses for one month due to relocation.
Structure renters		Renters with valid rental contract	<ul style="list-style-type: none"> Three months rent at prevailing market rate and assistance in finding alternative accommodation
Community assets			<ul style="list-style-type: none"> Rehabilitation or replacement of affected structures to pre-project function.
Vulnerable population groups		HH below the poverty line; Large families having 4 or more children below 18 yrs., and HH with disabled members	<ul style="list-style-type: none"> Assistance equivalent to minimum living wage for 3 months; Enrollment in government social assistance program if not yet enrolled; Priority in local employment for able members of vulnerable household.
Temporary Loss			
Land for civil works or borrow pits	Negotiated between owner and contractor	Owners	<ul style="list-style-type: none"> Contractor pays cash compensation at existing local rental rates for duration of temporary use plus income/crop/structure loss due to temporary land use, if any as provided for in the entitlements for crops, business and structure losses. Land restored to original status at the end of rental. Contractor pays for making land management and legal documents. Environmental safeguard measures.
		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 as provided for in the entitlements for crops, business and structure losses. 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.

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

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

Almost all of the agricultural lands in the oblast are used as natural pastureland by households and farm enterprises that lease these from the State. Leaseholders (whether long-term or short-term) will be provided with an alternative pastureland as they may require for maintaining their livestock.

- b. **Residual agricultural land impacts.** Residual portions of the acquired lands which are rendered unusable will be included in the affected land and compensated as indicated above subject to the preference of the DP.

The main criterion to determine whether the residual part (plough land or pasture) is or is not suitable for its earlier purpose is its economic impracticability based on the following: a) small area of the remaining (cut) part; b) difficult access to it (driving of agricultural machinery or cattle via highway); c) high cost for plot development and insignificant profits that can be obtained from its further use. This will be determined by the independent valuator in consultation with the owner or long-term leaseholder.

Alternatively, the DP has the option of seeking an alternative plot or of changing the intended use of the remaining plot i.e. from agricultural to commercial. Moreover, DPs may explore the reorganization and swapping of plots with adjacent owners to improve the economic viability of the remaining agricultural lands. MOD CoR will coordinate with the Mangystau NPTsZem in assisting DPs who opt to change the use of portions of their remaining plot or in swapping with adjacent plot owners/leaseholders.

- c. **Severe impact losses.** When >10% of a DP's productive land is affected, DP (owners, leaseholders, sharecroppers, and squatters) will get an additional allowance for severe impacts equal to the market value of the yield for 1 crop year from the acquired land. The amount of the crop is determined based on the average yield in the past three years. This amount is on top of the compensation the DP will receive for crop losses described in item (f) below.
- d. **Commercial/Industrial land.** Households and legal entities which own commercial lands that will be affected by the Project will be compensated at replacement rate either (i) in form of land for land or (ii) cash at current market rates free of transaction costs and depreciation.
- e. **Buildings, and structures** will be compensated in cash at replacement cost free of deductions for depreciation, salvaged materials, and transaction costs irrespective of the registration status of the affected item. The cost of lost water and electricity connections will be included in the compensation.

Partial or complete damage to irrigation, drainage and erosion-preventive structures (systems) will be determined based on the cost of constructing new facilities or rehabilitating existing structures (systems), including the cost of design and survey works.

- f. **Crops.** Standing crops on the acquired lands will be compensated at market rates for their gross value of 1 year's harvest losses. Crop compensation will be paid both to landowners and tenants based on their agreed sharing scheme.
- g. **Trees.** Trees planted by private land users will be paid cash compensation reflecting replacement of income derived from the trees. The economic value of fruit trees will be based on the age category and valued equivalent to one year income times the number of years to grow a tree to similar productivity. The cash compensation will also include the price of seedlings and starting materials. For wood/timber trees, cash compensation will be based on the price of dry wood volume.
- h. **Businesses.** If business is lost permanently, it will be compensated in cash equal to 1-year net income (loss of profit). If disruption is temporary, the DP will be paid cash compensation for the period of business interruption period based on tax declaration or, if unavailable, official monthly minimum salary, taking into account compensation for employed workers based on the Labor Code and the specific labor agreement/contract between the employer and employee.
- i. **Employees.** Workers whose employment will be disrupted, will be provided with indemnity for lost wages for the period of business interruption up to a maximum of 3 months, based on their registered monthly wages/salaries.
- j. **Relocation assistance and transitional allowance.** Affected households/owners of structures forced to relocate will be provided with transportation assistance to a new location. In addition, the household will be given a transitional allowance equivalent to one-month rental cost for house/warehouse to help them with the basic household expenses during their transition to the new location. DPs who will rebuild on the remaining area of their affected plots will not be entitled to this assistance.
- k. **Community structures and public utilities** will be fully replaced or rehabilitated to maintain their pre-project functions.
- l. **Socially vulnerable people** Displaced households below the poverty line, large families having 4 or more children below 18 years, and households with disabled members will be provided cash assistance equivalent to 3 months minimum wage, and will be enlisted in existing special programs and other initiatives for socially vulnerable people (i.e. Targeted Social Assistance and State social benefits) if not yet enrolled. Able-bodied (and qualified, after training if necessary) members of vulnerable households will be given priority in project-related jobs.
- m. **Temporary impacts.** In case of temporary land acquisition, compensation will be based at local commercial rental rates for the duration of use, plus income/crop/structure loss due to temporary land use, if any as provided for in the entitlements for crops, business and structure losses. The Project will ensure that the land is restored to its original status at the end of the rental period.

44. For unexpected adverse effects during the project implementation, the community / rayon / oblast Akimats and the MOD CoR will undertake measures in accordance with the objectives of the LARF of restoring the socio-economic and living conditions of the affected persons. The MOD CoR, with support from the CSC, will conduct census / socio-economic survey of DPs and update the LARP or formulate a new LARP covering all applicable requirements consistent with the approved LARF.

45. In the case of cash compensation, payments will be delivered through the banks 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.

3. SOCIO-ECONOMIC INFORMATION

3.1 Procedures for Impact Assessment

46. Initial assessment of impacts for each Project is done based on the preliminary design at the FS stage. Information on the affected plots will be derived by superimposing the proposed road alignment on the land cadastral map to be provided by the Mangystau NPTsZem. The land cadastre will be used to identify the names of the registered landowners / leaseholders with permanent land use rights, land use, size of the affected plots and the proportion of affected land against the total area of the plot. Potentially affected roadside users (i.e. roadside businesses, and services) will be identified through field visits by design consultant and MOD CoR. Basic background information on the DPs will be obtained using a structured census / socio-economic questionnaire. Secondary information on the social, demographic and livelihood conditions in the Project area will be collected from state agencies and community / rayon / oblast Akimats. On the basis of this initial assessment and consultation with DPs, a draft LARP will be prepared. However, the impacts of land acquisition will be fully assessed during the preparation of the detailed design once the Corridor of Impact (COI) boundaries has been marked on the ground. On which basis, a final LARP will be prepared. The impact assessment during detailed design will involve the following procedures:

- (i) Marking of road COI boundaries by the design consultant, under the supervision of the MOD CoR;
- (ii) Inventory and valuation of affected assets (land, structures, crops, trees, other improvements) by valuers commissioned by the design consultant. A map that will indicate the location of affected structures will be prepared for each road section, as means of controlling which owners should be eligible for assistance during LARP implementation;
- (iii) Census of all DPs, taking into account their socio-economic characteristics, gender, ethnicity and demography;
- (iv) In parallel with the inventory of assets, a replacement cost survey will be undertaken by independent valuers to serve as a basis for establishing compensation rates at pre-project level replacement cost.

47. The inventory of affected assets will summarize the: (i) number of structures that will be demolished and information on their ownership disaggregated by gender; (ii) the types of construction materials used in the affected structures; and (iii) other immovable assets like electricity connections and source of drinking water, etc.

48. The census / socio-economic surveys ² of DPs will cover, but not limited to: (a) profiles of household heads by age, gender and education; (b) household members, labor force and employment, disaggregated by gender; (c) family incomes and its sources as compared with poverty thresholds in the oblast; (d) asset ownership such as land, crops and trees; (e) access to social services like schools, clinics, public markets and places of worship; (f) access to electricity connections and roads; and (g) access to common resources in the area. The census will identify the: (a) loss of potential incomes from small business operating alongside of the road; and (b) potential displacement of workers employed by affected business shops. Likewise, the census will identify the impacts and associated risks arising from losses to DPs particularly on reduced household incomes, and displacement from employment in affected small business shops. It will also identify vulnerable and non-vulnerable households. These impacts will be the basis for compensation and income restoration of the DPs. The result of the survey will be complemented with available rayon-level secondary socio-economic information for the Project area.

49. The questionnaire for the census / socio-economic survey of DPs is presented in Annex 2. The design consultant preparing the detailed design will hire a team of surveyors to carry out the census / socio-economic survey of DPs.

3.2 Inventory and Valuation of Losses

50. The licensed independent valuator engaged by design consultant to assess the current market value of lands and structures to be affected by the Project will conduct a detailed measurement survey of the affected assets. To establish a basis for compensation rates for affected lands and structures to ensure that DPs are compensated at replacement cost, a replacement cost survey will be conducted. On the basis of this and further information on required rehabilitation measures the compensation, relocation and rehabilitation budget for the Project(s) will be prepared. The final amount of compensation will be agreed between the DPs and the MOD CoR or respective community / rayon / oblast Akimat.

51. The cost, timeline and other conditions of acquisition of land plot for state needs will be agreed with land plot owner or the non-governmental land user. In determining the cost of land plot, the market value or the cost of rights to use the land will be considered including the assets found thereon at the time when the right to ownership or land use is terminated. It will also reflect the losses borne by land owner or non-governmental land user at the time of termination of the contract, and losses due to early termination of their obligations to third parties.

52. The market value of the land plot will be determined according to the law on valuation procedures in the RoK and provision of this LARF. Data sources on farm productivity and agricultural crops will be the (a) the Mangystau Department of Agriculture, (b) Mangystau Statistics Department and (c) DPs' statements and other documents/data (pledge agreements, statistics data and tax information regarding farms, etc.). Compensation for crop losses is calculated by taking the average of the gross harvest for the previous three years prior to the acquisition. The unit rate for each crop will be derived by adding the average gross harvest per hectare for the previous three years divided by three. Representatives from construction companies will be consulted on the average cost

² Considering that projects to be financed under the MFF are mostly upgrading or existing roads generally following the existing right-of-way, the sparsely populated settlements, and the large tracks of State-owned and reserved lands, limited number of DPs is expected to be affected by each project. Hence, only one type of questionnaire (census/socio-economic questionnaire) will be used.

estimate for constructing a square meter of different structure categories in recent months. Respective community / rayon / oblast Akimats will also be consulted on the current building standards and prices.

4. CONSULTATION, PARTICIPATION AND DISCLOSURE

4.1 Consultations

53. 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 DPs' concerns related to the preparation and implementation of the LARP; (b) determine DPs' preferences on the type and delivery of compensation; (c) minimize DPs' concerns and ensure transparency of LARP activities; and, (d) help avoiding unnecessary and costly project development delay.

54. Initial public consultations were 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 expressed support to the Project and their appreciation to ADB for considering provision of funding for the Project. Questions revolved around project implementation and scheduling, clarification of project benefit to local communities, mitigation of impacts related to noise and dust, as well as project administration and monitoring. Follow-up public consultations were held in Zhetybai and Shetpe on 21-22 June to obtain feedback from stakeholders on potential environmental and social impacts from the proposed Tranche 1 and inform them of their entitlements to compensation.

55. On 23 October 2012 the public consultations were conducted in Shetpe and Zhetybai, and on 24 October 2012 in Mangystau, to provide recent information on proposed Tranche 2 with a special focus on social and resettlement issues. The announcement on the public consultation was published in the local newspaper "Mangystau" (in Kazakh language) on 20 October 2012. Overall, more than 80 participants attended three public consultations, including representatives from different state entities, owners of affected lands/properties/businesses, and civil society. The MOD CoR specialists and consultants also took part in consultations. DPs participated actively in the discussion. Questions and comments revolved around details of the project activities, including schedule of construction activities, eligibilities and entitlements, factors to be considered during valuation of residential and commercial lands and property, information availability, dust and noise impacts during construction works, etc. Representatives of MOD CoR and consultants responded to the questions.

56. According to ADB policy, the DPs must be fully consulted and provided with opportunities to participate in the planning and implementation of LAR processes. They also must be informed in an appropriate and timely manner on the outcomes of the planning process, as well as the schedules and procedures for implementation of the LARP. Public information and consultation campaign must be carried out by the MOD CoR during all stages of the LAR process. In addition, the MOD CoR must also organize public information meetings to ensure disclosure of LARP and inform DPs about the procedures for payments for compensation and relocation.

57. For each Project under the MFF, consultation with affected groups will be conducted at the detailed design stage. At least one consultation with DPs will be conducted once the COI is determined. The consultation will present the scope of the Project, description 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 to ensure that discussions are free of intimidation and DPs are allowed to speak. Staff from the MOD CoR will record the discussion and prepare minutes of the meeting.

58. Community / rayon / oblast authorities shall be informed about the Projects. In case LAR impacts are identified, their assistance shall be solicited for conducting the inventory of affected assets, the census / socio-economic survey of DPs and the detailed measurement surveys (DMS). Also, prior to the finalization of the LARP and its submission to the ADB and MoTC / CoR for endorsement, the DPs shall be thoroughly informed on the results of the census and DMS, and their preferences on compensation or other resettlement assistance shall be given due consideration. The processes and mechanisms ensuring the active involvement of DPs and other stakeholders will be detailed in the final LARP including the date, list of participants, and minutes of consultation meetings.

4.2 Disclosure of information

59. Public information brochure that summarizes DPs' entitlements, procedures, grievance redress and related information will be distributed during consultations. The brochure will also include guidance on temporary use of land for borrow pits, staging areas, labor camps, etc. The brochure will be prepared in two languages – Kazakh and Russian and distributed in community / rayon / oblast Akimats.

60. The LARF (in Russian version) shall be made available at the Project area. The LARF will be uploaded on the ADB website. Similarly, the LARF (in English and Russian version) will be posted on the MoTC / CoR website. During the different stages of the Project (planning, implementation, and monitoring), once any LAR impacts occur, the following actions shall be carried out: (i) distribution of public information brochure to DPs, (ii) availability of copies of the LARP in MOD CoR, and in respective community / rayon / oblast Akimats, and (iii) uploading of the LARPs to the ADB and MoTC /CoR / Akimat websites.

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

4.3 Participation / Involvement of Women and Vulnerable Groups

62. Measures will be undertaken to ensure that vulnerable people are able to participate in public consultations and other LAR-related activities.

63. During the LARP preparation / finalization vulnerable groups will be identified during census / socio-economic survey and MOD CoR will ensure that they are informed of the consultation dates and venues. Meeting with vulnerable people 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.

64. During LARP implementation, the MOD CoR will assign a staff to: (i) inform in advance the DPs (including women-headed households and vulnerable groups) at least 45

days prior to demolition of their structures; (ii) encourage affected housewives to be with their husbands when receiving payment for compensation and assistance; (iii) encourage any women members of the households to participate in the monitoring and evaluation that will be conducted by the ERM; (iv) involve women of affected households and vulnerable groups from the project area in addressing the unexpected social and environmental impacts that arise 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.

5. COMPENSATION, INCOME RESTORATION AND RELOCATION

65. For majority of the DPs, the impact of land acquisition to income losses is expected to be marginal and temporary. Most of the DPs will likely lose less than 10% of their lands and can continue with their livelihood activities in the remaining portions of the lands. Moreover, most of the affected lands are natural pasturelands and marginally productive which will have no significant impact on the DPs livelihood. Owners and employed workers from road side shops/business establishments are expected to be able to resume their trade once these shops are shifted on the unaffected portions of their plots or to a nearby location. Limited number of households is expected to be displaced from housing and relocate. Hence, in most cases the cash compensation provided for losses would be sufficient to help DPs re-establish and restore their livelihood. Moreover, giving priority to members of vulnerable households to project-related jobs will help these households gain additional income sources and improve their skills.

66. The various types of compensation and assistance provided in the compensation entitlement matrix (Table 2) has been designed to assure that the DPs could maintain or improve their living standards from pre-project level. At the same time, the improved road condition in the CAREC Corridor 2 is expected to (a) reduce transport cost of the DPs livestock and supplies; and (b) increase the volume of road users, which will likely improve income of roadside businesses.

6. GRIEVANCE REDRESS MECHANISM

67. Complaints consideration procedures for the project aim to provide an effective and systematic mechanism for the Projects in responding to queries, feedbacks and complaints from affected persons, other key stakeholders and the general public.

6.1 Grievance Focal Points, Complaints Reporting, Recording and Monitoring

68. Complaints can be received through the staff of the community / rayon / oblast Akimats, MOD CoR or 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.

69. At the rayon / oblast 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 Projects.

70. The community / rayon Akimats and the MOD CoR will maintain a record-book to register the complaints, keep track of their status and report to the Deputy Director of MOD CoR. Reports and complaints resolution will be subject to follow-up by the External Resettlement Monitor (ERM) and by the CoR. The Grievance Focal Point at the CSC will also be tasked to regularly coordinate with the MOD CoR and community / rayon / oblast 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 the MOD CoR to facilitate recording of complaints.

6.2 Disputes Resolution Process

71. 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.

72. In general, the Grievance resolution process will follow the steps defined below:

- (i) First, complaints resolution will be attempted at the CSC level, which will attempt to resolve them on spot. If the complaint can be immediately resolved Grievance Focal Point of CSC shall inform aggrieved parties about the development of their grievance and decision made with respect to their case. If the case remains unresolved (immediately on spot), it is passed to the MOD CoR for review and resolution. In addition, the APs dissatisfied with the attention paid by Grievance Focal Point of CSC may also refer to the Grievance Focal Point of MOD CoR to resolve their case. In case, the grievance is related to serious violation of procedures / requirements or is associated with an incident, Grievance Focal Point of CSC shall also immediately notify MOD CoR in written.
- (ii) Second, complaints resolution will be attempted at the MOD CoR level, which will also be required to nominate a Grievance Focal Point to receive complaints, consult with CSC and DPs and will search for possibilities to resolve the complaint within one-week period. At the end of one-week period Grievance Focal Point of MOD CoR shall inform aggrieved parties about the development of their grievance and decision made with respect to their case.
- (iii) If the complain remains unresolved after being considered at the MOD CoR level, DPs may take their complaints to the head of Akimat of respective rayon / community. Designated person (Grievance Focal Point) in community / rayon Akimat receives the complaint, registers it and attempts to resolve it with involvement of the MOD CoR, relevant authorities, informal mediators (such as representatives of civil society) and DP(s). If there is no resolution in two-week period, it is passed to the Akimat of Mangystau Oblast / CoR of the MoTC.
- (iv) Forth, complaints resolution will be attempted at the Akimat of Mangystau Oblast / CoR of the MoTC level. Designated person (Grievance Focal Point) in Akimat of Mangystau Oblast / CoR of the MoTC receives the complaint and attempts to resolve it within two weeks. As part of the process of resolving the complaint the Akimat of Mangystau Oblast / CoR of the MoTC must convene a grievance redress committee that includes representatives of Government, professional organizations (design consultant, valuation company, etc.), independent mediators (academic organizations, NGOs) as well as representative of the complaining party.
- (v) If after the intervention and assistance with the Akimat of Mangystau Oblast / CoR of the MoTC no solution has been reached and if the grievance redress system fails to satisfy the DPs, they can pursue further action by submitting their case to the appropriate court of law. Nevertheless, abovementioned

grievance mechanism does not limit the citizen's right to submit the case to the court of law just in the first stage of grievance process.

73. The following standards shall be used while considering or referring to complaints:

LEVELS	STEPS IN COMPLAINT HANDLING
CSC	Registers the complaint and attempts to solve it on spot. If complaint cannot immediately resolved it is passed to the MOD CoR for resolution.
MOD CoR	Registers the complaint and attempts to solve it. If complaint is not resolved in one week, it is passed to the Akimat of respective community for resolution.
Community Akimat	Registers the complaint and attempts to solve it. If complaint is not resolved in one week, it is passed to the Akimat of rayon for resolution.
Akimat of rayon	Receives the complaint and coordinates with the concerned units or agencies to find timely solution. If there is no resolution within two weeks, the case is passed to the Akimat of Mangystau Oblast / CoR of the MoTC for resolution.
Akimat of Mangystau Oblast / CoR of the MoTC	Receives the complaint and coordinates with the concerned units or agencies to find timely solution. If there is no resolution within two weeks, the case will be presented to a Kazakh court and resolved according to Kazakh's legislation.
Court	Hears the case and renders decision. The court's decision shall be final and binding.

6.3 Disclosure of the Grievance Process

74. The complaints resolution process for this LARP will be disseminated through information brochures and posted to the community / rayon / oblast Akimats and the MOD CoR. All contact details of designated officials and a clear description of the grievance mechanisms will be published in print media, distributed via brochures, posted on the MoTC / CoR website. Grievance redress mechanism will also be presented during the public consultations and informal meetings at Project area.

75. The CSC, MOD CoR, Akimats will maintain a record-book to register the complaints, keep track of their status. Complaint forms will be available at these entities to facilitate recording of complaints. The information of grievance resolution will be summarized in MOD CoR progress reports to be submitted to ADB. The reports and the process of dispute resolution will be observed/monitored by the ERM.

7. INSTITUTIONAL ARRANGEMENTS AND IMPLEMENTATION

76. The preparation, implementation, monitoring and evaluation of LARP require adequate organizational and institutional support. This section describes the tasks of various units in LAR-related activities.

7.1 Committee of Roads

77. 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 and the External Loans Department. The CoR will: (a) appraise and approve the LARF and LARPs upon having obtained ADB's approval; (b) make decisions related to the land acquisition and compensation of affected people; (c) steer government units and 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 LARF and approved LARPs; and (f) engage experts/consultants to assist in the preparation/updating of LARPs, and conduct of LARP monitoring/evaluation activities.

7.2 Mangystau Oblast Department of Committee of Roads (MOD CoR)

78. Day-to-day implementation of LAR activities will be the responsibility of the MOD CoR. A special ad hoc unit within the MOD CoR composed of staff from other units and additional temporary staff will implement the LARP for Projects under the MFF. This unit shall report to the Director of the MOD CoR. 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. Land Resource Agency, Justice Department), and community / rayon 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 Subproject and coordinate with the Grievance Focal Points at the CSC, Akimats and CoR;
- Assist in facilitating discussions and agreements among DPs and other adjacent land users for land swapping and land reconsolidation;
- Assist DPs who may wish to reclassify the remaining portions of their plots that are no longer viable for continued agricultural activities;
- Facilitate the conduct of field surveys, and re-registration of the remaining portions of the 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; and,
- Provide necessary data to the ERM.

7.3 Akimats

79. Although MOD CoR will take the central role in implementing the LARP, the community / rayon / oblast Akimats will continue to play important roles in DPs consultation, grievance resolution and in the provision of alternative land leases for long-term leaseholders. The community / rayon / oblast Akimats will also tap leaders of settlements for information dissemination and grievance redress.

7.4 Individual Consultants on Project Management

80. At the Project Management level, the consultants will assist the Project Director in the overall responsibility for implementing, supervising, and evaluating LAR activities. The Consultants will:

- Ensure complete relocation or reconstruction of affected structures/businesses before civil works start, and paying appropriate compensation before displacing DP;
- Design and conduct appropriate training on LARP preparation and implementation (including valuation, grievance redress, consultation and disclosure requirements and tasks)
- Ensure that contractors take full responsibility for implementing the LARP;
- Implement immediate remediation for any non-compliance with the LARP;
- Engage an ERM to document the negotiation and settlement processes related to land acquisition and prepare compliance report.

7.5 Construction Supervision Consultant

81. CSC will be engaged to assist MOD CoR in monitoring, evaluating and reporting the progress of LARP implementation. The CSC will:

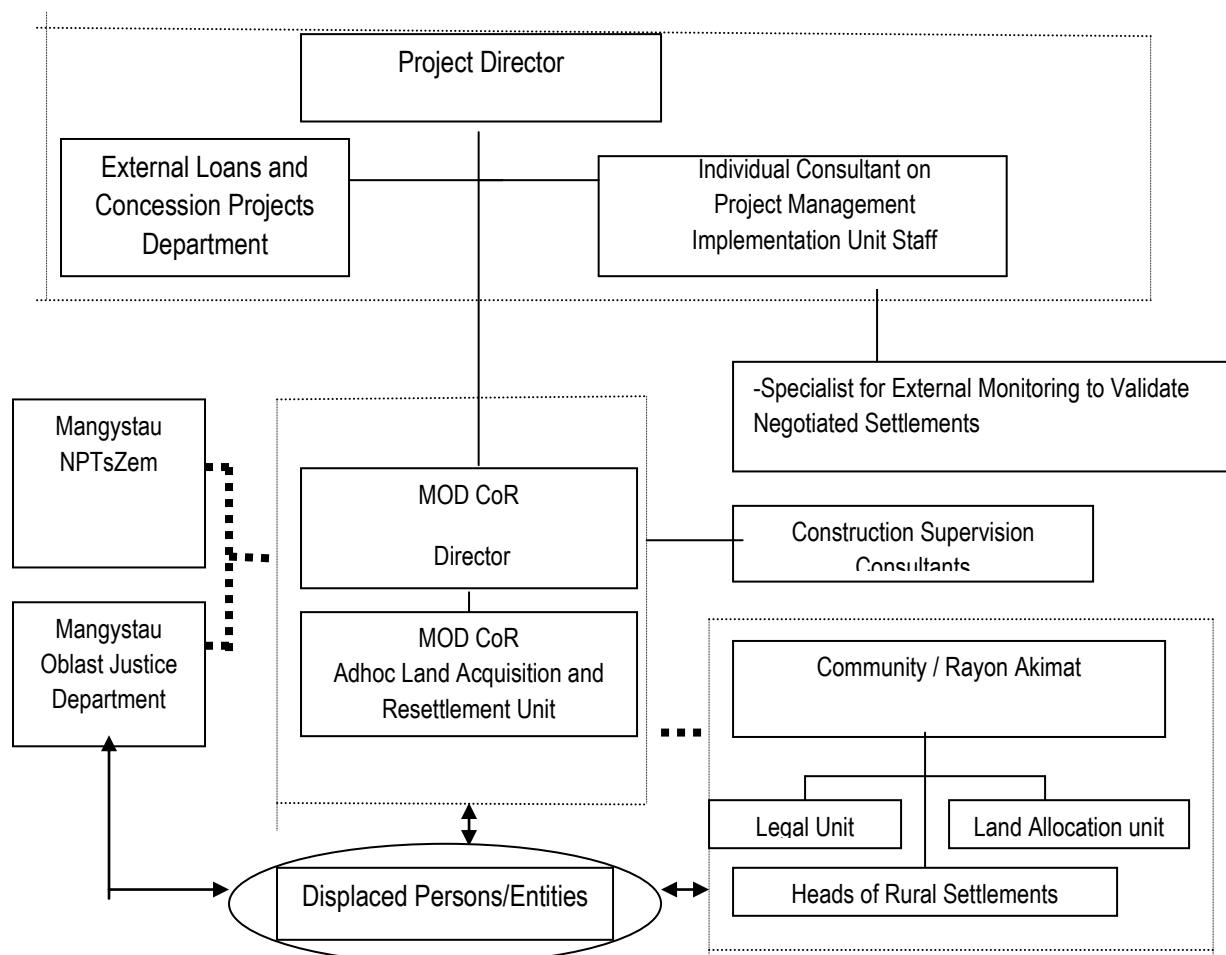
- Update the LARP to reflect (i) the adjustments in the valuation of affected assets, (ii) information on vulnerable households, (iii) verified number of affected workers, and (iv) modifications in the official compensation rates (if any);
- Monitor implementation progress of the LARP activities and prepare internal resettlement monitoring reports every three months indicating bottlenecks, and identifying items for management action³;
- 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 MOD CoR in the conduct of LARP activities;
- Assist the MOD CoR in identification, facilitation, resolution, documentation and reporting of grievances from communities, groups or individuals related to the implementation of the Project.

7.6 External Resettlement Monitor

82. As required under ADB SPS 2009, an ERM will be engaged to document the negotiation and settlement processes. The ERM will verify/confirm if (i) the negotiations with the DPs are done without coercion and transparently; and (ii) the compensation provided is based on replacement cost. ERM will provide an independent assessment of the implementation of land acquisition and resettlement activities for Projects under the MFF. Specific roles of the ERM are described in the chapter on monitoring and reporting arrangements.

³ The first quarterly monitoring report to be submitted by the CSC will have major focus on the status of implementation of the LARP.

Figure 2. LARP Implementation Arrangement



7.7 LARP Preparation and Implementation Process

83. LARP preparation will start at the feasibility study phase using preliminary information. A draft LARP will be a condition for PFR approval. During detailed design when the impacts are confirmed, a final LARP will need to be prepared. LARP preparation, finalization and approval is expected to take around 8 months. Depending on the significance of impacts, LARP implementation is estimated to take between 4-5 months. After which, civil works can be started in sections that involve LAR. Restoration of temporarily acquired lands will be done at the end of the rental period. Table 3 below summarizes the roles of various units in the preparation, review, implementation, evaluation and reporting of LARP, while Table 4 provides a tentative time frame for LARP preparation, implementation, and evaluation.

Table 3. LARP preparation, finalization and implementation process

No.	Work Description	Responsible Agency/Unit
A. Draft LARP Preparation		
A1	Initial surveys/consultations	Consultants with support from MOD CoR and CoR
A2	LARP drafting	Consultants with support from MOD CoR and CoR
A3	LARP Review	ADB
A4	Approval and Disclosure	CoR, MoTC, ADB
B. Final LARP Preparation		
B1	Collection/verification of documents on affected assets and businesses	MOD CoR, community / rayon Akimats, supported by independent licensed valuers
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 final LARP and issuance of no-objection to contract awards	ADB
B6	Approval and Disclosure	MoTC / CoR, ADB
C. LARP Implementation		
C1	Processing of LAR funds, including those needed for supplemental assistance and provision of renewed leases	MoTC / CoR
C2	ERM mobilization/Action plan preparation	MoTC / CoR and MOD CoR
C3	Identification of different types of DPs	MOD CoR supported by independent licensed valuers and Resettlement Consultant
C4	Official notification	Akimat
C5	Issuance of new leases in alternative plots for leaseholders.	Akimat
C6	Registration of new plots, including new leases	Mangystau Oblast Department of Justice / Mangystau NPTsZem
C7	Finalization of rental agreements for temporarily acquisition plots and payment of rent	Contractors with supervision from CSC and ERM
C8	Quarterly Internal Monitoring (including temporary acquisition during construction)	MOD CoR and CSC
C9	Preparation of compliance report	ERM with support from MOD CoR and CSC
C10	Review of compliance report and issuance of No-objection for civil works	ADB
C11	Post LARP evaluation	ERM

Table 4. Indicative LARP preparation and implementation schedule

Milestones/Activities	Start	Complete
A. Draft LARP Preparation		
A1.Initial surveys/consultation	Month 1	Month 2
A2.LARP drafting	Month 2	Month 2
A3.LARP Review by ADB	Month 3	Month 3
A4.LARP approval by Government/ Disclosure	Month 3	Month 3
Milestone 1: PFR Request Approval		
B. Final LARP Preparation		
B1. Collection and verification of supporting data on APs and affected assets/businesses and workers (DP census, DMS, asset valuation)	Month 3	Month 5
B2. Finalization of compensation rates	Month 5	Month 5
B3. Finalization of sites to be made available as replacements plots for lease and agreements with long-term leaseholders	Month 5	Month 6
B4. Preparation of final LARP	Month 7	Month 7
B5. Review/approval of final LARP	Month 8	Month 8
Milestone 2: Contract awards Signing		
C. LARP implementation		
C1. Allocation of LAR funds, including those needed for supplemental assistance and provision of renewed leases	Month 8	Month 8
C2. Mobilization of ERM	Month 9	Month 13
C3. Identification of different types of DPs	Month 9	Month 9
C4. Official notification	Month 9	Month 9
C5. Issuance of new leases	Month 11	Month 11
C6. Re-registration of plots including new leases	Month 11	Month 12
C7. Finalization of rental agreements for temporarily acquired lands.	Month 12	Month 13
C8. Monitoring	Month 9	Month 13
C9. Preparation of compliance report	Month 13	Month 13
C10. Review of compliance report and issuance of No-objection for civil works	Month 14	Month 14
Milestone 3 no objection to start of civil works from ADB		
Start of civil works		Month 15
C11. Post LARP evaluation	Upon completion of civil works when temporarily acquired lands have already been restored and returned to the land user	

8. MONITORING AND REPORTING ARRANGEMENTS

84. 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), MOD CoR, and CSC to prepare the mitigating measures during LARP implementation. In the context of project development, the individual consultants on Project Management will use two mechanisms: (i) internal monitoring in collaboration with CoR; and (ii) external monitoring by ERM.

8.1 Internal Monitoring

85. All activities in LAR are time bounded. MOD CoR 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. The monthly report on LAR will be consolidated every quarter. 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) payments of compensation on lands and affected structures; (iii) status of relocation of affected structures and other assets of DPs; (iv) payments of loss incomes to affected small businesses; (v) provision of alternative land leases; and (v) re-registration of plots.

86. The preceding indicators will be monitored monthly by applying the following approaches: (a) review of DMS on all DPs; (b) consultations and informal interviews with DPs; (c) in-depth case studies; (d) sample survey of DPs; (e) key informant interviews; and (f) public meetings with people in the villages traversed by the Project road.

8.2. External Monitoring

87. To ensure that negotiated settlements in Projects with regard to ADB SPS 2009 requirements, EA will engage the ERM with the experience in monitoring and to document the negotiation and settlement processes. The ERM will observe the consultations conducted with DPs and the negotiations conducted with regard to compensation payments. The ERM 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. An independent organization, like academic or research institute, or consulting firm with experience in resettlement monitoring and evaluation may serve as ERM.

88. The ERM will perform the following activities:

- (i) Verify the records at MOD CoR and CSC internal reports with DPs as to the payments of compensation and entitlements, in cash or otherwise;
- (ii) Interview a random sample of DPs to assess their knowledge and concerns about the LAR process, their entitlements, and assistance measures;
- (iii) Observe the functioning of the LAR operation at all levels to assess the effectiveness of and compliance with LARP;
- (iv) Verify the nature of grievance issues and the functioning of grievance redress mechanism by reviewing the processing of appeals at all levels by interviewing the aggrieved DPs;

- (v) Where feasible, survey the standards of living of DPs and the people in unaffected portion nearest the civil works sites before and after displacement, to assess the effects of LAR to DPs who owned small business shops; and
- (vi) Advise MOD CoR and CSC regarding the possible improvements in LARP implementation.

89. Assessment by ERM on the satisfactory compliance with LARP implementation will justify MoTC's request to ADB for its "no-objection" for the award of civil works contract.

9. BUDGET AND FINANCING

90. The GoK is responsible for all land acquisition costs associated with the implementation of LARPs in Projects under the MFF. The budget for LARP preparation and implementation will come from the GoK as part of counterpart funds for Project implementation. Budget required for the compensation of losses, resettlement-related operations of MOD CoR, internal monitoring, coordination meetings, allocation of new leases, and land plot re-registration will be transferred to MOD CoR / other entity authorized by GoK / MoTC. MoTC / CoR will maintain the budget requirement for the engagement of an ERM. An initial budget of 2 billion KZT (\$17.2 million) has been allocated by the Government for LAR related activities.

91. Each LARP will include a budget section indicating (i) unit compensation rates for all affected items and allowances, (ii) methodology followed for the computation of unit compensation rates, and (iii) a cost table for all LAR-related expenses including administrative costs and contingencies. CoR will ensure the timely allocation/transfer of funds needed to implement the LARPs. Allocations will be periodically reviewed based on the budget requirements indicated in the LARPs. Following is a table template to guide the budget preparation for each LARP:

Table 5. Land acquisition and resettlement budget template

	Particulars/Items	Number of HHs & LEs	Unit Rate (KZT)	Quantity	Estimated Budget (KZT)
1	Cash compensation for privately-owned land -agricultural -residential -commercial -industrial				
2	Cost for providing new lease in an alternative site				
3	Compensation for crops				
4	Compensation for trees				
5	Compensation for structures				
6	Re-registration of plots				
7	Additional compensation for losing more than 10% of productive agricultural land				
8	Assistance to vulnerable HHs				
9	Additional compensation for premature termination of obligations to 3 rd parties, land development cost, early credit payment and related losses				
10	LAR administration/ implementation including internal monitoring				
11	External Monitoring				
12	Training of MOD CoR and Akimats Staff				
	Total				
	Contingencies (5%)				
	Total + Contingencies				

ANNEX 1. LARP OUTLINE (according to SPS)

A. Executive Summary

This section provides a concise statement of subproject scope, key survey findings, entitlements and recommended actions.

B. Project Description

This section provides a general description of the project, discusses project components that result in land acquisition, involuntary resettlement, or both and identify the project area. It also describes the alternatives considered to avoid or minimize resettlement. Include a table with quantified data and provide a rationale for the final decision.

C. Scope of Land Acquisition and Resettlement

This section:

- (i) discusses the project's potential impacts, and includes maps of the areas or zone of impact of project components or activities;
- (ii) describes the scope of land acquisition (provide maps) and explains why it is necessary for the main investment project;
- (iii) summarizes the key effects in terms of assets acquired and displaced persons; and
- (iv) provides details of common property resources that will be acquired.

D. Socio-economic Information and Profile

This section outlines the results of the social impact assessment, the census survey, and other studies, with information and/or data disaggregated by gender, vulnerability, and other social groupings, including:

- (i) define, identify, and enumerate the people and communities to be affected;
- (ii) describe the likely impacts of land and asset acquisition on the people and communities affected taking social, cultural, and economic parameters into account;
- (iii) discuss the project's impacts on the poor, indigenous and/or ethnic minorities, and other vulnerable groups; and
- (iv) identify gender and resettlement impacts, and the socio-economic situation, impacts, needs, and priorities of women.

E. Information Disclosure, Consultation and Participation

This section:

- (i) identifies project stakeholders, especially primary stakeholders;
- (ii) describes the consultation and participation mechanisms to be used during the different stages of the project cycle;
- (iii) describes the activities undertaken to disseminate project and resettlement information during project design and preparation for engaging stakeholders;
- (iv) summarizes the results of consultations with affected persons (including host communities), and discusses how concerns raised and recommendations made were addressed in the resettlement plan;
- (v) confirms disclosure of the draft resettlement plan to affected persons and includes arrangements to disclose any subsequent plans; and
- (vi) describes the planned information disclosure measures (including the type of information to be disseminated and the method of dissemination) and the process for consultation with affected persons during project implementation.

F. Grievance Redress Mechanisms

This section describes mechanism to receive and facilitate the resolution of affected persons' concerns and grievances. It explains how the procedures are accessible to affected persons and gender sensitive.

G. Legal Framework

This section:

- (i) describes national and local laws and regulations that apply to the project and identify gaps between local laws and ADB's policy requirements; and discuss how any gaps will be addressed;
- (ii) describes the legal and policy commitments from the executing agency for all types of displaced persons;
- (iii) outlines the principles and methodologies used for determining valuations and compensation rates at replacement cost for assets, incomes and livelihoods; and set out the compensation and assistance eligibility criteria and how and when compensation and assistance will be provided.
- (iv) Describes the land acquisition process and prepare a schedule for meeting key procedural requirements.

H. Entitlements, Assistance and Benefits

This section:

- (i) defines displaced persons' entitlements and eligibility, and describes all resettlement assistance measures (includes an entitlement matrix);
- (ii) specifies all assistance to vulnerable groups, including women, and other special groups; and
- (iii) outlines opportunities for affected persons to derive appropriate development benefits from the project.

I. Relocation of Housing and Settlements

This section:

- (i) describes options for relocating housing and other structures, including replacement housing, replacement cash compensation, and/or self-selection (ensure that gender concerns and support to vulnerable groups are identified);
- (ii) describes alternative relocation sites considered; community consultations conducted; and justification for selected sites, including details about location, environmental assessment of sites, and development needs;
- (iii) provides timetables for site preparation and transfer;
- (iv) describes the legal arrangements to regularize tenure and transfer titles to resettled persons;
- (v) outlines measures to assist displaced persons with their transfer and establishment at new sites;
- (vi) describes plans to provide civic infrastructure; and
- (vii) explains how integration with host population will be carried out.

J. Income Restoration and Rehabilitation

This section:

- (i) identifies livelihood risks and prepare disaggregated tables based on demographic data and livelihood sources;
- (ii) describes income restoration programs, including multiple options for restoring all types of livelihoods (examples include induced benefit sharing, revenues sharing arrangements, joint stock for equity contributions such as land, discuss sustainability and safety nets);
- (iii) outline measures to provide social safety net through social insurance and/or project special funds;

- (iv) describes special measures to support vulnerable groups;
- (v) explains gender considerations; and
- (vi) describes training programs.

K. Resettlement Budget and Financing Plan

This section:

- (i) provides an itemized budget for all resettlement activities, including for the resettlement unit, staff training, monitoring and evaluation, and preparation of resettlement plans during loan implementation;
- (ii) describes the flow of funds (the annual resettlement budget should show the budget scheduled expenditure for key items;
- (iii) includes a justification for all assumptions made in calculating compensation rates and other cost estimates (taking into account both physical and cost contingencies), plus replacement costs;
- (iv) includes information about the source of funding for the resettlement plan budget.

L. Institutional Arrangements

This section:

- (i) describes institutional arrangement responsibilities and mechanisms for carrying out the measures of the resettlement plan;
- (ii) includes institutional capacity building program, including technical assistance, if required;
- (iii) describes role of NGOs, if involved, and organizations of affected persons in resettlement planning and management; and
- (iv) describes how women's groups will be involved in resettlement planning and management.

M. Implementation Schedule

This section includes a detailed, time bound, implementation schedule for all key resettlement and rehabilitation activities. The implementation schedule should cover all aspects of resettlement activities synchronized with the project schedule of civil works construction, and provide land acquisition process and timeline.

N. Monitoring and Reporting

This section describes the mechanisms and benchmarks appropriate to the project for monitoring and evaluating the implementation of the resettlement plan, It specifies arrangements for participation of affected persons in the monitoring process. This section will also describe reporting procedures.

ANNEX 2. CENSUS / SOCIO-ECONOMIC QUESTIONNAIRE

1. Name of household head
2. Sex
3. District
4. Postal address
5. Telephone
6. Year of birth
7. Ethnicity
8. Characteristics of household *(to be filled in for all members starting from household head)*

#	Name of HH member	Relation to HH Head	Age	Sex	Marital Status	Education	Occupation	Any disabilities	Receives social benefits?
1									
2									
3									
4									
5									
6									
7									
8									
9									
10									
11									

9. What is your land holding status?

Long -term land lease (49 years)
Short-term land lease (5-15 years)
Private property
Permanent land lease

10. How many years do you use this land? _____

11. Potential impacts on the DP due to land acquisition for the road development project
(Multiple responses are allowed)

Description of Impact	Temporary	Permanent
a. Loss of land (commercial/residential/agricultural/others)(owners, tenants, sharecropper, non-title user or squatter on private or state land)	<input type="checkbox"/>	<input type="checkbox"/>
b. Loss of structure (house, shop, shop-house, building, secondary structures)	<input type="checkbox"/>	<input type="checkbox"/>
c. Loss of business/livelihood/income	<input type="checkbox"/>	<input type="checkbox"/>
d. Loss of crops, plants or trees (person who cultivates crops and/or own trees regardless if the land is owned or not)	<input type="checkbox"/>	<input type="checkbox"/>

12. Major crops and trees planted in the affected land

Crops	Total area (hectares)	Affected area (hectares)	Age of affected crops	Value of a crop unit	Total value of the affected units

13. Did you have expenditures for improvement of your land during the last 3 years?

		Yes	No
1	Fertilizers		
2	Irrigation		
3	Bank credit, leasing		
4	Seeds		
5	Access roads		
6	Fuel, lubricants		

14. Do you think the remaining portion of land after the land acquisition is sufficient to readjust and continue your:

Trading/business activities :	yes		2. no, but has alternative land to continue business activity		3. no, and has no alternative land	
Agricultural activities :	yes		2. no, but has alternative land to continue agricultural activity		3. no, and has no alternative land	
Residential life :	yes		2. no, but has alternative land to reside		3. no, and has no alternative land	

15. Do you have other land lots for your agricultural activities, trade or residence?

Yes No

16. (For APs with no sufficient remaining land or alternative land to continue)

Will you need assistance from government in finding an alternative land?

Yes No

17. How would you like to be compensated for your land?

1. cash compensation
2. land for land
3. other (specify)
4. no answer

18. Do you employ or hire workers to help you in the affected livelihood/business?

Yes (permanent or temporary?) No

19. If yes, please provide information on the workers/staff by filling in the table below:

No	Position	Name of Worker/Staff/Laborer	Age	Sex	Educa tion	Monthly Income/ Allowances
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						

20. (For business owners only) Affected livelihood activities

Affected Occupation/ Livelihood	Year Commenced	Indicate if Primary or Secondary	Monthly Income Derived from the Affected Livelihood, in KZT	Extent of Income Loss, in KZT

21. Primary and secondary structures within the affected land

Type of Structure	Materials	No. of Storeys	No. of Rooms	Has Electricity?	Has telephone facility?	Has piped born water?	Year built

22. a. Did you obtain any credit to build this/these structure/s?

1. Yes ☐
2. No ☐

23. If yes, specify source(s) of credit for building the structure

- | | | | |
|------------------------|--------------------------|---------------------------|--------------------------|
| 1. Bank | <input type="checkbox"/> | 4. Money lender | <input type="checkbox"/> |
| 2. NGO | <input type="checkbox"/> | 5. Relatives/Friends | <input type="checkbox"/> |
| 3. Cooperative Society | <input type="checkbox"/> | 6. Others (specify) _____ | <input type="checkbox"/> |

24. In case you need to relocate as a result of the project, which of the two options do you prefer?

- | | |
|-------------------------------------------------------------------|--------------------------|
| 1. self relocate to another site | <input type="checkbox"/> |
| 2. relocate in a site to be identified and provided by government | <input type="checkbox"/> |
| 3. undecided/don't know | <input type="checkbox"/> |

25. Assets owned by the household

Livestock				Agricultural machines (combine harvester, seed drill, etc.)	Tractor	Lorry	Car	Water hole	Business & commerce
cows	horses	goats	hens						

26. Number of family members who generate income

Household member	Source of income	Monthly income, in KZT

27. Family Expenditure (Monthly):

Item of Expenditure	Amount in KZT
Food	
Clothing	
Water	
Firewood/Gas/Electricity	
Dwelling house and other accommodation	
Fuel for vehicles/Boats/Agricultural Equipment	
Medical/health	
Education	
Equipment/inputs (household utensils)	
Communication/Transportation	
Debt payment/Interest	
Smoking	
Alcohol	
Maintenance cost of household structures and equipments	
Entertainment	
Other (specify)	
Total	

28. Information on Family Income (Monthly):

Source of Income	Amount in KZT
Agriculture	
Livestock	
Wage	
Allowance	
Pension	
Rent (land/buildings and other properties)	
Trade/Business	
Non Farm products (household products)	
Renting heavy vehicles (Bus/lorry/trucks/tractor)	
Renting light vehicles (Van/car/land master)	
Interest (money lending/bank deposits)	
Gardening	
Other (specify)	
Total	

29. What opportunities and livelihood assistance do you expect from this project/subproject for your household or workers to help restore your/their livelihood (multiple responses allowed)?

1. employment from the construction/civil works ☐
2. skills training (specify kind of training) ☐
3. micro-finance/soft loan (specify business) ☐

4. others (specify) _____

☐

30. In your opinion, will the impacts of this road project be more positive or negative for you and your household?

Positive
Negative
Neither positive nor negative
No answer, can't answer

31. What are your suggestions to minimize/losses of income and property?

Thank you!