**Republic of Kazakhstan**

**Ministry of Transport and Communications**

**Committee for Roads**

**Roads development project «South-West»: International Transit Corridor «Western Europe – Western China»**

**(CAREC 1b and 6b)**



**“Resettlement plan”**

**Shymkent – Border of Zhambyl region**

**October 2013**

**Abbreviations**

|  |  |
| --- | --- |
| **ABD** | Asian Bank for Development |
| **PAP** | Project Affected People |
| **CR** | Committee for Roads |
| **EBFRD** | European Bank for Reconstruction and Development |
| **GRP** | Gross Regional Product |
| **IBFD** | Islamic bank for Development |
| **IFI** | International Financial Institutions |
| **KZT** | Kazakhstan Tenge |
| **RPF** | Resettlement Policy Framework |
| **RFLAR** | Research for land acquisition and resettlement |
| **PAP** | Project Affected People |
| **NGO** | Non-governmental organization |
| **OP** | Operational procedure |
| **PMC** | Project management consultant |
| **IBFP** | Information brochure for the Public |
| **PGUABP** | Person(s), getting under affect by the project |
| **RP** | Resettlement plan |
| **RK** | Republic of Kazakhstan |
| **RoW** | Right-of-way |
| **GosNPCZem** | State Scientific Industrial center of land issues |
| **TR** | Technical requirement |
| **WB** | World Bank |
| **WE-WC** | Western Europe – Western China |
|  |  |

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# GLOSSARY

|  |  |
| --- | --- |
| Person(s), affected by the project | People, households or legal entities affected by the project when using the land, water, natural resources, or income loss. |
| Compensation | Payment by cash or in the form by which the affected people have a right to receive a compensation of the lost property or the assets expropriated with a view of implementation of the project. |
| The established term | The term after which people WILL not be authorized for receiving the compensation, i.e. they won't be included inPAP lists as it was determined by the census. |
| Illegal possessors | People who settled in the lands getting under expropriation of the project, after the established period, or people who intruded on the state lands adjoining to his / her own land, have no right for compensation or other rehabilitation measures provided by the project. Persons, who illegally occupied the state lands before the established term, have the right for compensation or other alternative forms of assistance. |
| Right granting | Right granting means a system of measures including compensation by cash or in any other terms, resettlement expenses, assistance in income rehabilitation, income replacement, or business renewal on which PAP have the right, depending on type, degree and nature of their losses to restore their social and economic basis. |
| Household | The household means all persons living and eating together as a single family, or eating in the same kitchen, having no kinship with each other. Census uses this definition, and the data received during this census, forms a basis for household definition. |
| Recovery of income | Recovery of income means restoration of productivity and PAP’ means of subsistence |
| Compulsory resettlement | Any resettlement, which occurs despite persons’ reluctance whose interests, were affected but who are compelled to do it under the law. |
| Land expropriation | Land expropriation means the process during which a person is compelled by public body to alienate the whole or a part of the land which he / she owns or possesses, in possession or ownership of this body for public purposes instead of the fair compensation. |
| Rehabilitation  Socially vulnerable population | The assistance rendered to the affected persons to supply their losses and improve or, at least, completely to restore means of subsistence and living standards which existed prior to the beginning of the project.  The population having the income of less than the minimum wage or other reasons for human vulnerability which complicate adaptation of the person to changes, which will be caused by the project. It was resolved that such people have the right for the Address help. According to the information provided by Statistical Agency, as of January, 2011 the living wage in South Kazakhstan region makes up 13 156 KZT. |

1. **Introduction**

# 1. Project description

The president and the Government of Republic of Kazakhstan give the main priority of reconstruction of transit corridor from the Chinese border at Horgos to border with Russia at Syrym. This route is the main artery in the international transit corridor from China to Europe which is often called «A New Silk way». The world bank (WB), Asian Bank for Development (ABFD), Islamic Bank for Development (IBFD), the European bank for Reconstruction and Development (EBFRD) and other international financial institutions (further referred to as "MFI") participated in the solution of this important task jointly with the Ministry of transport and communications (MOTC) as a governing body and Committee for Roads (CR) as an executive body.

In the technical terms reconstruction of nearly 2000 km of the highway will require modernization on 900 km of the existing two-lane highway within the present right-of-way, highway expansion on section of 660 km with two to four lanes and construction of detour roads around the densely populated areas. Reconstruction of the major part of the corridor will be quite simple, but on some sections it will require performance of more complicated works from test of soil and new field researches to preparation of engineering designs and ecological assessments, determination of requirements for land expropriation and resettlement, consultations with local officials and interested parties for receiving their support, planning and management of logistics for delivery of labor, equipment and materials to numerous remote sites.

In the natural and climatic relation the territory of South Kazakhstan region is not uniform. The natural environment is a difficult complex of factors composing it – climate, soil vegetation, water resources, fauna and others. And such factors as climate, soil and vegetation, developing in interrelations, in little snow winter, hot sunny summer, determine a peculiar natural zone by high daily and annual amplitudes.

The reconstructed section of the highway is characterized by cold fluctuations of temperatures.

The climate is extremely continental, arid. The winter is short, average temperature of January is from-2 ° to-9 °. Even during cold winters there is thaw and rains. The spring is short, the greatest number of precipitation falls at this time. The summer is hot, long, with a large number of sunny days; average temperature of July is +22 °, +24 °. In hot days sand in deserts is heated up to 60-70 °. The autumn is long, warm, and fair with some cloud.

In desert areas the amount of precipitation makes up 120-170 mm a year. As approaching the mountains the amount of precipitation gradually increases and in foothill parts reaches 300-450 mm. The amount of precipitation increases to 1 000 and more millimeters a year in high-mountain parts of the region. The vegetative period continues 230-290 days.

**Physical-geographic position**

The site km 632 – km 674 is the existing highway and is located in the territory of the South Kazakhstan region. The designed section of the highway km 632 – km 653 is located in the territory of the Tulkubass area, from km 653 to km 674 of the Sayram district.

The largest river is Syrdarya that flows in the southern and central parts of region. The rivers on the right side that run into Syrdarya: Keles, Arys, Bugun with riverheads in mountains. The largest inflow of Syrdarya - Arys – receives a significant amount of inflows: Badam, Borolday, etc. Waters of the rivers of the Southern Kazakhstan region are used for irrigation.

In northern areas of the region - lower reaches of the river of Chu which is lost in Moinkum sands. Water in the river within the region is only from April to June; in the rest of the time of year the river dries up and water remains only in separate reaches. In a flood plain of Syrdarya river there is a majority of lakes of the region which represent ancient beds of the river. During the flood period they are filled with water from Syrdarya. Lakes are small; the area of each of them is from 1 to 5 sq.km.

The main soils of area are gray soils, also gray-brown and unfertile soils of deserts can be met. Northern and southwest parts of region are sands. On a river valley of Syrdarya are meadow-inundated soils. Saline soils are mainly widespread in lower reaches of Chu river.

Absolute altitude marks fluctuate in limits from 450 m to 900m.

The volume of the contract provides reconstruction of 42,0 km of the highway, including:

- Relocation of communications.

The Resettlement Plan for Shymkent – Zhambyl region border allocates remedial measures for mitigation of the adverse influence caused by this project. This RP Shymkent – Zhambyl region border summarizes the details connected with this project which includes Laws and the Conditions regulating expropriation of lands and estimation of property, preparation and payment of compensation, the payment schedule, organizational duties, procedure of grievances consideration and the budget estimates.

The project provided a reconstruction of highway «Horgos - Almaty - Shymkent - border of the Republic of Uzbekistan», bridge construction through the river Arys in length 55,48 (km 643+283), the bridge through the river Mashat in length of 59,20 m (km 651+182), bridge construction in length of 68,20 m through Aksu river (km 669+068).

Construction of overpass length 77.2 m (km 645+005), overpass length 41.2 m (km 657+130), overpass length 41.2 m (km 658+173), overpass length 41.2 m (km 661+323), construction of overpass length 77.25 m (km 661+454), overpass length 41.2 m (km 662+142), overpass length 60.65 m (km 664+257), construction of overpass length 41.2 m (km 672+900), as well as construction of interchanges with intersections in two levels.   
     This section is designed in accordance with SNIP 3.01.01-85\* “Organization of construction industry”.   
In the development of the construction organization project the following documents and regulatory materials were used:   
       - SNIP RK 1.04.03-2008 “Norms of duration of the construction and backlog in the construction of enterprises, buildings and structure”;   
  - “Estimated standards for making the construction project” ch.1TsNIIOMTP “Stroyizdat”, 1973.;   
  - Estimated indications for making POS (Part X);   
  - SNIP 3.06.03-85 “The rules of production and acceptance of works” (Roads);   
  - VSN 10-72 “Technological scheme of the complex mechanization of the main types of road construction”;   
   - Local and object cost estimates of construction costs.    
Completion of construction - June 2014   
According to the meteorological stations - m/st. Tulkubas, Sayram, the climate of the construction site has short cold and long warm period. The average monthly temperature of the hottest month is July + 22 ◦ C + 24 ◦ C, the coldest - January, from - 2 ◦ C to - 9 ◦ C.   
Rainfall in desert areas is 120-170 mm per year, in the foothills - 300-450 mm. In the high parts of the region - up to 1,000 mm per year.   
Road-climatic zone - IV, SNIP RK 2.04.01-2001.   
Most of the territory is a plain, in south-east and in the center - the mountains. Geotechnical conditions of the construction of subgrade, the surveyed road section km 632 - km 674 are quite simple and uniform.   
Soils generally are not saline.   
The site belongs to the reconstruction of the area with deep water.

The type of locality by nature and level of humidity 1.

**On the requirements for road-construction materials the climate conditions are soft, requirements for concrete - moderate.**

In total, the land taken for the site Shymkent - Zhambyl region border is 599.149 (599 integers 149 ten thousandth or 599 hectare) hectares, including state lands. Total 494 households, and 51 state-owned lands fall under the withdrawal

**Table 1. Summary data on the main types of impact:**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Lands, falling under the project** | **Counted population in the project area** | **Legal right to land** | **Land needs (hа)** | **Compensation Sum** |
| 545 lands (including: 51 lands are state property  Total 545 plots including 51 state. Property 494 other owners and users | 2964  The population in the project area. | 545 (+51 state property) | 599,149 hа, | **755 641 228 KZT**  **(5 037 608** **USA dollars)**  Including 2.5% administrative and 10% contingencies |

**2. Design**

2.1. This Resettlement Plan of section Shymkent c. - Zhambyl region border prepared in accordance with the World Bank Operational Policy on Compulsory Resettlement (OR 4.12, December 2001), the Compulsory Resettlement Policy of the Republic of Kazakhstan (2008), including Legal Program and Action Plan, the Land Code of Kazakhstan and Program of Land Acquisition and Resettlement. The plan aligned to the Resettlement Plan has been prepared taking into account the recently completed project, evaluation of land, social-economic research for the year 2012. For construction of Shymkent - Zhambyl regional border road in January-March 2012, RGP “Real Estate Center of SKR” made a preliminary evaluation of the real estate and land, falling under the exception. In addition, under the current legislation of RK, the evaluation is valid for 6 months from the date of the evaluation, and in this regard, during the real expropriation, re-evaluation can take place and in some cases, an evaluation report will possibly rise, and sometimes fall, and it is also connected with sales of real estate market and the prices of land and agricultural products. In some cases, the previously issued evaluation acts of RGP “Real Estate Center of South Kazakhstan” will be reduced by the new valuation company. The evaluation was made by RGP "Real Estate Center of SKR" with regard to the Law “On State Property” dated March 10, 2011. Design and survey work conducted LLP "SK Engineering" (the general contractor).

2.2. Akimats of Sayram and Tulkubass regions of SKR issued decrees determining the areas that are affected by changes in the route, subject to expropriation (alienation). At this stage, the regional department of Committee asked the local Committee on Land Administration to suspend the transfer of land in the areas where the land is allocated to the bypasses, for example, to prevent speculation. At the same time, the owners were notified that their lands can be seized. The final draft was prepared in an interactive manner, including intensive outreach and consultation with local officials, especially within the area. The final design includes detailed maps of individual land holdings, which will be affected, complete inventory data on property and assessment of compensation for land acquisition and compensation for damages.

2.3. Design organizations attracted to subcontract the services of specialized institutions to prepare the final draft, the services of certified experts to assess the property. After agreeing on a plan routes with local authorities design organizations received cadastral maps and records of property and asked the local Akhimats to contact with affected property owners and discuss the process of land acquisition. These data were then transferred to an appraiser who had to determine the “market value” of the property to be seized, and discuss compensation with the owners. Estimating the cost of property in cities is quite a known procedure, and evaluation of rural property is a relatively new phenomenon, and in many areas, such operations are not carried out.

2.4. Basic approaches were used: in terms of value, at which the property is assessed by comparison with some objects on the market, based on the income approach, which takes into account the potential income from commercial property, and the approach of the market comparison, which compares with an equivalent estate sold at local market.

Table 2: Review of the site Shymkent c. – Zhambyl region border

| **Location** | **Location** | **Notes** |
| --- | --- | --- |
| Sayram area of SKR | (km 674 km 632 end of highway М 32) | Design of road site, located in South Kazakhstan region, which passes the territory of Sayram area of SKR. |
| Tulkubass area of SKR | (km 593 km 632 end of highway М 32) | Design of road site, located in South Kazakhstan region, which passes the territory of Tulkubass area of SKR. |

**2.5. Leveling conditions**

**Section km 593 to km 674 of highway М32 (Sairam and Tulkubas areas of SKR)**

2.6. The designed area km 593 km 674 is a part of highway M-32, the Russian border - Samara - Shymkent in Aktobe and Kyzylorda, crossing several areas in the South Kazakhstan region. Increasing urbanization, based on the increasing value of the city and facilitate international traffic necessitated the reconstruction of the old road and the construction of the new road to connect population centers to each other, as well as industrial centers and service centers.

**2.7. Temporary loss.** Reconstruction of the road will demand temporary expropriation of lands for the entire period of construction to locate quarries for a soil sample, working settlements, parking for road-construction equipment and warehousing of road-construction materials on the site. At the same time, all lands necessary for temporary use or access will be expropriated on a voluntary basis by negotiating between land owners (owners) and contractors who will work and use lands during construction, in particular contracts on payment of compensation for land use for temporary siting will be concluded. Information on contracts for compensation for the use of land for temporary withdrawal is not included. It will be reflected in the reports of consultants for construction supervision to be provided to the Customer and the World Bank.

2.8. After completion of the construction works, the used or temporarily occupied lands will be recultivated and returned to land users in the original form. All irrigational systems which have got under the impact, will be restored.

**2.9 Laws and provisions regulating the resettlement**

**There are four main differences between the policies of the bank and the applicable laws of the Republic of Kazakhstan. The Bank's policy following additional compensation:**

**- Temporary Assistance to cover transport costs and living expenses due to travel and pay a fixed sum to the owners individual housing and commercial facilities;**

**- for the loss of more than 10% of agricultural land;**

**- vulnerable persons;**

**- assistance in obtaining documents to persons having no legal rights to the land.**

**Legislation of the Republic of Kazakhstan provides for targeted social assistance to vulnerable persons, which is paid to local authorities. Also the Law of the Republic of Kazakhstan "On State Property" provides for the payment of compensation at the market value of real estate in the absence of legal rights to the land, in this case, the compensation for the land is not paid. However, the legislation of the Republic of Kazakhstan there is a difference from the rules of the bank's ability to pay for the land (not real property located on it) on the cadastral value, but this rule does not apply, if the land is used for the construction of a home or personal economy.**

2.10 The Kazakhstan laws and provisions concerning the land and its possession are taken from the Constitution and the Land code of the Republic of Kazakhstan (RK Code Number 442 II from June 20, 2003) and Program of the Resettlement Policy (2009) regulating questions of resettlement and rehabilitation. The new Law in RK – «The law of the public assets» in RK (March, 2011) is applied in RP for c. Shymkent – Border of Zhambyl region. If there are any discrepancies between Kazakhstan Laws and policy of the World Bank, the latter shall prevail.

**2.11. Public Consultations and Information Publication**

2.12 Project management plays an important role in the process of public information, preparing and distributing the Information Brochure for the Public which describes the whole procedure and explains rights and duties, norms of compensation, lists of payment and variants of grievances redressing. One booklet with provision of general information on the project and with general explanations of procedures and the owners’ or users’ rights, is already distributed; also it will describe the redressing procedures of grievances available for PAP, as well as the contact information of PABP in case if any questions or grievances appear. This booklet was prepared by the designer’s experts and distributed in July, 2012 in Sayram (village Aksukent) and Tulkubass districts (village named after T.Ryskulova) SKR.

2.13 Initial consultations concerning impact of the project took place in Sayram and Tulkubass districts in February, 2011, they were attended by 80 people. The subsequent consultations and meetings took place in July, 2012 and they were attended by 250 people. During these consultations documents on Environmental Management and Resettlement Policy were discussed.

2.14 Consultations regarding compensation payment and resettlement questions were conducted under the Resettlement Plan by representatives of Regional Department of Committee for Roads and Sayram and Tulkubass regional Akhimats individually with all the affected people. The meetings were held in the local administrations of Sairam and Tyulkubas regions of South Kazakhstan region. Besides, the possibility for additional talk about their problems was provided during social and economic census**,** was conducted in March-May 2012; such negotiations were carried out in the Regional Department of Committee for Roads.

2.15 Besides, all revealed affected persons, were supplied with the information brochure in which the corresponding instructions, rights, compensation amounts, their payment, and mechanisms of disputes settlements were discussed. Also these brochures and other data concerning the project are available in all regional and district akhimats where any interested person can come and receive this information. **Brochures were distributed in June-July 2012 in Sairam and Tyulkubas areas of the South Kazakhstan region. Attachement annex C.**

2.16 RAP will be translated into the Russian and Kazakh languages and submitted on the project website, the website of Committee for Roads, to Regional Departments of Committee for Roads and relevant regional Akimats. The English version of RAP will be presented on the WB website.

**Resettlement Plan will be published on the site MTC: europe-china.kz like all previous resettlement plans in Kazakhstan after the approval of the World Bank. Brochures were distributed in June-July 2012 in Sairam and Tyulkubas areas of the South Kazakhstan region.**

2.17 The consulting process during the preparatory period was generally based on interview with key informants, discussions in the main group, seminars and meetings with the public. The consulting program covered the following people:

1. Heads of households who first of all will be affected
2. Members of households
3. Local population
4. Relevant akimat
5. The main parties interested in the project, such as women, groups of road users, health care experts, and
6. Distribution of the information leaflet of the project (booklet)

2.18 The public information booklet (PIB) includes the following useful information concerning the Resettlement Plan:

• Short description of the project;

• Types of the expected impacts;

• Main policy of Compensation and right provision;

• Outline of measures for recovery of means of subsistence;

• When and where the PAP will get their rights license;

• Participation of the PAP and the public in consultations;

• Performance schedule;

• Grievance Redressing Mechanism;

* The role and duties of the Head of local government, Deputy Akhim of the region, Deputy director of the Regional Department of Committee for Roads MOTC and Grievances Redressing Coordinators;

• The contact information of Grievances Redressing Coordinators (in particular the Grievances Redressing Coordinators of PMC Group), their names, contact telephone numbers and addresses;

• For additional information you should contact the Grievances Redressing Coordinators of PMC Group.

(Note: for the questions raised during various consultations, see. Appendix A)

**2.19 Grievance redressing mechanism**

**2.20**  The project will follow the general approach at all stages of planning and performance. It is necessary to make sure that the affected persons have few grievances, or nearly no grievances at all. However, some people after all will remain dissatisfied for any reasons. Many grievances arise because of incorrect understanding of the program and project procedures, and it can be solved quickly by correct explanation of the situation to the person, who applied with the grievance.

2.21 Construction Management Consultant will appoint the Grievances Redressing Coordinator who will directly receive the grievances concerning temporary use of the land during the period of construction. Grievances will be registered in the log and if they are not sorted out immediately, them will be transferred to the Grievances Redressing Coordinator of PMC. Key duties of the Grievances Redressing Coordinator are the following:

* Ensuring support of the PABP on the problems arising during expropriation of property;

• Record of grievances in Reporting Forms on Satisfaction of Complaints and the decision them during certain time;

• Informing of the project management on serious cases during the appropriate time;

• The report to the parties, making grievances, about the course of their grievances consideration and solutions by the project management; and

* + Submission of grievances for inconveniences caused by traffic, noise, invasion on the territory, and other problems.

2.22 The central point for grievances consideration will be the PMC. Social Environment Specialist hired for PMC will be a responsible person, who will act according to the first clause of the contact within the project structure. The specialist will act as Coordinator and the first authority for making decisions, working jointly with the Committee and Contractors to find a timely solution. The Coordinator will record grievances in the log, and record all received grievances and their status, and their possible prolongation. Grievances that cannot be resolved immediately are passed to the appropriate district or regional authority.

2.23 The affected people submit the grievances to the head of local administration who registers them and tries to solve them. If the grievance isn't solved in one week, it is transferred to the district/region.

2.24 The appointed person in the regional administration (Deputy Akhim of the region) / the regional management (Deputy Local Department of Committee for Roads MOTC RK) receives the grievance, registers it and tries to solve it. If there is no decision in two weeks, it is transferred to the region.

2.25 The appointed person (Deputy Director of Local Department of Committee for Roads MOTC RK) in the regional administration receives the complaint and tries to solve it. As a part of the grievance settlement process the Director of the department of Regional Committee for Roads should call the committee on disputes settlement which includes representatives of the Government, the Professional (licensed appraisers), the independent expert (academic / non-governmental organization) and also the representative of the claimant.

2.26 If there is no decision within two weeks, the grievance will be submitted to the Kazakhstan court and solved according to the Kazakhstan legislation, according to the arrangement concerning all questions of resettlement and certain agreements between the Government of Kazakhstan, and the World bank; in this case the state law will prevail.

2.27 All contact information and the exact description of mechanisms of grievances consideration will be published in print mass media, distributed in brochures and shown on the Committee website before the beginning of any physical works in the field of the Project. Registration logs, reports and results of the grievances solution will be exposed to external control and assessment.

**2.28 During construction** the people whose interests are involved, as well as the others, can make the grievance for the disturbance created by traffic, noise, invasion on the territory, and other problems. All grievances connected with the Project, will be considered as disputes (connected with the resettlement) with application of those decision mechanisms which are usually established by the state bodies and will be described in the information brochures under the Project and in posters which are hanged out in local offices:

2.29 The Project Procedure will differ from the Kazakhstan standard practice by only that way which each of the authorized persons of the district and the region or public authorities / local government (if it is applicable) will be obliged to register grievances and to give the status, and to report to the Project Management (To committee and PMC, with copies to the World bank) every month. Reports and disputes settlement process will be observed/be checked by the group of external control and assessment, as well as by the Project Management.

2.30 Persons who are dissatisfied by the attention given to their grievances, can apply to the project management. The monitoring and assessment expert of PMC Group will receive such grievances and will register them. The expert will look for solutions of these grievances, and will inform the claimant of the status of his grievance. Officials at any level, who receive urgent grievances, can redirect, when it is necessary for their project management.

**2.31 Monitoring and Evaluation.**

**Monitoring will be conducted by random sampling, which can not be included in the general information section of the social economic characteristics identified as a result of the social economic research, as they will be placed in the quarterly reports consultant construction supervision and external monitoring.**

2.32 The committee appointed the Social Security Expert for internal control of RP (resettlement plan) implementation which will work in close cooperation with the corresponding PMC Expert and develop detailed plans, and indicators to supervise the subsequent stages of RP updating. Supervising experts will submit quarterly information on resettlement progress which will be included in the Project report. They will prepare summary reports for six months inspections by the external supervising legal entity. Expenses for this internal control should be included in the project budget. The general system of supervising indicators is explained in the Resettlement plan for South Kazakhstan region.

2.33 The Project management will conclude a contract with External monitoring Agency for carrying out a semi-annual independent assessment of the process, and the resettlement results which will be used for preparation and submission of the annual report on monitoring and assessment to the World Bank will be discussed with the Project management consultant. The external organization responsible for monitoring, will supervise if conditions of the Resettlement Plan are observed during implementation or if the sources of the income of physical persons whose interests were involved were restored and if there was any unplanned and unforeseen situation on resettlement.

2.34 The following table shows in detail the sphere of internal and external monitoring.

|  |  |
| --- | --- |
| **Sphere of works «Internal monitoring»** | **Sphere of works «External monitoring»** |
| Land expropriation | Revision of the predesign specification on RAP |
| Payment of compensation | Determination and selection of the corresponding set of indicators for collection and analysis of information on resettlement impact. |
| Information distribution | Application of different official and informal researches on the influence analysis. |
| Consultations with PABP and other involved persons | Assessment of effectiveness, efficiency, impact and sustainable development of the resettlement. |
| Grievance redressing mechanism | Determination of PABP satisfaction by the assessment of property and property rights, timely payment, funds available and payment method. |
| Rehabilitation of means of subsistence and profit |  |
| Possibility for the vulnerable RAP, including women to improve their means of subsistence |  |

2.35 These indicators have been established to provide achievement of the RP purposes as it is specified in the Resettlement Program and which will be followed during internal monitoring.

2.36 Monitoring at a sectional level will be carried out by the PMC Social Security Expert jointly with CR and Akimat. Monitoring, mainly, will be based on the following methods of information collection: a) review of documents b) an informal sample of the PABP review c) interview with key informants d) comprehensive study of the case etc.) Meetings with local people.

2.37 PMC will send monthly reports of the work progress to Committee for Roads.

2.38 External monitoring will be carried out from the beginning of the resettlement program on a six-month basis within the entire period of the project. Finally, one more assessment after the resettlement will be carried out. Reports on external monitoring will be at the same time directed to CR and the World Bank.

2.39The budget for implementation of external monitoring will be included in the RP budget for South Kazakhstan region.

**3. Land expropriation and Resettlement impact at the Bypass**

3.1 The Resettlement Policy Framework, signed between the KR Government and MFI, determines the competency of compensations and assistance for rehabilitation and gives the detailed information concerning the rights connected with each type of impacts as it was specified in the assessment procedure, redressing of grievances, consultations, collection of information and control/assessment. This document combines legal frames and land acquisition practice existing in Kazakhstan and, first of all, in the international practice, carried-out by policy of the International Financial Institutions (IFI) including WB.

3.2. The below-given table provides losses, assessments and compensation measures which will be implemented.

**Table of rights and compensations**

| Property | Description | Affected persons | The right for compensation |
| --- | --- | --- | --- |
| **Permanent loss** | | | |
| Land for Agricultural purposes | All the lost plots, regardless of the seriousness of the impact | Owners | * As compensation available land plots, cost and productivity are equal to the cost of lost productivity and sections; and * Monetary compensation for lost land at market value without paying taxes, payment for transaction, registration fees and costs for the renewal of documents, and all the losses in full, caused to the land owner in connection with the involuntary land acquisition, including the losses it incurs in connection with the early termination of obligations to third parties; and * Reimbursement of costs associated with the development of the land, its operation, protective measures, increased soil fertility, with their inflation; * If after involuntary acquisition of part of land plot for state needs owner can not continue using rest of the land on its purpose, the entire plot will be acquired or equal plot is provided. |
| Tenants  (short term rental) | * Cash compensation at market value of gross yield (average over three years); renewed lease on an alternative site without payment of registration fees and costs for the paperwork to the ground. |
| tenants  (long term lease) | * Monetary compensation, the market value of gross harvest for one year (the average for the three years); renewed lease on an alternative site on the same terms or the payment for the acquired the lease in the amount of the payment to the state. * In cases where the right to land, forcibly expropriated for public use, had to be purchased from the state, but the ransom was not made, the cost of land use rights (lease) on such land at the replacement cost is not included, in agreement with the tenant he may be granted in return other equivalent land; * In case of alienation or temporary occupation of land, resulting in partially or completely disrupted irrigation, drainage, erosion control (systems), damages may be based on the cost of the work on the construction of new or renovation of existing facilities and structures (systems), including the cost of design and survey work. |
| sharecroppers | * Cash compensation at market value of the share of the lost crops or land use rights. Expenses incurred on its allocated share participant area, determined in the manner provided by the constituent documents of partnerships, production cooperatives or by agreement of the parties. * Mobility allowance |
| farm workers | * Monetary compensation equal to earnings in cash and kind to the end of the agricultural year. |
| Squatters | * Monetary compensation equal to the market value of the lost crop. |
| Serious consequences - loss of more than 10% of income | Owners, tenants | * Monetary compensation equal to the market value of the crop in two years. |
| sharecroppers  (subtenants) | * Cash compensation equal to double the market price of the share of the lost crop. |
| Commercial land |  | Owners | * Land compensation in the form of ownership equivalent plot and * Monetary compensation for expropriate land at market value without paying taxes, registration fees and expenses for making it, including all the losses it incurs in connection with the early termination of obligations to third parties. |
| Squatters | * Free lease of the site on public lands. * Alternatively, an allowance for self-relocation. * Mobility allowance * Compensation for lost property. |
| Buildings and structures |  | Owners of permanent structures | * Reimbursement of the full market value or at the request of the owner of the building in exchange for the provision, if the value provided to the building is lower than the alienated, the owner paid the difference in cost, or * Cash compensation for work in progress (or unauthorized) construction costs for replacing the lost buildings and other tangible assets at a price cost of building materials, construction and labor, excluding the cost of recycled materials, amortization and charges for the transfer of property. The cost of lost connections to the water supply and other public services is included in the payment. * All the losses it incurs in connection with the early termination of obligations to third parties. |
|  |  | Owners of temporary structures (kiosks, stalls) | * Approved place to transfer. * Alternatively, an allowance for self-relocation. |
| Crops | Lost crops | All affected persons, including squatters | * Crop compensation in cash at market prices, the gross yield for one year - is paid to the owners and tenants on the basis of their agreement on the sharing. |
| Trees | Lost trees | All persons whose interests are affected including squatters | * Cash compensation, reflecting, the economic value of trees belts according to category and age, defined as the market value of the number of years needed to grow a similar tree, plus the purchase price of plants and materials. In this case, the land belts may not be withdrawn from land owners and land users, if they will not be needed in the reconstruction of the existing road. * Shelterbelt be restored at the end of construction of the road. |
| Business and job | Temporary or permanent loss of business / work | All persons whose interests are affected including squatters | * Owner: the allowance is paid for lost wages for the period of forced suspension of the period up to 3 months. Owner: the permanent loss, cash compensation equal to one year income, if temporary, cash compensation for loss of income during the period. The compensation is calculated based on the tax return or the official minimum wage. * Owner: the allowance is paid for lost wages for the period of forced suspension of the period up to 3 months. |
| lease of a building |  | tenants | * Rent for three months at the prevailing market price and help to find alternative premises. |
| ownership of the community |  |  | * Restoration or replacement of damaged facilities and bring them to the state they were in before the project. |
| Socially vulnerable groups |  | Person whose interests are affected and in need of special support in order to benefit from the project. | * Special programs providing additional compensation, benefits of adaptation or other initiatives, based on the results of the social assessment and a census of persons whose interests are affected. * Conditions corrected in accordance with the cost of living. |
| **Loss of time** | | | |
| Lands to use for construction works | Agreement negotiated between the owner and the contractor | Owners (private or public) | * Contractor shall pay cash compensation at local commercial rental rates for the period of use. * Land is to be restored to its original state at the end of the rental period. |
| Land for quarries | Agreement negotiated between the owner and the contractor | Owners (private or public) | * Contractor shall pay cash compensation for rent and supplies at market prices. * Land to be restored to its original state at the end of the rental period. |
| Unanticipated adverse effects | * Rayon akimats and regional state institution "South - Kazakhstan Oblast Department of the Committee for Roads MTC RK" will deal with any unforeseen impact of the project during and after the period of the project implementation in terms of implementation of the principles of social protection of persons whose interests will be affected. | | |

**3.3 Expiration date**

Expiration date of legal documents is May 31, 2011, the last day of land acquisition and resettlement Research. To people who illegally intruded on the territory after an expiry date, compensation won't be paid and any support on resettlement won't be provided. People were informed about expiration date. Information about expiration date will be reflected in the booklets, which will be produced right after PMR publication.

**3.4 Estimation procedure**

3.5. South-Kazakhstan Department of CR MoTC RK appointed one independent assessment company for estimation of 100 % impact on property and to count up compensation sum in January-April, 2012. The independent company was responsible for 100 % assessment of the mentioned property (land/construction / real estate etc.) of the relevant lots assigned to them. The final list of people who are under influence, was provided by independent appraisers of CR South Kazakhstan region. Appraisers, according to the documents provided by the corresponding owners, executed an assessment of the property which has got under influence. The following documents were checked during the assessment:

**• ID card**

**• State act for land with land measurements**

**• technical certificate**

3.6 Three methods of an assessment which are widespread in Kazakhstan were applied. They are the following:

**3.7 Cost method**

3.8 Cost method represents the sums spent by the owner. It is based on the premise that the cost of land acquisition and its improvements will not exceed the price at a particular market for the already improved land similar in purpose and quality of land improvements. For example, using this method a manufacturing material, quality, the material price of real estate, year of construction, an object condition etc. are calculated. It is generally used for living accommodation.

**3.9 Comparative method**

The comparative method represents comparison of similar real estate objects and the land lots at this territory. The appraiser takes announcements regarding sale of similar real estate and land at these area in local newspaper or on TV i.e. for cost determination of estimated object by comparison of the prices of recent sales of similar objects at effectively functioning free market, where independent buyers and independent sellers buy and sell comparable property, making independent decisions. This method is based on the substitution principle: reasonable buyer won’t pay for the estimated object greater sum if he can buy at the market the object of the same quality and usefulness. It is generally used for living accommodation.

**3.10 Income method**

Income method is used only for commercial and agricultural purposes (gas stations, cafes, shops, stores, vacant commercial land, land for farm and other) for determination the cost of estimated object, capable to bring the income in the future during the certain period of its use. Cost represents the sum of expected future income provided to a present moment and revenues from resale of assessment object. This method is based on waiting principle that is a reasonable buyer (investor) buys land waiting future income or benefits. The use of income methods requires careful analysis of economic conditions and trends influencing at level of profitability of real estate around assessment object, and also use of such procedures as discounting and capitalization. Appraiser, according to documents (tax returns, employment contracts, income reports, etc.), determines the estimated value.

3.11 In the Republic of Kazakhstan, according to Clause 4, Item 6 of the RK Law “ On valuation activities” assessment should be carried out in accordance with the legislative acts of Kazakhstan regarding repayment and seizure of property at the owner for the state needs. Moreover, there is «A methodology of property assessment during seizure for the state needs», approved by the Decree No. 329 of Justice Department of RK dated December 7, 2007.

3.12 However at an assessment appraisers applied those methods of an assessment which were more acceptable for the land owner or real estate.

3.13 The appraiser draws up the assessment statement on the basis of legal documents, visual inspection of the evaluation object etc. After drawing up the assessment, appraiser gives out an assessment copy to the land owner or real estate. If the owner of the land or real estate agrees with the sum of compensation, the contract between akimat of the respective region of SKO and the owner is signed for compensation payment and if the owner disagrees, so he doesn’t sign contract and has right to sue.

**3.14 Population, who are affected**

3.15 The total number of land under the influence on this section of the road is 545. Affected land will be 599.149.

3.16 The number and identity of all concerned citizens, also the complete list of the assets being lost as a result of the project, have been established during census.

3.17 According to the current legislation of RK the land surveying project was carried out. Then there is resolution of the relevant akimat of SK region with the approved list of land users and the owners of real estate, who are under seizure with description of borders of the land and real estate i.e. all owners of the land and real estate are considered and there is no one person under influence .

3.18 In these regions of SKO there is no alternative land which would suit the owner of the land or real estate, and the owner in this area obtains compensation for the withdrawn land or real estate.

However, many land users refused from compensation due to small sums of compensation, in particular 136 land users.

3.19 At this part of the road there is no socially vulnerable population at the present time.

**Table 3: Number of households and persons which are under the influence**

|  |  |  |
| --- | --- | --- |
| District / city | households under the influence | All persons who are under the influence |
| **Sayram district** | **192** | **1 152** |
| Tulkubas district | 234 | 1 404 |
| **total** | **494** | **2 556** |

\*on the average 6 people in family

**Table 4: household types which are under the influence**

|  |  |  |  |
| --- | --- | --- | --- |
| District / city | Number of households | household type | |
| legal right | Declare possession without the legal right |
| Sayram district | 240 | 240 | - |
| Tulkubas district | 254 | 254 |  |
| **total** | **494** | 494 | **-** |

**3.20 The influence of land acquisition and resettlement at work on thise site of the road**

3.21 According to the Detailed Plan the general need of the Project for land at this section of road is 599,149 hectares. Private land which will be acquired, include inhabited, agricultural and commercial land. They are included in the budget PMR. The following table in Annex represents summary data regarding additional support of Considerably Affected Persons.

3.22 Responsibility for relocation of houses which have completely got under influence and shops / commercial objects refers to the Project according to PMR conditions. All objects (households and the commercial enterprises) which are necessary to dislocate due to the needs of the project will receive a lump sum, sufficient to cover transport and food expenses for 1 month due to relocation.

For households which are necessary to dislocate a fixed allowance of 35,000 tenge is provided, which will be sufficient to cover the expenses during the moving. For shops and businesses which will be necessary to dislocate the allowance of 2,500 tenge per square meter will be paid, it will be enough for a covering of expenses for moving and the minor expenses connected with moving. To all inhabited constructions which should be dislocate, “The temporary allowance” in amount of 35 000 tenge will be paid.

**3.23**  In the Republic of Kazakhstan there is a special program of payment of compensation lump sum to socially vulnerable population. This special program is carried out according to the conditions specified in the law “On state social assistance” № 246-II dated July 17, 2001. All vulnerable persons with all specifications are registered in local akimat. According to law conditions vulnerable persons receive the fixed rates of one-time social assistance monthly. Vulnerable people are classified into different groups depending on the degree of vulnerability.

3.24The law also provides other benefits to these people, for example, they are released from taxes payment (ground taxes, transport tax etc.),

3.25 On this site there are no persons, whose income is under minimum wage, which is 13 156 tenge as of January 1, 2011. In case if during preparation of PMR there will be socially vulnerable persons, the support under the law «State address help» will be provided, those people who are physically able to work, will be considered for employment in this region first of all. However, according to a document of world bank policy regarding resettlement, each social vulnerably person will receive compensation lump sum (minimum wage Х12 months- 13 156 Х 12= 157872 tenge). Amount paid to each household, will not be disclosed.

**4. Political, legal and administrative program**

4.1. Though in Kazakhstan the most part of land belongs to the State, it can be in private possession, it can be transferred, sold or leased to individuals. If the land is in private possession, the state can request it back only for special use, including road construction, and only after compensation to the owner for real estate and other losses.

4.2. The Kazakhstan laws and conditions concerning the land and its possession, are taken from the Constitution, which states that the land (surface or bottom) is the property of the state, but also it may be in private ownership (Item 6.3.). Item 6.3 also states that no one can be dispossessed, if it isn't stipulated by the judgment. Forcible seizure of property for public use in exceptional cases, stipulated by the law, can be carried out under the condition of the corresponding compensation.

4.3. Land Code of the Republic of Kazakhstan (RK Code No. 442 II dated June 20, 2003) covering the seizure of land for public use, provided that the land may be reserved for public use through the purchase or provision of equivalent land with the consent of the owner or the land user (Item 84.1). Road construction - one of several bases to buy the private land or to conclude long-term lease agreements (Item 84.2.4). If the land is leased, land users receive compensation for all losses and the alternative site can be provided to them (Item 84.4). However, the availability of suitable land for the exchange will be different depending on the location.

4.4. Land owners and users should be notified about the decision of purchase for 1 year in advance if the owner/user disagrees to transfer the land earlier (Item 85.2). If the part of site is purchased, and the rest can't be used as before, whole site should be bought out (Item 86 clause 2).

4.5. The price of the site repurchased for public use is determined by agreement with the owner or land user (Item 87.1). The price for payment includes market cost of a site or the rights to it and the real estate located on it, as well as all losses of the owner/land user due to their losses, including losses due to premature termination of obligations by third parties (Item 87.2) . If the owner or the land user agrees, other equivalent site can be presented instead of money compensation (Item 87.3).

4.6. If the owner disagrees with the decision to buy (quit to itself), with the proposed price or other conditions of purchase the power, made such decision, can confiscate it through the court Item 88 clause 1) after year will pass from the date of notification of seizure (Item 88 clause 2). In disputable cases the land can't be withdrawn, while the court won't resolve and determine compensation levels and losses (Item 166.7). Compensation should be paid to the owner or the user before reservation will be registered by the District Committee for Land Management and in the Registration Service Committee that is required before the beginning of works on this land.

4.7. The law on Housing Relations also is applied in that case if it concerns housing. If the house is demolished for public use, the owner can choose to get the new housing or compensation at market cost of the house. The owner who prefers replacement, can choose the house from the list of available houses. If cost of the chosen house is higher, than market cost of that building which will be demolished, the exchange is considered finished, if cost of the chosen building is lower, than market cost of that building which will be demolished, the owner receives the difference in cash. Disagreements concerning an assessment are resolved in court.

4.8. Although the legal framework in order to reserve the land and provide compensation to owners are quite defined, procedures are not yet fully defined. Once this process was regulated by the Governmental Decision under the number 403 on Approval of Conditions for Procedures concerning seizure and Repayment of the Ground areas for the public use (April, 8 1996). However, this decision expired in February, 2005 and wasn't replaced. Calculation of «market cost» is treated differently due to absence of standard procedures, and officials as it is considered, establish the prices below the actually acting. Project groups often rely on professional appraisers concerning preparation of estimates for land confiscation, but there are some questions, which they are estimated according to information on the site. Consequently, the problems are not the same.

**4.9 The practice withdrawal of land**

4.10 The feasibility study for investment includes proposed alignment assessment and amount of land , which will be acquired over a long period, the amount of land ,required for the temporal organization of construction sites and borrow pits, and number of building, that will be demolition, and evaluation cost of acquisition, rental and reconstruction of affected lands. The document is sent to the regional or district center for review and comment. Then, this document is transferred to Astana. Meanwhile, the district administration decree issued , identifying region, areas affected by the changes and determining land, to be backed up (confiscation). It should be added that the regional Committee of roads requested of Local administration the Committee on Land Resources freeze contract of land over the region, identified for the purchuse of land for the bypasses, for example, to prevent speculation. At the same time, owners will being informed, that their land can be acquired. This notification is made ​​along the corridor at the end of 2007, more than year before the final design was completed, so prepare for quick action after the adoption of the final project.

4.11 The final draft is prepared consistent manner, including intensive field work and ongoing (continued) consultation with local government employee, especially at the district level. Engineering process generally starts with a meeting of the all public officials concerned regions: Agriculture, Land Resources, registration, utilities, public works, and others - to inform them of the preliminary alignment and the information required to be included in the final design. The final draft contains detailed maps of individual possessions, which will be affected, complete date about ownership from the inventory and the estimated compensation for the acquisition and loss. Design companies conclude contracts for specialized services for the preparation of the final draft, including, for the first time in 2008, ownership of the services of experts who have a license.

4.12 Once the alignment is compatible with local public organ, design staff gets cadastral maps, and lists of property and requests that the district akimat assembled owners who have fallen under the influence, to discuss purchuse of land. The data is then transmitted to the experts, licensed, which is responsible for the definition of "market value" of the property which to be acquired, and contract with the owners. Although there is precedent in order to evaluate the property in the city, the assessment of property in the village is quite new, and in many regions of the transaction are not common. To determine the value of property in the village, the expert takes into account the quality of soil and its fertility, trees and other features of the production, in addition to the recent land transactions, if there are suitable samples. The experts are expected to hold talks with the owners and sign agreements, if possible, which will be used to calculate project costs, but not required. As soon as the city administration approved the final alignment, then proceed to the acquisition or forfeiture. If owners and city administration should not agree among themselves about time period , city administration should go to court after the sending of the notice every other year. If the city administration or owner to go to court, the court makes decision, which includes the amount of compensation to be given to the owner. Judicial decisions should be objective and solved either by the state or in favor of the owner, depending on the case. Access to land is obtained only after the payment of compensation and the transfer of legal rights.

4.13 Formerly, District Akimat created Commission on Evaluation, which included officials and landowners without special expenses. The use of licensed experts, as expected to reduce number of grievances and more even process of acquisition, but the final results can be seen only after the beginning of the process of acquisition.

4.14 The final draft identifies possible locations for housing estates, storage rooms, utility rooms, pits and other sites for temporary use during construction. Contractors may use the information to estimate the costs and logistics, but not required to use the recommended sites. Civil works contracts require that contractors were responsible for negotiating on the temporary use of the land and the restoration of all the land required for the removal of housing estates, offices, quarries, materials storage areas, areas of material processing and transportation. Contractors choose land that they need, and they will be responsible for the negotiation of agreements with landowners to use the land and mined materials. If the contractor is unable to reach an agreement with the landowner, then he should choose an alternative site and negotiate a new agreement. No land can not be occupied by force for temporary construction purposes. Contractors are likely to prefer to rent public land, not private, but the choice is theirs. In any case, all this should be issued as a written agreement between the contractor and the owner, and the land should be restored to their original state after the work is completed.

**4.15 The principle of forced withdrawal of land / resettlement**

4.16 The Government has agreed to apply the following principles in the acquisition of private land and relocation of households to invest along the Corridor, which reflect the principles included in PPZP, joint with the resettlement policy of the World Bank and other IFIs. Principles apply in the case of temporary or permanent impact on households as a result of loss of land, buildings and other fixed assets, changes in land use or business, restrictions on the use of land, housing or business. Principles apply to all "persons who had fallen under the influence," including those who do not have official licenses or legal rights, as well as those who are experiencing the impact of the acquisition of land or relocation for public use.

* + Avoid or minimizes purchase of land and resettlement.
  + Person who have fallen under the influence, are entitled to compensation for the full value in return for their lost assets, incomes and businesses, including temporary losses or exposure, without depreciation for wear or assignment to other uses.
  + Compensation (and other forms of assistance, as warranted) to allow persons who have fallen under the influence, improve, or at least restore their pre-project income and living standards.
  + •You must advise the person who have fallen under the influence of the planned relocation
  + Exchange of land on the earth is the preferred compensation for loss of agricultural land, if any, and if the person who came under the influence, do not choose cash compensation
  + •Expense of the transfer of ownership - purchase or exchange - bears the investor, including taxes, fees, documentation and access to court
  + Compensation will be paid equally to both women and men
  + Lack of formal legal rights or agreement to use does not deprive people of the right or other assistance required to implement the policy objectives
  + •Once under the influence of people receive cash assistance for resettlement and relocation
  + Special attention should be paid to households headed by women and other vulnerable people, and providing them with appropriate assistance to ensure that their standard of living is maintained or improved
  + Purchase of land and resettlement are executed as part of the Project and are fully funded
  + Compensation will be paid in full before the land would be used for civil works or destruction.

**4.17 Principles of resettlement planning and its implementation**

4.18 Most of permanent Project impact will be grouped around bypasses and large intersections, where most of land acquisition will being executed. Demolition of buildings is expected to occur commonly around bypasses, especially at the beginning and at the end of the bypass, or where existing simple crossroads replaced by “clover leaf” junction. Other demolitions might be required where alignments have been revised (for example curve radius) due to reduce transport risk and provide better visibility. Moreover, demolition of some fences and other structures will be required to improve current land acquisition.

4.19 As soon as final projects will be finished and accepted by authority of districts and regions, then they will be passed to the Committee for roads for final review and approval.

4.20 Present Plan of measures regarding resettlement was executed properly and is based on the following:

• Lists of land use, land users and their property which are owned or rented, businesses, buildings, or for agricultural activities

• On-site consultations for bringing people who have fallen under influence, to the draft Plan

• Plan publication for comments

•Presentation of final Plan and cost estimate to the World Bank for assistance before receiving authorization for funding.

4.21 These steps also foresee bases for future monitoring of impact of the project on people and effectiveness of implementation of PMR, and for determination what additional measures should be developed to reduce this impact. Social-economic evaluation, in addition to the current information, will be performed at the initial stage of Project execution due to base giving for monitoring and evaluation.

**4.22 Supplementary measures**

4.23 Land and Housing Codes of Kazakhstan for land and property acquisition for public use, mainly in agreement with clause 4.12 of OP of World Bank regarding many issues. However, due to absence of standard instructions and procedures, in practice this performance might be changed. Described below steps guarantee follow-up execution and agreement with policy of Bank and international practice during its execution. Under the terms of RP, all legal entities to be moved on the Project will receive a temporary benefit, which would be enough for transport costs covering and living expenses due to resettlement. Households, which it is necessary to move, before moving will be paid a fixed amount of 35 000 tenge, shops and companies, which it is necessary to move, will be paid a fixed amount at the rate of 2,500 tenge per square meter. This amount is determined according to the letter from the Head of the World Bank Sebnem Akkaya from February 2010. Was adopted by analogy with the South Kazakhstan region.

**4.24 Illegal possession and unofficial land usage:** Land Code of Republic of Kazakhstan does not give any rights to unlawful owners for compensation for loss of access to the land, which they use unofficially, but this does not mean that they can not receive this compensation. There is very little intrusion at current Transit Corridor, with some possible exception of few kiosks, restaurants, service stations which were illegally constructed within the right of way and especially around the junction and some of farmyard walls in the right of way. Detailed projects have identified buildings that should be demolished and relocated. All owners were informed regarding this possibility at the end of 2007 and were given the opportunity discuss the procedures and law institutions of local government. It was recorded by the district akimats of South Kazakhstan region.

4.25 In accordance with Kazakhstani laws and regulations Committee for roads may expect that owners of temporary buildings will move their property beyond the right of way by his own expense. If the violation is the cultivation of grains at unofficial occupied land, then users are allowed to harvest crops and to rent alternative land. According to the legislation of CR of Kazakhstan, the owners of temporary structures have to move them outside the right of way at his own expense. However, according to the World Bank's resettlement policy the Customer will help holders of temporary structures to move buildings, particularly in the provision of a motor vehicle and transport, their buildings to the destination just before the beginning of construction, which instruct the Contractor.

4.26 However, in the context of this Project and regarding the issue of *land use without legal rights* Borrower clearly requires compliance with guarantee policies of World Bank during the Project execution, including the procedures of the World Bank regarding extend compensation to land users without legal rights on a par with those who have these legal rights. Moreover, during the meeting with a specialist from the World Bank in March 2009 the Committee for Roads one more time confirmed financial compensation methodology to unofficial land users has been developed and will be used during the Project performance: The Committee for roads will give assistance to land users, who are invaded the right of way as well as to land users without legal rights at bypasses regarding acquisition of legal rights before beginning of the physical implementation of the Project. This will allow them to be compensated according to the standard of Kazakhstan's laws.

4.27 Currently, the majority of the expected losses of land users who have fallen under the influence, as well as the owners/users without formal legal rights, is estimated and included in the general budget of resettlement. In many cases (including users with formal legal rights), agreements were reached with the authorities on the compensation arrangements, although the Committee for Roads will take actions to ensure that these measures are the same for all over the Corridor. It is important to note that the property of land users with no legal rights have been evaluated on the same criteria that land users with a legal right. In such a way, as soon as their land use will be legalized, and they will get the legal right to them, the estimates for the compensation and the procedures described in this

RP will come into force in equal measure. In this part of the road is not represented. Since the Government of Kazakhstan, given the past experience of other resettlement plan have been provided to the World Bank, have all owners and land users granted the legal right and all the title documents. If during the construction will reveal informal users, the Committee for Roads will provide them with all the help that the property without legal land rights have been evaluated by the criteria that land with a legal right.

**4.28 Exchanges of Land against the Cash Compensation:** Land Code offers to the owners the choice to exchange land or buildings instead of compensation. In some areas, may not be immediately visible alternative land. However, all people who had fallen under the influence will be informed regarding the choice, and all local authorities need to assess the suitability and location of the land for a replacement. There is a land available for exchange, officials who are involved with the process of land acquisition will receive instructions to offer to people who are under the influence the choice to exchange land and buildings at the equivalent instead of cash if they want to. However, the alternative land is available only with the consent of the landholder is also recorded the data of Department of Agriculture and the Department of Statistics on the number of crops and brought the character of the soil. The suitability of the site is defined in each case, which is not currently impossible to determine. This will be the during the implementation of the resettlement plan that is approved by the World Bank after the resettlement plan. Also due to the high population density in the South Kazakhstan region and the lack of available land in the area is not possible to allocate land for the exchange.

4.29 Fully responsible for resettlement of people who are under the influence of houses and shops / commercial buildings is on the Project under the terms of PMR. All objects (households and businesses) who need to be moved because due to needs of the Project will receive a lump sum "sufficient to cover transport expenses and food for one month due to relocation. For households who have to be moved, fixed allowance of 35,000 tenge is foreseen, which will be sufficient to cover the costs during replacement. For shops and businesses, that have to be moved, will be paid at the rate of allowance 2,500 tenge per square meter, it will be enough to cover the costs of relocation and minor costs associated with replacement. Allowance for replacement, which was received by commercial organizations in accordance with general area that falls under the influence, which is subject of displacement X2500 tenge. This amount is determined according to the letter from the Head of the World Bank Sebnem Akkaya from February 2010. Was adopted by analogy with the South Kazakhstan region.

**5. Schedule and Budget**

**Proposed time schedule**

|  |  |  |  |
| --- | --- | --- | --- |
| **Task** | **Reponsibility** | **Due date** | **Status** |
| Staff recruitment for resettlement and initial training | **Committee for Roads, PMC** | **February 2013** | **At the stage** |
| Census operation and EIS, data output and analysis | **Committee for Roads** | **2012** | **Completed** |
| PMP preparation and submission to the World Bank  for approval | **Committee for Roads, PMC** | **November, 2012** | **PMP submitted for approval to the WB** |
| Purchase of land process | **Committee for Roads, Land Committee** | **February-May, 2013** |  |
| Compensation payment in priority areas (PPZP) | **Committee for Roads** | **February–May, 2013** |  |
| Compensation payment | **Committee for Roads** | **February–May, 2013** |  |
| Clearance strake of allotment | **Committee for Roads** | **February–May, 2013** |  |
| Notification for commencement of works | **Committee for Roads, PMC** | **February–March, 2014** |  |
| Information System Management | **Committee for Roads, PMC SNC Consultants for construction supervision** | **Before the project finish.** |  |
| Redress of grievance | **Committee for Roads, PMC and External Monitoring Agency** | **As soon as cash is accumulated** |  |
| Internal Control | **Committee for Roads, PMC** | **May–August, 2013** |  |
| Outside Control | **Committee for Roads, PMC** | **August-October, 2013** |  |

**5.1 Cost estimate**

5.2.The budget includes the computed value for land compensation, moving, income restoration, assistance in obtaining rights of RAP administrative costs (2.5 percent of the total budget), unexpected expenses (10 percent of the total budget).

* 1. **Total Budget**

**5.4.** General costs of the resettlement plan for Sairam and Tyulkubas regions of the South Kazakhstan are amount 755 641 228 tenge. In dollar terms this amount is 5 037 608 US dollars. Dollar calculation is based on 150.0 tenge for a dollar. The budget includes all expenses related to purchase of land, moving, rehabilitation, recovery income, administrative expenses, outside control, and contingency costs. The budget for external monitoring included in budget PMP SKO.

Details of expenditure from the budget are given in the following Table:

**Table 8: Computed Value for Purchase of Land and Resettlement**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Clause№** | **Position** | **Amount** | **Total amount** | **Total US dollars**. |
| Compensation for Land and buildings | Agricultural land, including compensation for loss in income agricultural | 383 | 39 536 850 | 263 579 |
| Any other (including commercial and residential) | 43 | 632 144 242 | 4 214 295 |
|  | **Total** | **426** | **671 681 092** | **4 477 874** |
| Administration costs 2,5% |  |  | 16 792 027 | 111 947 |
| Unanticipated needs 10% |  |  | **67 168 109** | **447 787** |
| **Total** |  |  | **755 641 228** | **5 037 608** |

**Table 9: Computed value for the withdrawal of land and Resettlement (region/ city) [why are the figures in yellow? Does that mean they will be changed later?]**

**А. Lands**

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Region /City** | **Compensation for land and buildings** | | | | | | | | |
|  | **Farming Land** | | | **Other land and buildings** | | |  | | |
|  | **Number of project affected households** | **Total tenge** | **Total US dollars**. | **Amount** | **Total tenge** | **Total US dollars**. |  |  |  |
| **Sairam region** | **170** | 35 722 842 | **238 152** | **22** | 400 504 850 | 2 670 032 |  |  |  |
| **Tyulkubas region** | **213** | 3 814 008 | **25 427** | **21** | 231 639 392 | 1 544 263 |  |  |  |
| **total** | **383** | 39 536 850 | **263 579** | **43** | 632 144 242 | 4 214 295 |  |  |  |

**Appendix А: The issues raised up during the consultation meetings**

**Attachment: The issues raised up during the consultation meetings**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Consultation location | | Those present persons concerned | Bring up a issue | Take up action |
| Date | Venue |
| February 18, 2011 | Tyulkubas Sairam region akimats | 70  **Project Affected People** and local official | Project Affected People | Explained to them the available means, if they are dissatisfied with the compensation paid  Explained the evaluation procedure and payment procedure of compensation, presence of stock driving road, driveway agricultural equipment channels during floods. |
| February 18, 2011 | Sairam region | 100  **Project Affected People** and local official | Project Affected People | Explained to them the available means, if they are dissatisfied with the compensation paid  Explained the evaluation procedure and payment procedure of compensation, presence of stock driving road, driveway agricultural equipment channels during floods. |
| July 30, 2012 | Akimats of Tyulkubas and Sairam regions SKR | 250  PAP, who are not satisfied with the compensation, local official | Project Affected People | Those present explained available means, if they are dissatisfied with the compensation paid, including those which may take action.  Explained the evaluation procedure and payment procedure of compensation, presence of stock driving road, driveway agricultural equipment, redress of grievance mechanism, making of a complaint. |

All these meetings were held in local administrations Tyulkubas and Sairam district of South Kazakhstan and were recorded. Log data stored in the Committee for Roads of the Department of the Ministry of Transport and Communications of the Republic of Kazakhstan in the South Kazakhstan Oblast. The above questions asked the owners of land and real estate. All primarily interested in the amount of compensation. Information about the age of participants in the consultations do not. In addition, was clarified complaints mechanism and procedure for filing. However, the above consultations were conducted in two languages: Kazakh and Russian, according to the current legislation of RK.

**Annex B:**

**The list of PAPs, impacted by land acquisition section Sairam and Tyulkubas regions the South Kazakhstan region**