

Republic of Kazakhstan

Ministry of Transport and Communications

Committee for Roads

“South – West” Roads Project: “Western Europe – Western China” International
Transit Corridor

(CAREC 1b and 6b)

Resettlement Action Plan

Temirlan Bypass

August 2012

ABBREVIATIONS

ADB	Asian Development Bank
AP	Affected People
CR	Committee for Roads
EBRD	European Bank for Reconstruction and Development
GRP	Gross Regional Product
IDB	Islamic Development Bank
IFI	International Financial Institutions
KZT	Kazakhstan Tenge
LARF	Land Acquisition and Resettlement Framework
LARS	Land Acquisition and Resettlement Survey
NGO	Non Governmental Organization
OP	Operational Procedure
PMC	Project Management Consultant
PIB	Public Information Booklet
RAP	Resettlement Action Plan
RK	Republic of Kazakhstan
ROW	Right of Way
SSICOL	State Scientific Industrial Center on Land
TOR	Terms of Reference
WB	World Bank
WE-WC	Western Europe Western China

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GLOSSARY

Affected Persons	People, Households, or Legal Entities affected by project related changes in use of land, water, natural resources, or income losses.
Compensation	Payment in cash or kind to which the Affected People are entitled in order to replace land or other assets taken for project use.
Cut-off-date	Date after which people WILL NOT BE considered eligible for compensation, i.e., they are not included in the list of APs as defined by the census.
Encroachers	People who move into the project area, or who have trespassed into government land adjacent to their own, after the cut-off date and are therefore not eligible for compensation or other rehabilitation measures provided by the project. Persons informally using or occupying land prior to the cut-off date are eligible for compensation or alternative forms of assistance.
Entitlement	Entitlement means the range of measures comprising compensation in cash or kind, relocation cost, income rehabilitation assistance, transfer assistance, income substitution, and business restoration which are due to APs, depending on the type, degree and nature of their losses, to restore their social and economic base.
Household	Household means all persons living and eating together as a single-family unit and eating from the same kitchen whether or not related to each other. The census used this definition, and the data generated by the census forms the basis for identifying a household unit.
Income restoration	Income Restoration means re-establishing productivity and Livelihoods of APs.
Involuntary Resettlement	Any resettlement, which does not involve willingness of the persons being adversely affected, but are forced through an instrument of law.
Land acquisition	Land Acquisition means the process whereby a person is compelled by a public agency to alienate all or part of the land she/he owns or possesses, to the ownership and possession of that agency, for public purposes in return for fair compensation.
Rehabilitation	Assistance provided to affected persons to supplement their income losses in order to improve, or at least achieve full restoration of, their pre-project living standards and quality of life.
Socially vulnerable people	Population, who have income less than living wage, or have other sources of personal vulnerability to hardship in adapting to changes caused by the project. Operationally, this is defined as people eligible for State Targeted

	Assistance, as per January 2011 information from Statistic Department of South Kazakhstan region. The living wage in South-Kazakhstan region is 13 156 KZT.
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1. Introduction

- 1.1 The Resettlement Action Plan for the Temirlan Bypass of Ordabasy Region is designed to mitigate potentially adverse project impacts. It outlines the remedial measures essential for mitigation of adverse impacts of the Temirlan Bypass. This RAP of Temirlan Bypass summarized resettlement plan which includes specific details of the project, Laws and Frameworks regulating the matter, Land Acquisition and Resettlement Impact in Temirlan Bypass, and Time Table and Budget aspects.
- 1.2 The required surface of land needed for the construction of the Temirlan Bypass is estimated at 91 hectares (ha) overall, including state lands of about 7 hectares. A total of 60 households and 4 State properties are identified as being affected by the project's Land Acquisition.

Table 1: Summary of Impacts: Temirlan Bypass

Purpose of the lands	Number	Compensation according to the national legislation (tenge)	Transportation allowance (tenge)	Compensation for significant impact – more than 10% (tenge)	Total
House	20	208 746 000	700 000	-	209 446 000
Private property for houses, but no residential house	2	5 152 000	-	-	5 152 000
Agriculture lands	38	34 260 350	-	19 872 950	54 133 300
Administrative and contingency cost (10 %)	1.	2.	3.	4.	34 062 535
Total	60	248 158 350	700 000	19 872 950	302 793 835

- 1.3 The geographical area of Ordabasy district is 2, 7 thousand sq. meter. There are 108,000 leaving in the area. The density of population is about 37.9 persons per 1 sq. km. Kazakh is dominant 94.6% followed by Azerbaijani 1.5%, Russian 1.2%, Kurds 1.3%. Temirlanovka is set as the administrative center of the Ordabasy district. The climate in the area is dry and hot with deserts and semi deserts. The river Arys is going through the territory (378 km). Agriculture is the main occupation of local communities. This area has produced 9292.6

million KZT gross agricultural products during 2009-2008. Ordabasy is also known for its industrial production, (4,122.9 million KZT turnover in 2009).

2. The Project

- 2.1 This Resettlement Action Plan (RAP) for the Temirlan Bypass in Ordabasy Region has been prepared in accordance with World Bank Operational Policy on Involuntary Resettlement (OP 4.12, December 2001), Republic of Kazakhstan Resettlement Policy Framework on Involuntary Resettlement (2008) including Legal Framework and Practices, Kazakhstan Land code, and Land Acquisition and Resettlement Framework. The RAP updates a former plan prepared in 2009 taking into account a new and recently completed Detailed Design with a new alignment for the bypass, and Land Acquisition and Resettlement Survey (LARS) and Socioeconomic Survey implemented in 2010. IE “Udolatiy” has conducted the preliminary assessment of real estate and land plots, which are subjected to the acquisition for construction of the road on the section Temirlan bypass in July-September 2010. In addition to that as per acting legislation of RK, the results of evaluation is acting during 6 months from the date of it has been conducted and due to this during the process of acquisition the reassessment has been performed by the evaluating company LLP “The center of informational and innovation technologies development” in April-November 2011 and compensations have been adjusted (both upwards and downwards), based on recent sales market of real estate and prices for land plots and agricultural products. In some cases earlier issued assessment acts of IE “Udolatiy” has been decreased by LLP “The center of informational and innovation technologies development” in April-November 2011. Adjustment of compensations was also made to correct some previous erroneous evaluation. Reassessment has been conducted by LLP “The center of informational and innovation technologies development” at the moment of processing the compensations to affected people. Survey works have been carried out by “Donsung Engineering” LLP (Contractor), LLP “Doris” (subcontractor).
- 2.2 The planned bypassing of Temirlanovka village was a particular challenge in routing, technical design and regarding its social implications. The original design of an elevated roadway was presented to the public in January 2009, but clearly rejected by the affected population. Subsequent to the Public Hearing, alternatives four options were developed for Temirlanovka, namely:
- Elevated structure (original detailed design)
 - On-line widening on existing alignment
 - Western bypass (new alignment)
 - Eastern bypass (new alignment)

- 2.3 The Design Engineers in consultation with affected population and respective Roads Committees appraised the options and determined which option was preferred.
- 2.4 Municipal Akimat issued the Decree, defining that the territory, affected by the route change, has been subjected to preserving (for earmarking the land for the project, i.e., areas where the land acquisition will have to be conducted if necessary and where no new construction should take place). Following this decree, the Regional Department of the Committee for Roads requested the Local Committee on Land Resources Management to freeze land transfers for those properties earmarked for the by-pass, to preventing speculation, avoid additional resettlement, and delay the civil works. Meanwhile, the owners have been notified that their lands may be acquired. The final design has been prepared in interactive manner, including the intensive field work and consultations with the local officials, especially at the district level. The final design includes the detailed maps of separate impact ownership, full cadastre data about the property and compensation evaluation for land acquisition and reimbursement of damages.
- 2.5 The design institutions received the cadastre maps and records on property after the endorsement of the alignment by local authorities and requested the district akimats to contact affected people and inform them about the procedure of land acquisition. All the essential data was given to the evaluators, who on the basis of that defined a “market value” of the properties to be acquired, and discussed the compensation with the owners of the property. Property cost evaluation in urbanized areas is a well-known procedure, but rural property evaluation is less common, making it more difficult in many districts.
- 2.6 Three main approaches have been applied to evaluate the market value and the compensation to be granted to affected people: a “cost” approach where the amount of money to acquire land plot and other real estate is considered; a “profit” approach, based on the assessment of potential profit from commercial activities; and a “market” approach based on market comparison with several equivalent property, sold in the local market. Sometime the various methods can be combined.
- 2.7 Alignment Condition
- 2.8 Km 2216+100 to km 2231 of the highway M32 (Temirlan Bypass)
- The project Temirlan Bypass is a part of M-32 highway end, border of the Russian Federation – Samara – Shymkent through Aktobe and Kyzylorda cities, crosses several Rayons of South Kazakhstan Oblast. Growing urbanization and considerations of city and international traffic relief necessitated reconstruction of the existing road and construction of a new road to connect populated centers to one another and to industrial centers and population service centers.
- 2.9 Temporary loss. Reconstruction of the road will require temporary land use for the entire period of construction to accommodate concentrated off-the-way borrows pits, a construction camp, parking of road-building equipment and road-building materials warehousing sites. Along with it all lands required for temporary use or access will be used

based on payments made by contractors as agreed in direct negotiations with relevant land owners or users. All land required for temporary use will be obtained voluntarily; there will be no use of government power to require owners or users to provide land or other assets for temporary use, or to require owners or users to accept compensation amounts proposed by contractors.. There will also be a grievance mechanism in place before and during the construction so that people who believe that they are affected by the project can raise their concerns and their cases can be reviewed.

- 2.10 Upon completion of the construction works, lands used or occupied temporarily will be reclaimed and returned to land users in their original condition or else rehabilitated with remedial measures acceptable to the owner . All affected irrigation systems will be restored.
- 2.11 Laws and Frameworks regulating the resettlement
- 2.12 Kazakhstan's laws and regulations regarding land and land ownership derive from the 'Constitution' and 'The Land Code of the Republic of Kazakhstan (CODE RK No. 442 II of June 20, 2003)', Resettlement Policy Framework (2009) regulating the matters related to resettlement and rehabilitation. The new law RK "about state property" (March 2011) will not applied to Temirlan Bypass RAP and World Bank Safeguards requirements will prevail.
- 2.13 Public Consultation and Disclosure
- 2.14 The Committee for Roads (CR) has designed and is implementing a public information process by preparing and distributing brochures that describe the process and clarify rights and responsibilities, compensation rates, payment schedules and grievance redress options. One brochure providing general information about the project and a general explanation of processes and owners' or users' rights has already been distributed. Another brochure of Temirlan Bypass specific has been distributed for the Affected People (AP) who lose land and other assets, and it includes the list of all categories of compensation or other assistance to which APs are entitled, describes grievance procedures available to APs, and provide contact information for APs with questions or grievances. This brochure has been prepared by the Project Management Consultants specialists based on Astana and distributed in the month of April-May 2011 in Temirlan village, Ordabassy district South-Kazakhstan Region.
- 2.15 Initial consultations took place to detail the impact of the project in Kazhimukan village in July, 2010 where 80 people were present. The following consultation meetings took place in November, 2010, where 90 people were present. Matters of the Documents on environment management and resettlement policy have been discussed during these meetings.
- 2.16 Consultation allowed to detail the compensation matrix, evaluation and payment mechanisms and resettlement matters described in this RAP. Consultations were conducted by deputies of the regional department of the CR and by district Mayor directly and on an individual basis with each AP. Besides, the possibility to further negotiate for those concerned about the level of compensation they would receive has been offered during social-economic census conducted by the regional department of the CR. This advertisement to hold consultations has been published in regional newspaper "South Kazakhstan" and "Ontustik Kazakhstan" and also discussed with NGO and other concerned

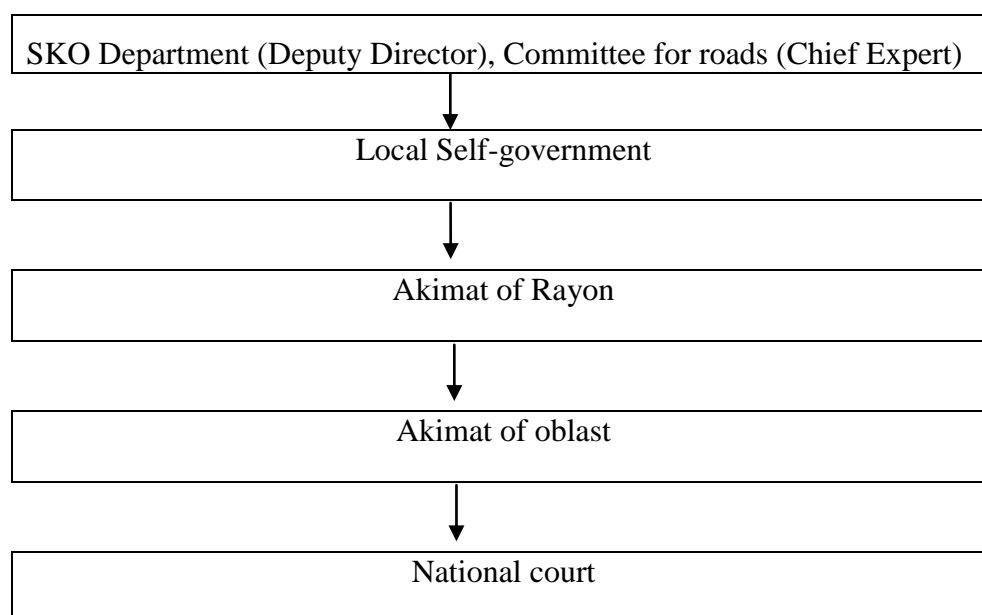
parties. Public hearings on land acquisition have been conducted on the 15th January, 2009 (Temirlanovka village, Turkestan), and on the 2nd of April, 2009 (Temirlanovka village), July 27, 2010, November 15, 2010.

- 2.17 In addition and as already mentioned above, each identified AP has been provided with information brochure that discusses relevant regulations, entitlements, compensation rates, payment, and grievance redress mechanisms. Also these brochures and other project related information remain available in all regional and rayon Akimats, where every interested person can visit and get access to the documentation.
- 2.18 The Russian version of the final version of the RAP will be disclosed on the project website, and available at the offices of the Regional Department of the CR and the respective rayon Akimats. The English version of the RAP will be disclosed on the WB “Infoshop” website available at worldbank.org/infoshop.
- 2.19 The consultation process during preparation stage of the project was mainly focused on key informants interviews, focus group discussion, workshops, and community meetings. The consultation program involved following people:
- a. Head of households likely to be affected
 - b. Household members
 - c. Community
 - d. Respective Akimat
 - e. Major project stakeholders such as women, highway user groups, health professionals, and
 - f. Distribution of Public Information Booklet
- 2.20 The Public Information Booklet (PIB) has included the following information about the RAP:
- a. Brief description of the project;
 - b. Types of impacts expected;
 - c. Basic Compensation policy and entitlements matrix;
 - d. Outline of livelihood restoration measures;
 - e. When and where APs will receive their entitlements;
 - f. Consultation and participation by APs and community;
 - g. Implementation schedule;
 - h. Grievances Redress Mechanisms;
 - i. Roles and responsibilities of ‘Head of Local Self-Government, Deputy Akim of Rayon, RK, Deputy of Local Department of Committee of Road, MOTC and Grievance Coordinators, in Grievances Redresses;
 - j. Contact details of Grievances Coordinators (including PMC Grievance Coordinator), their names, contact phone numbers and address;
 - k. PMC Grievance Coordinator could be contacted for additional information.
(Note: for issues raised during various consultations, please see Annexure A)
- 2.21 Institutional Arrangements and Grievance Redress Mechanism
- 2.22 Capacity Building:

- 2.23 Special seminar has been organized in the district akimat in Temirlan village with participation of non-governmental institutions and ecological movement. In addition, all the concerned people visit this office for their grievances and get knowledge of the land acquisition and compensation.
- 2.24 The Project Management Consultant (PMC) will play a key role in the organizational setup for Resettlement and Lands Acquisition Management during Project implementation. According to the PMC's Terms of Reference (TOR) there will be two social safeguards specialists (One International and one National) working in the PMC for the duration of the Project. Part of their duties and responsibilities will be the management of implementation of this RAP.
- 2.25 The PMC will carry out an independent assessment of the land acquisition process to inform Project Management (the CR and the World Bank), and prepare a resettlement monitoring and evaluation report to submit to the World Bank twice a year. The first report will be submitted on September, 2012.
- 2.26 Grievance Redress Mechanism
- 2.27 The project will pursue a participatory approach in all stages of planning and implementation. This is expected to ensure that any complaints from the AP could be reviewed and discussed. However, it is likely that despite those efforts, some people may still disagree and want to complain. Grievances may arise due to inadequate understanding project policies and procedures, or as a result of contractor errors in implementation, or for other reasons. Usually they may be promptly resolved by a simple review of the circumstances. But a grievance mechanism, with several stages from the simpler direct interaction with the contractor up to filling complaints to the court are available as detailed below.
- 2.28 Construction Supervision Consultant will nominate a 'Grievance Coordinator' who will receive direct complaints related to resettlement and rehabilitation matters during the construction period. The complaints will be logged and, if not immediately resolved, passed on to the PMC Grievance Coordinator. Following are the key responsibilities of the Grievance Coordinator:
- Provide support to APs on problems arising out of property acquisition;
 - Record grievances in Reporting Format for Grievance Redress and solve them within defined time;
 - Inform project authority of serious cases within an appropriate time;
 - Report to the aggrieved parties about the development of their grievance and decisions of project authority; and
 - Complain on the disturbance created to the traffic, noise, intrusion to the territory and other problems.
- 2.29 A grievance focal point has been established within the PMC. PMC specialist is acting as coordinator and first resolution instance, working with Committee and Contractors to find timely solutions. The nominated Grievance Coordinator for Temirlan Bypass will maintain a

- log of all grievances received and their status and potential deferral. Grievances which cannot immediately be resolved are passed on to the respective Rayon or Oblast authorities.
- 2.30 Affected Persons can take their complaints to the head of Local Self-government, who will register the complaint and attempts to resolve it. If the complaint is not resolved in one week, it will be passed to the Rayon/Oblast level
- 2.31 A designated person in the Rayon (e.g., Deputy Akim of Rayon, Deputy Local Regional Department Committee for Roads) will be assigned to receive the complaint, registers it and attempts to resolve it. If there is no resolution within two weeks, the case will be passed to the Oblast level.
- 2.32 A designated person in the Oblast (e.g., Deputy of Local Department of Committee of Road, MOTC, and RK administration) will be assigned to receive the complaint and attempts to resolve it. As part of the process of resolving the complaint the Director of the Regional Division of the CR will convene a grievance redress committee that includes a akimat Professional (licensed valuers), independent (Academic/NGO) representatives as well as a representative of the complainant.
- 2.33 If there is no resolution within two weeks, the case will be presented to a Kazakh court and resolved according to Kazakh legislation, with the covenant, that for all project related resettlement issues the specific agreements between Government of Kazakhstan and World Bank will supersede national law.

Following the scheme of complaints on instances



- 2.34 All contact details and a clear description of the grievance mechanisms has been published in print media, distributed via brochures and displayed on the Committee's website before the start of civil works along the by-pass to be built. Logs, reports and grievance resolution outcomes will be subject to external monitoring and evaluation by the World Bank. External monitoring will be carry out by Advisory panel of transparency and stable development, which are established under of Memorandum between CR and nongovernmental organizations. Under this Memorandum monitory groups functions. In

- results of their work will be prepared appropriate reports (the 1st is expected on 28th August, 2012), which will be considered by all shareholders of the Memorandum (CR, PMC, CSC, NGO).
- 2.35 During construction the individuals, who believe that their interest is affected, as well as others, may complain on the disturbance created to the traffic, noise, intrusion to the territory and other such problems. All complaints related to the Project will be considered with the help of the dispute (related to the resettlement) resolution mechanisms, which have commonly accepted structures and will be described in the information brochures on the Project and in the placards, which will be displayed in the local offices of the contractors and the supervision team.
- 2.36 The Project's procedure will differ from Kazakh standard practice in the way that each of the authorized officials in the district and oblast executive offices or public authorities/local self-government (if available) will be asked to log the complaints and follow up on the status, and report to the management of the Project (Committee and PMC, with copies to World Bank) quarterly.
- 2.37 Also, the individuals dissatisfied with the attention paid to their complaints may refer to the Management of the Project. The monitoring and assessment specialist of the PMC will receive such complaints and register them. The specialist will search for solutions that would resolve the identified problems, and will keep the plaintiff informed of the status of the complaint. The officials of any level that receive urgent complaints may forward the complaints, when necessary, to the Management of the Project.
- 2.38 Monitoring and Evaluation
- 2.39 The CR has appointed a staff to conduct internal monitoring of resettlement activities. (This person was appointed member of CR). This staff will work closely with the PMC safeguards specialists and develop a detailed plans and indicators for monitoring for subsequent phases of this RAP. The monitoring specialists will submit quarterly information about the progress of resettlement to be incorporated into Project reports. They will prepare the summary reports for the six-monthly audits by the external monitoring entity. Expenditures for this internal monitoring have been incorporated into the project budget. A general system of monitoring indicators is explained in South Kazakhstan Oblast RAP.
- 2.40 On site monitoring will be implemented by Social Safeguard Specialist of the PMC in coordination with respective CR and Akimat staff. The monitoring will rely mainly on the following information gathering methods: a) review of files b) informal sample survey of APs c) key informant interview d) in-depth case studies and e) community public meetings.
- 2.41 The PMC will send monthly progress reports to the CR.

3. Land Acquisition and Resettlement Impact in Temirlan Bypass

- 3.1 The Land Acquisition and Resettlement Framework (LARF) under the Project signed by RK Government and IFIs specifies eligibility of compensations and assistance for rehabilitation and gives detailed information on the entitlements related to each type of impacts as well as describes the procedures of valuation, grievance redress, consultations, information disclosure and monitoring/evaluation. This document combines the legal framework and land acquisition practice existing in Kazakhstan and best international practice implemented in the policies of International Financial Institutions (IFI) including the World Bank.
- 3.2 The table below describes the losses, valuations and compensation measures to be implemented.

Entitlement and Compensation Matrix

Asset	Specifications	Affected People	Compensation Entitlements
Permanent Loss			
Arable Land, Private Ownership	All Land Losses irrespective of severity of impact	Owner	<ul style="list-style-type: none"> • Land for land compensation with plots of equal value and productivity to the plots lost; or • Cash compensation for affected land at replacement cost (market value) with no deductions for taxes, transaction, registration or transfer costs • If the residual portion of a plots is too small to use, the whole plot is purchased and compensated or exchanged
		Long Term Leaseholder	<ul style="list-style-type: none"> • Cash compensation, market value of gross yield (3-year average), renewed lease in alternative plot
		Short Term Leaseholder	<ul style="list-style-type: none"> • Cash compensation, market value of gross yield (3-year average)
		Sharecropper	<ul style="list-style-type: none"> • Cash compensation, market value of share of lost harvest • Provision of livelihood restoration assistance, either through alternative land for sharecropping or other employment type
		Agricultural worker	<ul style="list-style-type: none"> • Cash compensation equal to salary in cash and kind for rest of agricultural year
		Informal users of ROW and acquired land	<ul style="list-style-type: none"> • Cash compensation equal to market value of lost harvest • Provision of livelihood restoration assistance, either through alternative land for sharecropping or other employment type
	Significant impact – more than 10% of productive agricultural land acquired	Owner, Leaseholder	<ul style="list-style-type: none"> • Cash compensation equal to market value of two crop years • Land for land compensation with plots of equal value and productivity to the plots lost; or • In case no equal alternative land plots available, cash compensation for affected land at replacement cost (market value) with no deductions for taxes, transaction, registration or transfer costs • If the residual portion of a plots is too small to use, the whole plot is purchased and compensated or exchanged
		Sharecropper	<ul style="list-style-type: none"> • Cash compensation equal to twice market value of share of lost harvest

		r	<ul style="list-style-type: none"> • Provision of livelihood restoration assistance, either through alternative land for sharecropping or other employment type
Arable Land, State Ownership	All losses, irrespective of severity of impact	Long Term Leaseholder	<ul style="list-style-type: none"> • Cash compensation, market value of gross yield (3-year average); compensation for trees or other fixed assets; renewed lease in alternative plot
		Short Term Leaseholder	<ul style="list-style-type: none"> • Cash compensation, market value of gross yield (3-year average); compensation for trees or other fixed assets, renewed lease in alternative plot
		Informal users	<ul style="list-style-type: none"> • Cash compensation equal to market value of lost harvest; access to land for lease, if available • Provision of livelihood restoration assistance, either through alternative land for sharecropping or other employment type
Residential and commercial Land		Owner	<ul style="list-style-type: none"> • Land for land compensation, plot comparable in value to lost plot, or • Cash compensation for affected land at full replacement cost free of taxes, registration and transfer costs
		Renter, Leaseholder	<ul style="list-style-type: none"> • 1-3 months allowance
		Squatter	<ul style="list-style-type: none"> • Free or leased plot on State land
Houses, Buildings and Structures		Owners of permanent structures	<ul style="list-style-type: none"> • House for house swap; if replacement is lower value, cash compensation for the difference, or • Cash compensation at replacement rates for affected structure and other fixed assets, based on material cost, construction and labor costs free of salvageable materials, depreciation and transaction costs. Cost of lost water and utility connections included in compensation
		Owners of temporary, structures (kiosks, stalls)	<ul style="list-style-type: none"> • Approved and suitable site to re-locate
Trees	Trees affected	All affected persons, including informal land users	<ul style="list-style-type: none"> • Cash compensation reflecting income replacement. Economic 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

Business employment	Temporary or permanent loss of business or employment	All affected persons, including squatters	<ul style="list-style-type: none"> Owner: if permanent, cash compensation equal to one year income; if temporary, cash compensation for the period of loss. Compensation based on tax declaration or official minimum salary, whichever is greater.
		Business owner	<ul style="list-style-type: none"> Allowance for lost profit during interruption, up to 3 months
Relocation	Transport and transitional livelihood costs	All affected 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, additional assistance of one time benefit at the rate of 35 000 KZT for house and for commercial enterprise 2 500 KZT per square meter will be provided.
House renters		Renters with leases	<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
Vulnerability		Affected persons (vulnerable) who require special support to avail themselves of project benefits	<ul style="list-style-type: none"> The categories of vulnerable APs are given in table All the vulnerable people will be covered under 'State Targeted Public Assistance Act July 17, 2001 of RK. Skill development and awareness building in rural communities and vulnerable groups In case vulnerable people will be identified during implementation of RAP, the additional vulnerable APs will be eligible for all forms assistance provided to them in RAP. One time monetary compensation (minimum living wage X 12 months) as per the agreement between CR,RK and World Bank in respect to the Policy of World Bank.
Temporary Loss			
Land used for construction activities	Subject to negotiation between owner and contractor	Owner (private or public)	<ul style="list-style-type: none"> Contractor negotiates payment with owner on voluntary basis for duration of use Land restored to original status at end of rental Environmental safeguard requirements apply
Land for borrow	Subject to negotiation between	Owner (private or	<ul style="list-style-type: none"> Contractor negotiates payment for rental and materials with owner on voluntary basis Land restored to original status at end of

pits	owner and contractor	public)	rental • Environmental safeguard requirements apply
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3.3 Cut – off Date

The cut-off date for eligibility for entitlement is March 31, 2009, the last day of the Land Acquisition and Resettlement Survey (LARS). Persons who encroach on the area *after* the cut-off-date are *not* entitled to compensation or any other form of resettlement assistance. People were informed about the Cut – off Date. The same information about Cut – off Date will be communicated in the leaflets to be issued following the disclosure of the RAP.

3.4 Valuation process

3.5 Committee for Roads of the South Kazakhstan Regional Department MTC RK appointed one independent evaluation company to evaluate the impact of the investment on the AP. The company appraised the cost for each compensation in April 2010. The independent company was responsible for assessing the impact on APs (to their lands/structures/real estate etc). The final list of AP was provided to the independent evaluators by the Regional Office of the CR. The evaluators, on the basis of those documents and additional information provided by respective owners carried out the evaluation of affected assets. Following documents were referred during evaluation:

- Identity Card
- State Act on Land referred to measurements of the land
- Technical Passport

3.6 Three types of evaluation methods which are common in Kazakhstan were applied. These are

3.7 Cost Method

3.8 Cost approach represents the expenditures of owner would have to incur to develop a land up to a certain standard equivalent to the one on the affected property. For instance, this method takes into consideration the cost of manufacturing material, the quality and cost of the buildings, its year of construction, conditions etc. This method is used mainly for housing and commercial properties.

3.9 Comparable Method

Comparative approach represents the comparison of similar property objects and land plots, which are on the same territory. Valuator use local newspaper or TV sale advertisement for similar property and land plot in the area to appraise the replacement cost, by comparing recent sales of similar objects on the effective function independent market, where independent customers and independent sellers sale and buy comparative property, taking independent decisions. The approach is based on the principle of substitution: wise buyer

doesn't pay larger amount for evaluated object, then that amount that is available on the market for similar of quality and utility objects. This principle is used mainly for residential premises.

3.10 Income Method

Profit approach is applied only for objects for commercial and agriculture purposes (e.g., petrol stations, cafes, shops, points of sale, empty commercial lands, farming lands and others) for identifying the cost of the affected property that would otherwise bring income in future income to the AP. The cost represents the amount of future income by the moment and profit due to resale of evaluating object. The approach is based on the principle of waiting, that is wise buyer (investor) acquires land plot expecting the future income or profit. The application of this approach requires thorough analysis of economics conditions and trends, that impact on the level of property profitability in the area of evaluation object location, and using of such procedures as discounting and capitalization. Evaluator on the basis of documents (tax return, income statement and etc.) defines the evaluating cost.

3.11 In Republic of Kazakhstan as per the clause 4, article 6 of RK Law "About evaluation activity" the obligatory evaluation should be performed in accordance with legislative acts of RK for redemption and acquisition of property from owner for the Government needs. More over, there is "Methodology of property evaluation while its acquisition for Government needs" approved by the order № 329 of Ministry of Justice of RK dated 7th of December 2007.

3.12 Together with it, the evaluator applied those evaluation methods, which are more acceptable for the owner of the land plot or real estate.

3.13 Evaluator makes Evaluation Act based on the right establishing documents, visual survey the evaluation object, etc. The Evaluator issues copy of evaluation to the owner of the land plot or real estate after compiling Evaluation Act. If the owner of the land plot or real estate agrees with the amount of the compensation evaluated, the contract is signed between South Kazakhstan Regional Department COR MTC RK and the owner for compensation payment, and if the owner does not agree, the contract is not signed and the owner has the right to take the matter in to the court.

3.14 Affected Population

3.15 The total number of households that the Project will affect along the Temirlan Bypass is estimated to be 60. The bypass will impact 87 hectares of agricultural lands and 4 hectares of residential lands in Temirlan Town.

3.16 Quantity and legal documents for each AP , as well as the overall list of assets affected or lost due to the construction have been identified during the census.

3.17 Land Acquisition Plan has been developed under the present legislation of the RK. Then the Decree of the relevant district Akimat has been issued which listed the land users and owners of the real estate, subjected to the acquisition with description of land plots and real estate, i.e. all the owners of land plots and real estate have been taken into account. It is expected that all AP have been identified.

- 3.18 There is no alternative land plot available for swap in the area. Compensations will be therefore based on payments of amounts of money.

Table 2: Number of Affected Households/Affected Persons in Temirlan bypass

District/town/city	Affected Households	Estimated total Affected Population
Temirlan Town of Ordabasy Rayon	60	360
Total	60	360

*as per average 6 persons in a family

Table 3: Affected Households by type of household

District/town/city	No of household	Type of household	
		Legal title	Claim ownership but no title
Temirlan Town	60	60	-
Total	60	60	-

- 3.19 Land Acquisition and Resettlement Impacts for Temirlan Bypass Work
- 3.20 Based on Detailed Design, the total land requirement for the Temirlan By-pass is 91 hectares. The private lands that will be acquired include agricultural and residential lands. The details regarding lands to be acquired for the Project are given in the following Table.

Table 4: Land requirement for the project (Temirlan Bypass)

Type of land	Hectares	Number of land users	General compensation
Agricultural land	87	38	54 133 300KZT
Residential Land (Only)	4	22	214 598 000KZT
Total	91	60	268 731 300 KZT

- 3.21 The above table clearly indicates that most part of these lands, which will be acquired for this project, is agricultural followed by residential lands.
- 3.22 Together with it, there are bare empty land plots (2), where there is no structure (residential houses and temporary structures).
- 3.23 All the people significantly affected by agricultural land acquisition will be compensated by additional support as per agreed RPF Entitlement Matrix. Persons losing more than 10% of their agricultural productive lands will receive assistance in the form of two times the annual crop value of the land area lost. This is in addition to land compensation arrangements specified for all people losing more than 10% lands. There is a total of 18 persons that re

considered to benefit from this measure as they are losing more than 10% of their productive land out of which 5 are pasture lands and bear empty lands and 12 are irrigated and under agricultural production. The cost of the Additional Support to Significantly Affected People has been included separately in the RAP budget. Following is the summary of 'Additional Support' to Significantly Affected People:

Table 5: Summary of 'Additional Support'

№	District / Town	Number of APs severely affected	Additional Support (amount) (market cost of lost crops) KZT	Remarks
1	Temirlan bypass section	17*	19 872 950	-

* - leaseholders of 4 land plots have voluntarily refused of lands because the small compensation and long time to registration of documents.

* To leaseholder of 1 land plot given alternative land plot.

17 owners and users of agricultural lands out of 38, which are subjected to the acquisition, will lose 10% and more of total area, they will be paid additional compensation in the amount of two year crops.

3.24 Project Impacts on Structures

3.25 The Project will fully affect a total of 20 structures (House only) in Temirlan By-pass, and household relocation will be required. The affected structures include only residential houses and there is no any commercial structure affected due to the project. It is also noted that there is no income of any business or employees are disrupted due to the project. There are two empty plots without any residential structure. The following Table provides the details regarding the affected structures.

Table 6: Type of Structures and the Magnitude of Impact (Temirlan Bypass)

Description of Affected Structures, Severity of Impact and Extent			
Type of Structure	Fully Affected and need to be Relocated elsewhere	Total	Compensation for structures
House Only	20	20	139 691 359 KZT
Total	20	20	139 691 359 * KZT

*Transitional Allowance has not been included

- 3.26 Relocation of fully affected houses and shops/commercial objects is the responsibility of the project under terms of the RAP entitlements matrix. All entities (household and commercial enterprises) required to relocate by the project will receive a 'Transitional Allowance' "sufficient to cover transport expenses and livelihood expenses for one month due to relocation". For households required to relocate, prior to displacement a lump sum allowance of 35,000 KZT, sufficient to hire moving assistance and meet household expenses associated with relocation. For shops or enterprises required to relocate, prior to displacement a lump sum allowance calculated as 2,500 KZT per square meter of operating space will be paid, sufficient to hire moving assistance and to meet incidental expenses associated with relocation. There are total 20 households (the houses are inhabited) required to relocate. All the residential entities required relocation will be supported with 'Transitional Allowance' of 35,000 KZT. There is no commercial entity required relocation in Temirlan Bypass section. The cost of 'Transitional Allowances' has been included separately in the RAP budget. Following is the summary of 'Transitional Allowances':

Table : Summary of 'Transitional Allowances'

№	District/Town	Number of APs require relocation		Total amount of transitional allowances (KZT)		Total (KZT)
		Residential	Commercial (Shops and commercial buildings, petrol stations)	Residential	Commercial (Shops and commercial buildings, petrol stations)	
1	Temirlan	20	-	700,000	-	700,000

- 3.27 There is a Special Program on Payment of Lump-Sum Allowance to socially vulnerable strata of society in the Republic of Kazakhstan. This Special Program has been executed under the provisions, stipulated in the Act of the Republic of Kazakhstan "On State Targeted Public Assistance" No.246-II of July, 17, 2001. All vulnerable persons with their specifications are in the books of the District Akimats. As per the provisions of the Act the vulnerable persons receive fixed rates of Lump-Sum Allowance Monthly Payment. Vulnerable people have been classified into different groups depending on the degree of the vulnerability.
- 3.28 The Act also provides other benefits for these people, for example, they are granted exemption from taxes (for land, for transport and some others).
- 3.29 There is no Affected People have income less than the minimum subsistence level of 13,156 KZT at the date of January 1, 2011. In case during implementation of RAP, vulnerable people will be identified, they will be benefited under 'State Targeted Public Assistance', the vulnerable APs who are physically capable for work will be considered for employment in their relevant region on priority. Along with it, as per the document on resettlement and operational policy of World Bank each social vulnerable person will be paid one-time compensation.

4. Policy, Legal and Administrative Framework

- 4.1 In Kazakhstan, although most land is owned by the State, land can also be privately owned, transferred, sold or rented to individuals. Once land is in private hands, the State can reclaim it only for specific infrastructure of public interest, for example for the construction of roads such as the Temirlanovka bypass, provided that APs are adequately compensated for their property and/or the loss of revenues.
- 4.2 Kazakhstan's laws and regulations regarding land and land ownership derive from the Constitution, which states that land (surface and underground) is in principle owned by the State, but can also be privately owned (Article 6.3). Article 26.3 also states that *No one may be deprived of property unless stipulated by a court decision. Forcible alienation of property for public use in extraordinary cases stipulated by law may be exercised on condition of its equivalent compensation.*
- 4.3 The Land Code of the Republic of Kazakhstan (CODE No. 442 of 20 June 2003) covers the *reservation* of land for State Needs, stating that *A land plot may be reserved for state needs by way of purchase or by granting an equivalent land plot with the consent of the owner or land user* (Article 84.1). Road construction is one of several grounds for purchasing private land or terminating long-term leases (Article 84.2.4). In the case of land under lease, the land user is compensated for the full amount of losses and may be granted an alternative plot (Article 84.4). The availability of suitable land to swap varies from one location to another, however.

- 4.4 Landowners and users must be notified of the decision to purchase a year in advance, unless the owner or user agrees to release the land more quickly (Article 85.2). If part of a land plot is reserved and the remaining of the plot cannot be used as before (creating orphaned parcels) then the whole plot should be purchased (Article 86 Para 2)
- 4.5 The price of a land plot purchased for state needs is *determined by agreement with the owner or land user* (Article 87.1). The payment price includes *the market value of a land plot or rights to it and of real estate situated on it, as well as all losses caused to the owner or land user due to loss of a land plot, including losses that they incur in connection with the premature termination of obligations to third parties* (Article 87.2). If the owner or land user agrees, another plot of equal value can be substituted instead of cash compensation (Article 87.3).
- 4.6 If an owner disagrees with the decision to purchase (reserve) or disagrees with the price offer or other conditions of the purchase, the authority that issued the decision to purchase can file a lawsuit to ask the court to purchase the plot (Article 88 Para 1) after the year of notification has passed (Article 88 Para 2). In disputed cases, the land cannot be accessed until the court adjudicates a settlement that specifies levels of compensation and losses (Article 166.7). Compensation must be paid to the owner or user before the reservation is processed by the rayon level office of the Land Resources Management Committee and registered at the Registration Service Committee, which is required before civil works can begin on the land involved.
- 4.7 When residences are affected, the Law on Housing Relations also applies. If a house is demolished for State Need, the owners can choose either to receive a new residence or receive compensation at the market value of the house. An owner who chooses the replacement option can select a home from a list of available homes. If the value of the selected house is higher than the market value of the building to be demolished, the exchange is completed; if the cost of the selected building is lower than the market value of the one to be demolished, the owner is compensated in cash for the difference. Disagreements over the evaluation are settled in court.
- 4.8 Although the legal framework for reserving land and compensating owners is clear, procedures are not fully defined. The process was once regulated by Government Resolution No 403, On the Approval of Provisions for Procedures to Withdraw and to Buy Out Land Areas for State Needs (8 April, 1996). The resolution expired in February 2005, however, and has not been replaced. The calculation of “market value,” in particular, is subject to interpretation in the absence of standardized procedures, and officials are thought to set values below actual transaction values. Final design teams frequently commission professional assessors to prepare land acquisition estimates, but there is some question regarding the extent to which their estimates are based on site-specific information. Consequently, challenges are not uncommon.
- 4.9 Land Acquisition Practices
- 4.10 The feasibility study for an investment includes a proposed alignment and estimates of the amount of land to be acquired permanently; the amount of land needed temporarily for

staging, construction sites and borrow pits; and the number of buildings that would be demolished; and estimated cost of acquisition, rental and restoration of affected lands. The document is sent to the oblast and rayon levels for review and comments. It is then sent to Astana. Meanwhile, the rayon administration issues a decree identifying the area affected by changes in the alignment and designating the land as subject to reservation (expropriation). At this point, the oblast roads committee requests the local Land Resources Management Committee to freeze land transactions in the area identified for land acquisition for bypasses, for example, to prevent speculation. At the same time, owners are notified that their land may be acquired. This notification was carried out along the corridor in late 2007, over a year before the final design was completed, thus preparing for quick action once the final design is completed and accepted.

- 4.11 The final design is prepared in an interactive manner, involving intensive field investigation and consultations with local officials, particularly at the rayon level. The design process generally starts with a meeting of all relevant officials in the oblast—agriculture, land resources, registration, utilities, public works, and others—to inform them of the tentative alignment and requesting information that should be taken into account in the final design. The final design includes detailed maps of individual landholdings to be affected, complete ownership data from the cadastre, and estimated compensation for acquisition and losses. Design companies subcontract specialized services for the preparation of the final design including, for the first time in 2008, the services of licensed property assessors.
- 4.12 Once the alignment is agreed upon with local officials and has been consulted upon through public consultations, the design team obtains cadastral maps and ownership records and asks the Akimat of the rayon to call affected owners together to discuss the land acquisition process. The data are then given to the licensed assessors who are responsible for determining the “market value” of the property to be acquired and negotiating compensation with owners. Although there is established precedent for assessing urban property values, rural property assessment is rather new, and transactions are not common in many regions. To determine rural property values, the assessor takes into consideration soil quality, productivity, trees, and other production characteristics, in addition to recent land transactions, if there are examples available. The assessors are expected to negotiate with owners and sign agreements, if possible, which are used for purposes of estimating project costs, but are not binding. Once the Akimat approve the final alignment, the CR can proceed with acquisition or expropriation. If the owners and CR cannot agree on the amount and term of the compensation, the CR may initiate a court appeal after the one-year notification period ends. If the CR or the owner appeals to the court, the court renders a decision that includes the amount of compensation to be given to the owner. Judgments are said to be impartial, favoring either the government or the owner, depending on the case. Land cannot be accessed until compensation is completed and the title is transferred.
- 4.13 The previous practice was for the Rayon Akimat to establish a valuation commission that included officials and landowners, without specialized inputs. The use of licensed assessors was expected to reduce claims and result in a smoother acquisition process, but the final results will be seen once the acquisition process begins.

- 4.14 The final design identifies possible locations for work camps, storage and staging facilities, borrows pits and other sites for temporary use during construction. Contractors can use the information to estimate costs and logistics, but are not required to use the recommended sites. Civil works contracts will require the contractors to be responsible for negotiating for temporary land use and reinstatement of all land required outside of the right of way for construction camps, offices, borrow pits, materials storage sites, materials processing sites and haul roads. The contractors will select the land parcels they require and they will be responsible for negotiating agreements with land owners to use the land and extract materials. If a contractor fails to obtain an agreement with a landowner, the contractor must select an alternative site and negotiate a new agreement. No land can be occupied involuntarily for temporary construction purposes. Contractors are assumed to prefer to rent State land, rather than private property, but the choice is theirs. In either case, the arrangements must be subject to a written agreement between the contractor and the owner and lands are required to be returned to their original state to the extent possible after the completion of the works.
- 4.15 Involuntary Land Acquisition/Resettlement Principles
- 4.16 The Government has agreed to apply the following principles in the acquisition of private land and resettlement of households for investments on the South West Roads Corridor, which reflect the principles incorporated into the LARF, consistent with resettlement policies of the World Bank and other IFIs. The principles apply in case of temporary or permanent impacts on households resulting from loss of land, structures or other fixed assets; changes in land use or business; restrictions on the use of land, housing or businesses. The principles apply to *all* “affected persons”, *including those without formal licenses or titles*, who experience impacts as the result of land acquisition or resettlement for State Needs. Those principles can be summarized as follows:
- Avoid or minimize land acquisition and resettlement
 - Affected persons are entitled to be compensated at full replacement cost for their lost assets, incomes and businesses, without adjustments for depreciation or deductions for any other purpose.
 - Compensation (and other forms of assistance, as warranted) should enable affected persons to improve, or at least restore, their pre-project incomes and standard of living.
 - Affected persons must be consulted in resettlement planning
 - Affected persons must be fully informed of their compensation options
 - Land-for-land swap is the preferred compensation for lost agricultural land if it is available, unless an affected person chooses cash compensation
 - Costs of transfer of property—purchase or swap—are waived or borne by the investor, including taxes, fees, documentation and court appeals
 - Compensation will be made giving equal consideration to women and men

- Lack of formal title or use agreement does not bar affected persons from entitlements or assistance required to achieve the objectives of the policy
- Relocated affected persons receive relocation and transition subsistence allowances
- Special attention should be given to households headed by women and other vulnerable persons and appropriate assistance provided to assure that their living standards are maintained or improved
- Land acquisition and resettlement are financed by the Government Budget, not by the IFI loan proceeds.
- Compensation will be fully provided before the land or property can be used for civil works or demolition.

4.17 Principles of Resettlement Planning and Implementation

4.18 The majority of permanent Project impacts will be located along bypasses and at large intersections, where most land acquisition will occur. Demolition of structures is also expected to occur most commonly in bypass areas, particularly at the start and end of a bypass, or where existing simple road crossings are replaced by clover leaf type intersections. Other demolition may be needed where alignments are revised (e.g. curve radii) to reduce traffic hazards and improve visibility. In addition, some demolition of walls and other structures will be needed to reclaim existing rights of way.

4.19 Once final designs are completed and accepted by the rayon and oblast administrations, they are passed to CR for final review and approval.

4.20 This RAP has been subsequently prepared, based on the following steps:

- An inventory of land use and users and their properties such as owned or leased land, enterprises, structures, or agricultural activities
- Local consultations to engage affected persons in the design of the Plan
- Publication of the plan for comment
- Submission of the final Plan and cost estimates to the World Bank for review and approval before its dissemination.

4.21 These steps also provide the basis for future tracking of the impact on APs as well as the effectiveness of the RAP implementation and determine whether additional mitigation measures should be developed. A socioeconomic assessment to supplement current information will be executed early in project implementation to establish a baseline for monitoring and evaluation.

4.22 Additional Measures

4.23 Land and Housing Codes in Kazakhstan regarding the acquisition of land and assets for State needs align with the World Bank's OP 4.12 in most topics. In the absence of standard regulations and procedures, implementation may vary in practice, however. The steps described below ensure more consistent implementation and compliance with the policies of

the World Bank and international good practice during implementation. Under terms of the RAP Entitlements Matrix, all entities required to relocate by the project will receive a transitional allowance sufficient to cover transport expenses and livelihood expenses for one month due to relocation. For households required to relocate, prior to displacement a lump sum allowance will be paid in the amount of 35,000 KZT and for shops or enterprises required to relocate, prior to displacement a lump sum allowance calculated as 2,500 KZT per square meter of operating space will be paid.

- 4.24 Encroachment and Informal Land Use: The Land Code does not entitle encroachers to compensation for the loss of access to the lands they use informally, but it does not explicitly say they cannot be compensated. Based on the census and field inspections, there are no illegal or informal land users within the area required for construction of the Temirlan Bypass.
- 4.25 According to Kazakh legislation the CR may expect the owners of temporary structures to move outside the right of way at their own expense. When the encroachment consists of cropping on informally occupied land, the users will be allowed to harvest standing crops and offered the opportunity to rent alternative land.
- 4.26 However, in the context of this Project and regarding the issue of *land use without title* the Borrower has clearly committed to adhering to World Bank safeguards policies during Project implementation, including the World Bank's procedures for compensating land users without formal title equally to those with formal titles¹. Moreover, the Committee for Roads reconfirmed in a meeting with World Bank safeguards specialists in March 2009 that a methodology for compensating informal land users has been designed and will be applied during Project implementation: Land users encroaching within the ROW as well as land users without title on bypass alignments will be assisted by the CR to obtain a formal title before the start of the civil works. This would entitle those land users to become eligible to compensation according to standard Kazakh legal framework. Upon request by the CR the World Bank's position described above was reaffirmed in a letter to the Ministry of Transport & Communication dated 10 March 2009.
- 4.27 Currently the expected losses of most of the affected land owners as well as owners / users without formal title have already been evaluated and are included in the overall resettlement budget. In many cases (involving owners with formal titles) agreements have been reached with the authorities on compensation arrangements, although the CR will take steps to ensure that the arrangements are uniform throughout the corridor. It is important to note that the assets of land users without title have been evaluated using exactly the same criteria as those with official titles. Thus, once their land use has been legalized by obtaining formal title the compensation estimates and procedures described throughout this RAP will equally apply to them.
- 4.28 Land Swaps vs. Cash Compensation: The Land Code offers owners the option to swap land or buildings in lieu of compensation. In some areas, alternative lands may not be readily available. Nonetheless, all affected persons will be informed of the option and all local administrations have been requested to assess the availability and location of substitute

lands. Where land is available for swap, officials involved in the land acquisition process are instructed to offer affected persons the option to swap land and buildings for compensation instead of cash, if they choose.

- 4.29 Relocation of fully affected houses and shops/commercial objects is the responsibility of the project under terms of the RAP entitlements matrix. All entities (household and commercial enterprises) required to relocate by the project will be paid a transitional allowance “sufficient to cover transport expenses and livelihood expenses for one month due to relocation. For households required to relocate, prior to displacement a lump sum allowance of 35,000 KZT, sufficient to hire moving assistance and meet household expenses associated with relocation. For shops or enterprises required to relocate, prior to displacement a lump sum allowance calculated as 2,500 KZT per square meter of operating space will be paid, sufficient to hire moving assistance and to meet incidental expenses associated with relocation. The transitional allowances received by all the identified commercial enterprisers are based on total affected area required relocation time 2, 500 KZT.
- 4.30 Land plots acquisition under the project “Temirlan Bypass” has been started prior to approval of RAP by the World Bank, but they align with the measure and entitlement matrix detailed in the draft RAP. The reason is that the procedures of acquisition under the project “Temirlan bypass” are similar to those already in use for other sections of the same project in the South-Kazakhstan region (financed by the same World Bank loan, and in a manner consistent with the Resettlement Policy Framework agreed with the Bank.

5. Timetable and Budget

Proposed implementation schedule

Task	Responsibility	Timeline	Status
Recruitment of resettlement staff. and initial training	Committee for Roads, PMC	Feb 2010	Completed
Conduct of Census & SES and input of data & analysis	Committee for Roads	2010	Completed
Preparation of RAP and submission to WB for approval	Committee for Roads, PMC	March 2012	Final draft of RAP is ready to submit.
Land Acquisition Process	Committees for Roads, land authority	June 2012	At the moment 1 leaseholder – Cotton company LLP not compensated because Akimat consider the possibility to give them alternately land plot.
Payment of Compensation for Priority Section	Committee for Roads	Completed	At the moment 1 leaseholder – Cotton company LLP not compensated because Akimat consider the possibility to give them alternately land plot.

Relocate houses, shops, businesses	Committee for Roads	June 2012	At the moment all houses relocated, most people continued the construction their new houses.
Clear the ROW	Committee for Roads	May-June 2012	Structures that left at the acquired land plots are houses. As per agreement with Akimat, households are given the opportunity to stay at their houses till the April 1 st . than this term was extended to June 1 st , 2012
Issue notice for commencement of civil workers	Committee for Roads and PMC	Sept. 2011 (1 st notice)	After compensation paid and completion of the overall resettlement
Income Restoration	Committee for Roads and PMC	Sept. 2011	On going
Management Information System	Committee for Roads, PMC and Construction Supervision Consultants	March 2010	On going
Grievance Redressing	Committee for Roads, PMC and External Monitoring Agency	Monthly	On going
Internal Monitoring	Committee for Roads, PMC	Quarterly	On going*
External Monitoring	Committee for Roads, PMC	Six monthly	Will be begin when due

* First internal monitoring report has been submitted in the month of August 2011, by R&R Expert, International.

5.1 Cost Estimate

5.2 The budget for compensations includes estimated costs of land compensation, relocation, income restoration, assistance entitlements of APs, administrative costs (2.5 per cent of the total budget), and contingency cost (10 percent of the total budget).

5.3 Total Budget Cost

5.4 The total cost of the Resettlement Action Plan of Temirlan Bypass is estimated at 302,793,835 KZT (2,045,905 USD equivalent based on 148.00 KZT / 1 US\$ exchange rate).

Table 8: Estimated Cost of Land Acquisition and Resettlement of Temirlan Bypass

Resettlement Action Plan of Temirlan By-pass, 2012

Item No	Item	No	Total KZT	Total US\$
Compensation for Land	Agricultural land including Compensation for loss of agricultural income (significantly affected more than 10%)	38	54 552 075	368 595
	Residential land	2 + 20 house structures land plots	5. 74 206 641	6. 501 396
	Commercial land	-	-	-
	Any other	-	7. 128 758 716	8. 869 991
9.	Sub total A	40	54 552 075	368 595
Compensation for structures	House structure only	20	139 691 359	943 861
	Transitional Allowance for inhabited houses (35,000KZT)	20	700 000	4 730
	Shops (café, tearoom	-	-	-
	Petrol station	-	-	-
10.	Sub total B	20	140 391 359	948 591
11.	Sub total A+B	63	12. 269 150 075	13. 1 818 582 14.
Admin cost 2.5%	15.	16.	6 728 752	17. 45 465
Contingencies 10%	18.	19.	20. 26 915 008	21. 181 858
Grand total	22.	23.	302 793 835	2 045 905

Annexure A

Issues Raised During Consultation Meetings

Issues Raised during consultations Meetings

Subject of consultations was not only RAP, also the road alignment, environmental impact,

Consultation location		Stakeholders present	Issues raised	Actions taken
Date	Location/venue			
June 30, 2009	Turkestan akimat	70 APs and government personnel.	Compensation Adequacy and number of APs	Explained them the Remedies available if they are not satisfied with the compensation Awarded.
Feb 11.02.2010	Birlik village, Turkestan	100 APs and government personnel.	Compensation Adequacy and number of APs	Explained them the Remedies available if they are not satisfied with the compensation Awarded.
Feb 18-19, 2010	Turkestan, Shimkent, Ordabasy, Aris, Sairam akimat	650 24. Temirlan residents (not only affected residents, but the remaining portion as well), representatives of akimat and SKO Department 25.	Compensation Adequacy and number of APs	Explained them the Remedies available if they are not satisfied with the compensation awarded.
29. 07. 2010	Ordabassy akimat, Tmirlan village	76 persons CR MTC RK, SKR CR MTC RK, owners of properties, representatives of local authorities and NGO II.	Evaluation of property, compensation at the cost of replace, design decisions	Explained the procedure of evaluation and procedure of compensation payment, availability of underpasses, passes of farming machines, channel during water flooded
16.01.2011	Ordabassy akimat, Tmirlan village	54 persons CR MTC RK, SKR CR MTC RK, owners of properties, representatives of local authorities and NGO III.	Compensation for lost of property	Explained the procedure of evaluation and procedure of compensation payment, availability of underpasses, passes of farming machines, channel during water flooded

Resettlement Action Plan of Temirlan By-pass, 2012

28.03.2011	Ordabassy akimat, Tmirlan village	47 persons CR MTC RK, SKR CR MTC RK, owners of properties, representatives of local authorities and NGO	Compensation for lost of property. Adequacy of compensation and	Explained the procedure of evaluation and procedure of compensation payment Explained them the Remedies available if they are not satisfied with the compensation awarded.
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