



LAND ACQUISITION AND RESETTLEMENT FRAMEWORK

Kyzylorda to Zhezkazgan Road Rehabilitation Project, Kazakhstan

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Prepared on behalf of JSC KazAvtoZhol

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KEY TERMINOLOGY

Acquisition (as in “land acquisition”) – the purchase of property and property rights, sometimes can also be referred to as “land access”.

Affected people (as in “Project Affected People” or PAPs) – a person, persons or entity experiencing either physical or economic displacement as a result of the project.

Compensation – payment in cash or in kind for loss of an asset or a resource that is acquired or affected by the project. The amount is calculated based on replacement cost. Compensation is typically understood to include all forms of compensation, including the provision of replacement land. Compensation covers the loss of an asset. It does not cover for example, an allowance paid or provided in respect of various inconveniences not directly related to the loss of an asset, or any livelihood restoration allowances or activities to address any vulnerabilities.

Corridors of Impact – the area that is impacted by the road civil works or by the need to retain sites for use in road maintenance. Those who will be identified as affected by such impacts will be eligible to receive compensation based on the cut-off date established for the project.

Right of Way – based on the Kazakh Law, the RoW is defined as the area, occupied by roads, to accommodate the relevant structural elements and engineering structures of the road, as well as buildings, structures, protective and ornamental forest plantations and road communication devices necessary for their operation.

Cut-off-date – usually is the same date as the last date of the census in the project area carried out specifically to identify all potentially affected people who will be eligible for compensation.

Easement – long-term land usage restrictions where the land is required by the developer or contractors to accommodate long term operational restrictions but where land ownership does not change, and most activities can continue as before. Land easement from current landowners is subject to compensation.

Entitlement – a range of compensation measures to which project affected people are entitled to.

Grievance Mechanism – is the process established under law, local regulations, or administrative decisions to enable property owners/users and other PAPs to seek redress on issues related to acquisition, compensation, or other aspects of resettlement process.

Household – a group of people living together as a single social unit, who were identified during a census and asset inventory survey as being impacted by project activities and as such, eligible to receive relevant compensation and/or assistance provided by the Project.

Land Acquisition and Resettlement Framework – a document prepared to specify the policy principles and procedures for identifying, quantifying and addressing land acquisition and resettlement impacts related to the project. The LARF is prepared based on the requirements of the national legislation and ESP 2019: Performance Requirement 5: Land Acquisition, Restrictions on the Land, and Involuntary Resettlement.

Resettlement Plan – is the planning document that describes the activities to be carried out with the view of addressing economic and physical displacement impacts associated with the project.

Livelihood Restoration – the loss of asset (i.e. land) or restriction of access to natural resources (i.e. land) can sometimes affect people's livelihood as a result of land-related impacts triggered by the project. The re-establishment of the affected livelihood to its pre-project level is called livelihood restoration.

Replacement Cost – is defined as a method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement. Where functioning markets exist, replacement cost is the market value as established through independent and competent real estate valuation, plus transaction costs. Where functioning markets do not exist, replacement cost may be determined through alternative means, such as calculation of output value for land or productive assets, or the undepreciated value of replacement material and labour for construction of structures or other fixed assets, plus transaction costs. In all instances where physical displacement results in loss of shelter, the replacement cost must at least be sufficient to enable purchase or construction of housing that meets acceptable minimum community standards of quality and safety. The valuation method for determining replacement cost should be documented and included in relevant resettlement planning documents. Transaction costs include administrative charges, registration or title fees, reasonable moving expenses, and any similar costs imposed on affected persons. To ensure compensation at replacement cost, planned compensation rates may require updating in project areas where inflation is high or the period of time between calculation of compensation rates and delivery of compensation is extensive.

Vulnerable people – a group of people who might suffer disproportionately or face the risk of being further marginalised by the effects of land-related project impacts. Such people can include those living below the poverty line; female headed households; large households with 4 or more children below 18 years; households with disabled members; or elderly with no family support.

1 INTRODUCTION

1.1 OVERVIEW AND OBJECTIVES

This Land Acquisition and Resettlement Framework (LARF) is a guidance document which provides key policy principles and procedural requirements to ensure that the affected people are compensated for any losses, in manner such that their well-being are restored to at least a pre-project level. The LARF will be followed by JSC KazAvtoZhol (referred to as KazAvtoZhol) the organisation responsible for the implementation of this LARF.

KazAvtoZhol was established in 2013 as a 100% state-owned national road operator under the trust management of JSC National Company Kazakhstan Temir Zholy. They will ensure that any potential impacts for the Kyzylorda-Zhezkazgan Road Rehabilitation Project are addressed in compliance with the national legislation and the European Bank for Reconstruction and Development (EBRD) Performance Requirement 5 (PR5).

The finance for the rehabilitation of the Kyzylorda-Zhezkazgan Road Rehabilitation Project is for the reconstruction of approximately 204 km of a 427 km road. The road will link the cities of Kyzylorda (the main rice producer to the south of the country) and central Zhezkazgan (a former Soviet copper mining town). It is a connector road to CAREC's (Central Asia Regional Economic Cooperation Program) Corridor 1 in the south of the country and the Center-North-border of the Russian Federation corridor in the north.

The LARF is laid out in accordance with the national legislation and EBRD PR5, and its principles related to potential land impacts and compensation of the affected parties.

The objectives of this LARF are to:

- set out key principles and procedures to address potential physical and economic displacement if and where such impacts are caused by the project;
- lay out the process by which potential land acquisition and resettlement impacts will be identified, quantified, and compensated for; and
- identify measures to be taken to minimise, mitigate and compensate such impacts through the development and implementation of the Resettlement Plan (RP).

KazAvtoZhol will be responsible for implementation of the future Resettlement Plan based on the principles covered in national laws and this LARF.

The information in this LARF has been compiled based on the following:

- Review of the national legislation related to land acquisition and resettlement;
- A site tour of the road in March 2021;
- Basic land registry data provided by KazAvtoZhol; and
- A socio-economic survey carried out in March-April 2021 and information on the preliminary design.

A national EIA has been developed and approved for each of six sections of the road 12-24 km, 24-76 km, 76-127 km, 127-156 km, 156-186 km and 186-216 km. A final road design is now complete for all six sections.

1.2 SCOPE OF THIS DOCUMENT

This LARF applies to land acquisition and livelihood impacts caused by rehabilitation of the Kyzylorda-Zhezkazgan road. While no privately-owned land will be acquired for the Project, some individuals use the state-owned land (formally and informally) and will be permanently and/or temporarily affected. The proposed project construction works for the Kyzylorda-Zhezkazgan road will also involve the building of a temporary side way (to be made of gravel) along the main road. This side road will consequently pass close to some privately-owned structures along the alignment (e.g. roadside cafes, road accident memorials, etc.). To mitigate against any potential land-related impacts triggered by the contractors' activities and also the development of a temporary side road, the Client will comply with all principles of the EBRD PR5 throughout the project lifetime.

Where land-related impacts affect these land users, KazAvtoZhol will comply with the EBRD's environmental and social obligations detailed in their Environmental and Social Policy (2019) that includes the Performance Requirements. KazAvtoZhol will use the EBRD's Performance Requirement 5 (PR 5) as the basis to ensure that adverse impacts on private landowners or land users, their rights, livelihoods, culture and environment are avoided or, where avoidance is not possible, minimised, mitigated, offset and/or compensated.

2 PROJECT BACKGROUND

2.1 OVERVIEW

The Government of Kazakhstan (GoK) approached the EBRD requesting a sovereign guaranteed loan to finance the urgent reconstruction of the 204 km section of Kyzylorda-Zhezkazgan road and greenfield construction of the 15 km Kyzylorda bypass (4 lanes). The EBRD is considering financing for both sections, although this LARF is only for the 204 km section of Kyzylorda-Zhezkazgan Road Project (12 km to 216 km), meeting the requirements of a Category B project under EBRD's Environmental and Social Policy, whereas the 15 km Kyzylorda bypass is classed as a greenfield Category A project and will be separately assessed.

The road is currently a two-lane Category III road in accordance with Kazakhstan Construction Norms and Rules (SNiP) and was constructed about 30 years ago. The proposed works will allow KazAvtoZhol to upgrade the current Category III road to a higher technical Category II road, and includes works related to the road pavement, construction of bridges, interchanges, gender sensitive roadside facilities, rest areas, stops for public transport, as well as financing supervision engineers.

The proposed 204 km EBRD funded road section "Kyzylorda – Zhezkazgan" is located in Sirdar and Shiyeli Districts of Kyzylorda region. This is the only road connecting the cities of Zhezkazgan and Kyzylorda. The upgrade of the road is of great importance as Kyzylorda is the main rice producer to the south of the country and Zhezkazgan is the country's copper capital. Furthermore, the road upgrade will improve transport connections in the Republic of Kazakhstan and access to Central Asia, providing an important inter-regional road for the transport of goods and passengers. It is a connector road to the key trade-enabling CAREC Program's Corridor 1 in the south of the country and the Center-North-border of the Russian Federation corridor in the north. Once reconstructed it will offer the shortest transport link for transit flows from Central Asia to the Russian Federation as well as the socially significant route for the very sparsely populated and economically isolated settlements along the road.

The reconstruction of the road is prioritised by the government as part of the regional Covid-19 crisis response to provide direct connectivity between the regional cities to improve accessibility to social and economic opportunities.

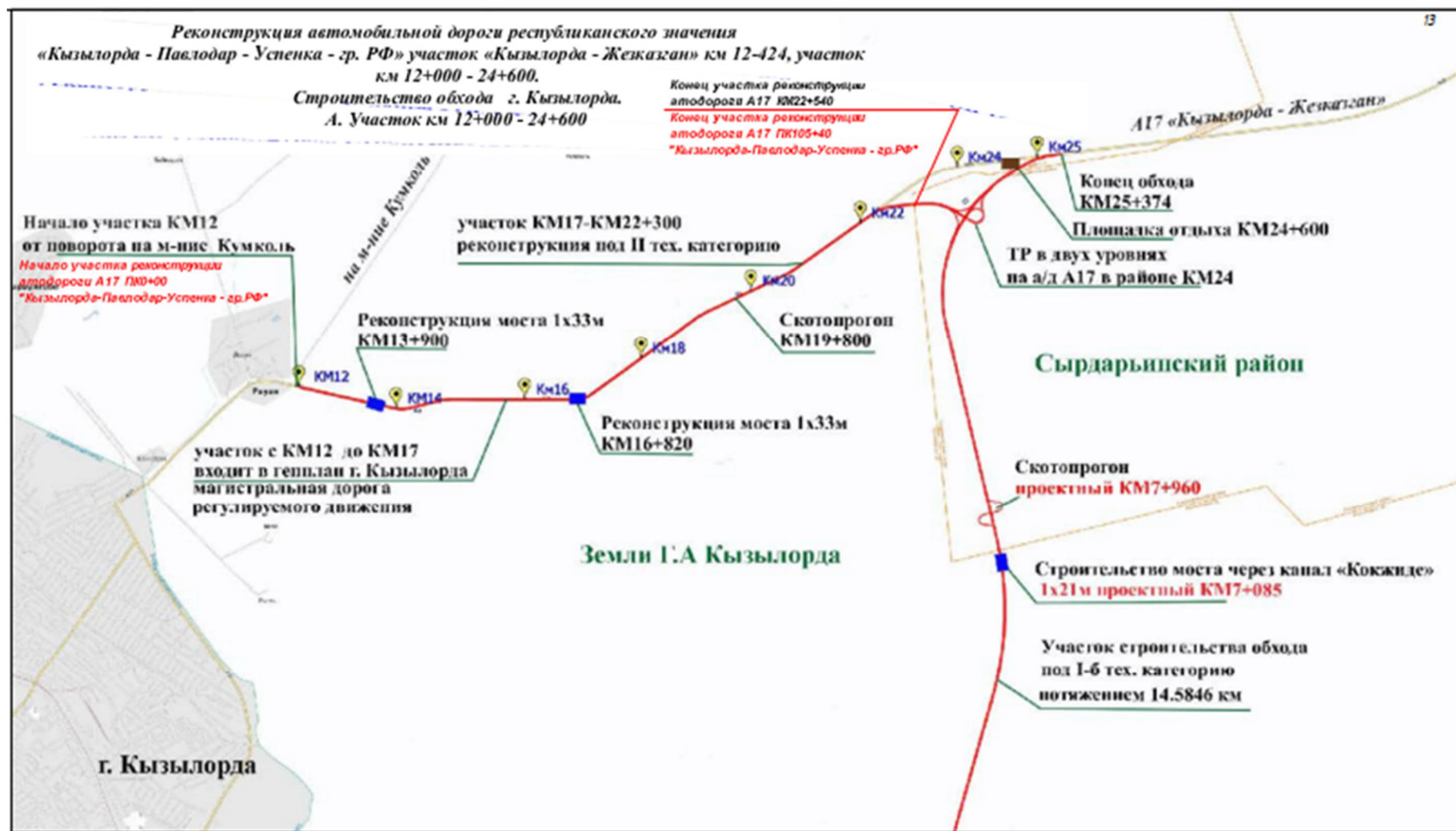
The road is divided into 6 sections with a precise total length of 203.881 km without the Kyzylorda bypass (14.585 km, Category I). The road will be classified as a Category II road according to the Law of the Republic of Kazakhstan on Motorways (July 2001 #245 with changes and additions on 02.07.2020), the legal right of way (RoW) for this type of the road is 20m from its centre at each side.

A summary of the road sections is provided below.

- 1. Section km 12+00 – 24+600 with Kyzylorda bypass (Category II/I-b), length – 25.908 km (11.323 + 14.585 = 25.908);
- 2. Section km 24+600 – 76+000 (Category II), length – 53.551 km;
- 3. Section km 76+000 – 127+000 (Category II), length – 50.114 km;
- 4. Section km 127+000 – 156+000 (Category II), length – 28.335 km;
- 5. Section km 156+000 – 186+000 (Category II), length – 30.010 km; and
- 6. Section km 186+000 – 216+000 (Category II), length – 30.548 km.

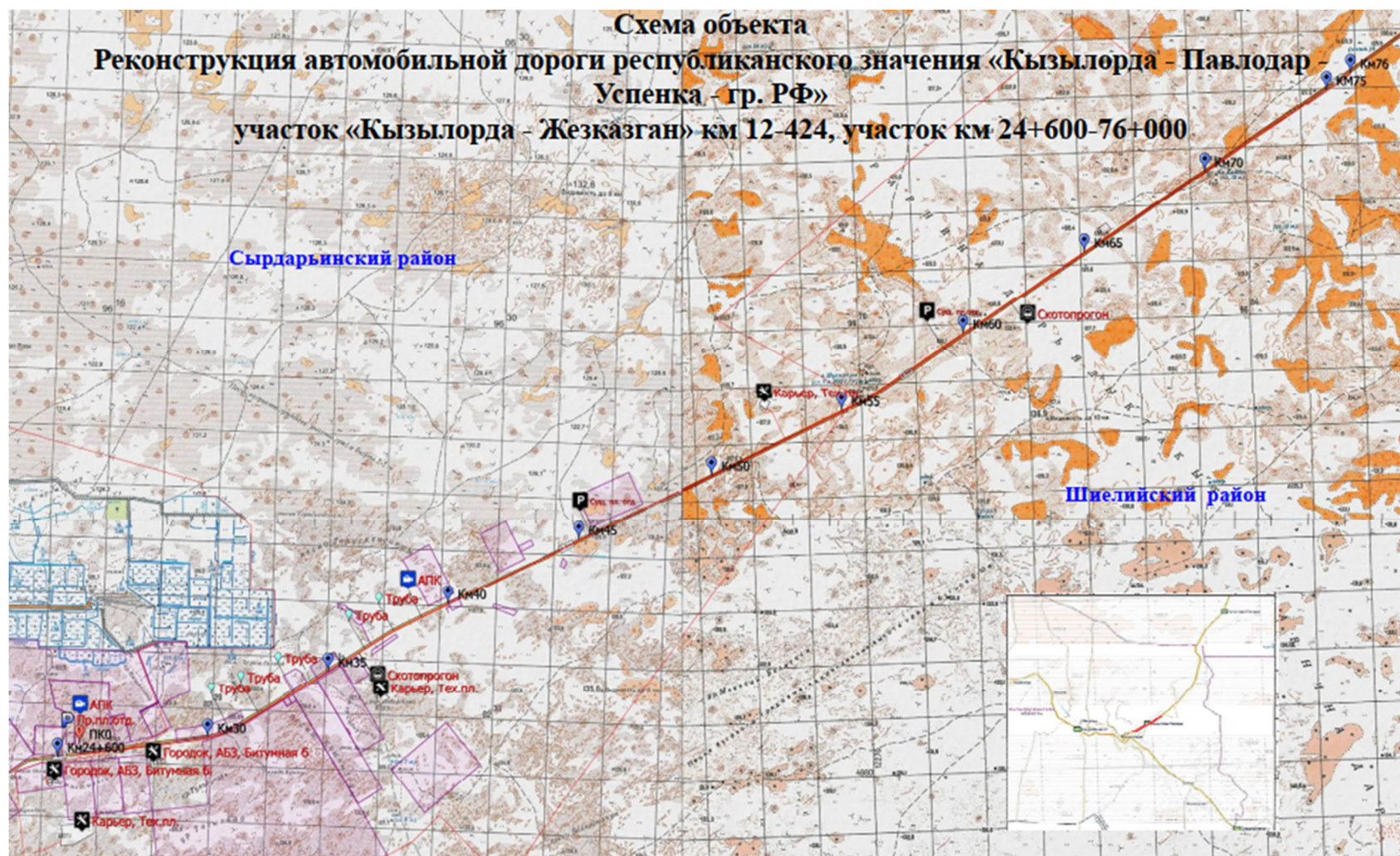
Tendering for construction of the road sections has yet to start. It was originally planned that construction will commence around Q1 2021 for most sections of the road and would be completed within 36 months from the date of signing the contract for the road works construction. The programme is behind schedule.

Figure 1: Road Section 1 (12 - 24 km)



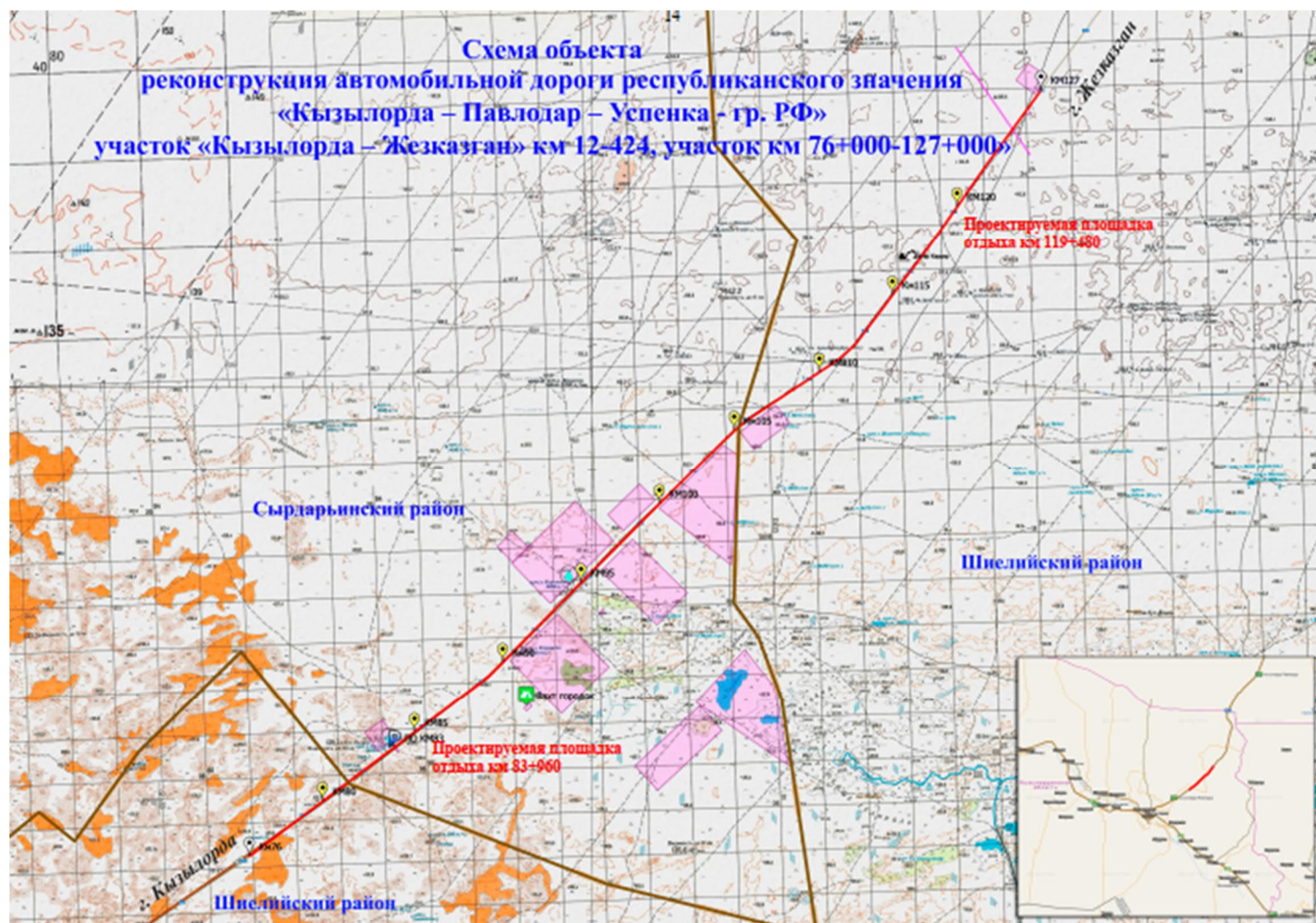
Source: Conclusion of state expertise № 01-0043/21 dated 26.01.2021.

Figure 2: Road Section 2 (24 - 76 km)



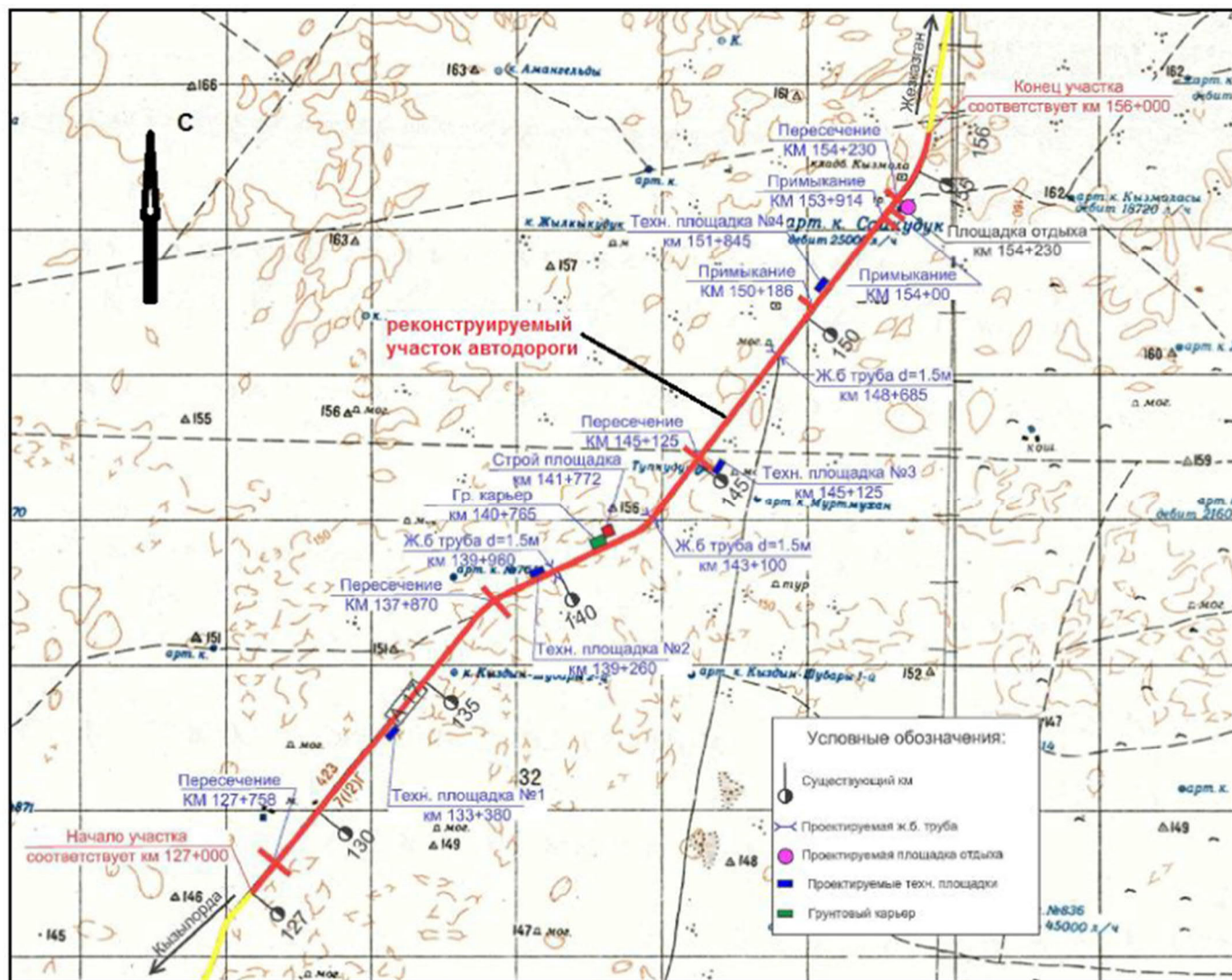
Source: Technical report "Technical survey of the current condition of the road and associated infrastructure for the project 'Reconstruction of the road of republican significance A-17 'Kyzylorda-Pavlodar- Uспенka-border with Russian Federation' section 24-76 km"

Figure 3: Road Section 3 (76 - 127 km)



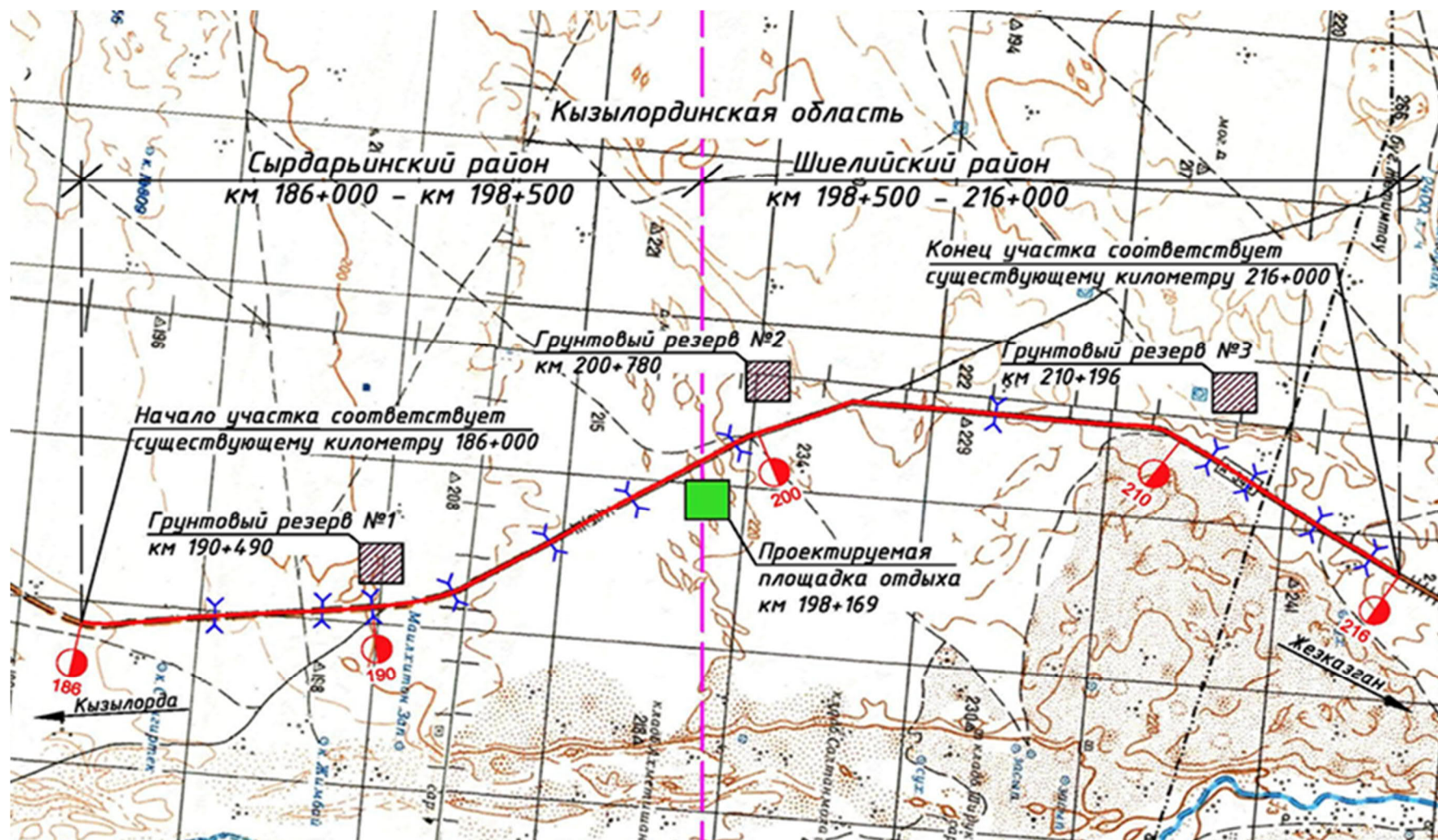
Source: Reconstruction of the road of republican significance 'Kyzylorda-Pavlodar-Uspenka- the border of the Russian Federation' section 'Kyzylorda-Zhezkazgan km 12-424, EIA section 76 -127 km.

Figure 4: Road Section 4 (127 - 156 km)



Source: Conclusion of state expertise № 01-0574/20 dated 03.12.2020.

Figure 6: Road Section 6 (186 - 216 km)



Source: Conclusion of state expertise № 01-0550/20 dated 24.11.2020.

In general, some of the differences of existing length to design length can be mainly attributed to the fact that less accurate measurements were used previously during the Soviet era.

For Category II roads, the distances to residential areas that apply are provided in Table 1 below.

Table 1: Project Distances for the Category II Section

Category II Legal Requirement for Distances to Residential Areas	Project Distances to Residential Areas
SP Rules 2013 on Roads The motorway category II shall be developed to bypass the settlements with access roads to them. The distance from the edge of the road shoulder to the edge of development of settlements shall be taken in accordance with their master plans, but not less than 200 m.	There are no residential areas within distance of less than 200m from the edge of the motorway road. The nearest residential area is approximately within 279m distance from the motorway.

2.2 PROJECT LAND ACQUISITION

Reconstruction of the existing Category III road into Category II requires widening of the permanent RoW from 30 to 40 m at a minimum. Appendix B presents information on which side of the road the current alignment will be widened to provide adequate land acreage for the upgraded road, as well as for intersections and associated construction activities (e.g. areas for pipe-making and borrow pits).

The reconstruction of the road will not cause any permanent land acquisition. The lands to be used for the road upgrade and its associated RoW for a Category II Road are currently government owned.

According to the Law of the Republic of Kazakhstan on Roads (2001 as amended in 02 July 2020), an additional 50 m Service Corridor will be added to the 20 m RoW for maintenance and renovation of Category II roads. Section 8 of the Law states the following:

“For international and republican roads, the width of the roadside strip on each side must be at least 50 m, counting from the border of the RoW”.

Therefore, during the construction period of the upgrade of this road, the total Service Corridor of 50 m combined with 20 m RoW will be 70 m from the centre of the road. This will return to 20 m when construction is finished (operational phase).

KazAvtoZhol has obtained all the relevant certificates for permanent use of the lands for the road development. Based on the field observations and a review of a map of the new route, it is not expected that both the permanent road and the temporary road will relocate any individuals and thus no physical displacement is anticipated.

Table 2 below shows the range of distances of the temporary side road that would be used while the road is being constructed. For example, for section Km 12-24, the temporary side road will be from any distance of 24 to 168 m from centreline of the alignment, in order to ensure any structures or private land parcels are avoided by the side road.

Table 2: Temporary Road Distances

No	Existing km	Position in relation to the road centreline	Min distance from the road centreline, m	Max distance from the road centreline, m
Section KM 12+24				
1	12+000	On the right	24	168
2	13+385	On the left		
3	14+124	On the right		
4	17+870	On the left		
5	19+727	On the right		
Section KM 24+600 - 76+00				
1	25+163	On the right	24	95
2	38+564	On the left		
Section KM 76+00 - 127+00				
1	76+000	On the left	50	170
2	100+206	On the right		
3	105+463	On the left		
Section KM 127+00 - 156+00				
1	127+000	On the left	38	188
Section KM 156+00 - 186+00				
1	156+000	On the left	38	96
Section KM 186+00 - 216+00				
1	186+000	On the left	42	138

2.3 ADDITIONAL ROAD FEATURES

There are two districts where rehabilitation of the road is expected to take place: Sirdar and Shiyeli Districts, which are both located in Kyzylorda Oblast. The design plan of the highway generally follows the existing route and all the works will be performed within the existing RoW.

The road will be upgraded from Category III and Category IV (in some sections) to Category II. However, as well as the upgrade of the road itself, KazAvtoZhol will also develop a number of supporting road design features, presented in Table 3 below.

Table 3: Overview of Road Design Features

	12 – 24*	24 - 76	76 - 127	127 - 156	156 - 186	186 - 216
Road category	II	II	II	II	II	II
Length (km)	11.323	53.551	50.114	28.335	30.010	30.548
Off ramps	13	11	11	6	6	7
Cattle underpasses	3	-	2	-	-	1
Rest areas	2	1	2	1	1	1
Bus stops	2	-	-	-	-	-
Bridges	2	-	-	-	-	-
Intersections	-	-	-	-	-	-

Note: *this section connects to Kyzylorda bypass. Although not directly part of this E&S Assessment and this LARF, the bypass road design features are: Category IB, length 14.585 km, 2 off ramps, 3 cattle underpasses, 1 bridge and 2 intersections.

2.4 SUMMARY OF ANTICIPATED IMPACTS

As mentioned above, it is not anticipated that there will be any acquisition of privately-owned parcels or structures currently being used by local persons as the land for the extension of the road belongs to the government. However, a number of the plots are allocated currently as pasture and are being used by local persons. Furthermore, some roadside cafes and structures are located along the current alignment and may be affected by the temporary side road.

Table 4 below provides an overview of the impacts that are anticipated as a result of the Kyzylorda – Zhezkazgan Road Project.

Table 4: Key Impacts and Mitigation Measures

Potential Impact	Measures	Responsible Party
Permanent impact on cafes, shops and petrol stations leading to permanent loss of business	<ul style="list-style-type: none"> Ensure that final design of the temporary side road will avoid impact on cafes, shops and petrol stations including retaining the access from the road to the cafes/shops and allow a certain distance from these facilities (at least 20m for community right of way) 	KazAvtoZhol
Temporary impact on cafes, shops or petrol stations	<ul style="list-style-type: none"> Display clear signs for road users to identify the cafes or shops or petrol stations (when the 9-m side road is in the opposite direction and road users may find it difficult to identify these businesses/ services) Allocate a parking zone for cafes so that road users can park Provide turn arounds and access routes to the cafes or petrol stations or shops Provide sufficient lighting at night so the cafes/services can be seen (when construction equipment has caused poor visibility for the cafes to be seen by road users) In case of non-avoidance of temporary impacts, see further details in the entitlement matrix in Table 9. 	Construction Supervision Consultant + Contractor
Temporary or permanent loss of income associated with limited or loss of access to farming/grazing areas	<ul style="list-style-type: none"> Develop animal underpasses across the road In case of non-avoidance of temporary impacts, see further details in the entitlement matrix in Table 9. 	KazAvtoZhol
Community health and safety impact	<ul style="list-style-type: none"> Implementation of noise and air quality modelling/calculations to identify the scale of health impacts on local residents living nearby the road and investigating the need for development of a Sanitary Protection Zone (SPZ) 	KazAvtoZhol

The majority of the planned road works will be relatively straightforward. However, further additional remedial work will be required to infill and stabilise the existing significant potholes in the carriageway, as well as the development of the temporary side road. Overall, the scope of the project works will require:

- potential protection of the utilities' infrastructure/pipes;
- consulting local officials and stakeholders to gain support and inform local communities and local utility companies about the project schedule and plan of works to avoid unnecessary traffic and other types of disruptions;
- planning and managing the logistics of providing labour, machinery and materials to the remote sections of the road;
- The road works' construction activities could affect the community access rights particularly when close to Kyzylorda and Zhezkazgan;

- The construction activities could limit local farmers'/herders' access to grazing areas which in turn could lead to temporary or permanent loss of livelihood for local farmers relying on animal husbandry/farming; and
- For temporary facilities such as storage areas/warehouses, a Detailed Design Review (DDR) should be conducted to address any possible land acquisition and resettlement impacts. DDRs should be submitted and cleared by EBRD before construction starts on the respective road sections.

Most of these complex issues will be resolved during the final design stages and also after the finalisation of contracts with selected contractors.

3 POLICY CONDITIONALITIES

The following policy conditionality will be followed by the KazAvtoZhol:

a) The start of the civil works will be conditional on the client's preparation and submission of a Due Diligence Report (DDR) for each road sub-section, confirming the absence of the land acquisition and livelihoods impacts. The DDR, to be completed prior to the start of the works, needs to include design solutions/drawings, confirming that cafes/trading outlets that are likely to be affected will be accommodated within new road by ensuring paved access, rest zones, or other build-in features.

The no objection will be issued to the beginning of the civil works after EBRD reviews and approves the DDRs for all 6 sub-sections of the road.

b) If a DDR for any sub-section confirms the land acquisition and livelihoods impacts, then KazAvtoZhol is to develop and implement the RP before the no objection to the start of the civil works is issued by EBRD. The implementation of RP is verified through the Completion Report to be submitted to EBRD as part of the Annual Environmental and Social Reporting.

4 KEY REGULATIONS

4.1 NATIONAL REQUIREMENTS

The national process with regard to land acquisition process, consultations and grievance mechanism is summarised in Table 5 below.

Table 5: Key Land Expropriation Laws

Legislation Type	Summary of the Legislation
Kazakhstan Constitution, 1995 (amended in 2017)	Kazakhstan laws and regulations regarding land and land ownership are derived from the Constitution, which states that land (surface and underground) is owned by the State but can also be privately-owned (Article 6.3). Article 26.3 also states that no one may be deprived of property unless stipulated by a court decision. Forcible alienation of property for state needs stipulated by law may be exercised on condition of its equivalent compensation.
<p>The Land Code of the Republic of Kazakhstan (RK Code No. 442-II adopted on 20 June 2003, last amendment dated 21 January 2019)</p> <p>AND</p> <p>Law of the Republic of Kazakhstan No. 413-IV (2011) (with changes and additions as of 05.10.2018)</p>	<ol style="list-style-type: none"> 1. The Land Code of the Republic of Kazakhstan (RK Code No. 464-IV adopted on 20 June 2003, last amendment dated 21 January 2019) establishes the foundations, conditions and limits for modifying or terminating ownership of land and land-use rights, describes the rights and responsibilities of landowners and land users, and regulates land relations. The Article 17 of the Land Code provides details on authorities and competencies of regional bodies regarding provision of land ownership and use rights, as well as acquisition of land plots, including for state needs. Land Code also establishes conditions for granting to citizens and legal entities permanent or temporary use rights to State-owned land (Articles 34 and 35). 2. Article 43 presents procedure for granting the rights to a state-owned land plot or plots put for auction, which in particular covers: <ul style="list-style-type: none"> • Acceptance for consideration of an application for granting the relevant right to a land plot; • Determination of the possibility of using the requested land plot for the declared designated purpose in accordance with the territorial zoning; • Preliminary selection of the land plot; • Preparation of the conclusion by the commission, created by the relevant local executive bodies, on the provision of a land plot; • Development and approval of the Land Use Plan; • Decision by the local executive body of the region on granting the right to the land plot; • Conclusion of a contract of purchase or sale or temporary (short-term, long-term) paid (unpaid) land use; • Establishment of the boundaries of the land plot on the terrain; • Production and issuance of an identification document for a land plot. 3. Article also defines that identification documents for the land plot issued by the state corporation, managing state land cadastre, are: <ul style="list-style-type: none"> • Private ownership of a land plot - an act on the right of private ownership of a land plot; • Permanent land use - the act on the right of permanent land use; • Temporary paid land use (lease) - an act for the right of temporary paid (long-term, short-term) land use (lease); • Temporary unpaid land use - an act on the right of temporary, unpaid land use. 4. In addition, local executive bodies are required to place the information with lists of persons who received a land plot on the special information stands in places accessible to the population at least once a quarter. 5. The Article 44 of the Land Code presents details on provision of land plots for implementation of construction works. In particular, it mentions that when requesting a land plot for the construction of an object, a land plot is pre-selected. The results of the land plot selection for the construction of the facility and, if necessary, for establishing its protective or sanitary protection zone, shall be formalized in an act by the

Legislation Type	Summary of the Legislation
	<p>respective authorized body at the location of the land plot. Based on the commission's conclusion, a Land Use Plan will be prepared in order to grant the right to the land. Land Use Plan includes the area of the provided land plot, its borders and location, owners and users of the adjacent land plots, as well as limitations and easements of the provided land plot. In the event of compulsory acquisition of a land plot for state needs, it also includes calculations of losses incurred by the owners and users (leaseholders) of land plots, losses of agricultural and forestry production depending on the type of land acquired. In this case, all current owners are state departments and districts.</p> <ol style="list-style-type: none"> 6. Based on the Land Use Plan, the draft decision of the local executive body on granting the respective right to land is prepared by the authorized body at the location of the land plot. In the case when residential buildings, other buildings and structures are located in the territory chosen for the construction site, as well as utilities and green spaces subject to demolition or transfer (including those that fall during the transfer of land to the sanitary protection zone of industrial enterprises), the applicant or his authorized representative ensures receipt of all agreements required for the allotment of the land plot. In addition, the applicant presents a contract concluded with each of the property owners, including the conditions for compensation of losses to the owner (not expected in this case). The contract specifies the conditions and terms for relocation, transfer of existing buildings, engineering communications, green spaces, the developer's obligation to recover all losses associated with the demolition of property. 7. The draft decision of the local executive body on granting the right to the land plot should contain: <ul style="list-style-type: none"> • The name of the legal or natural person to whom the right to land is granted; • Purpose of the land plot use; • The area of the land plot (as shown in Appendix B); • Type of right to land, limitations, easements; • Acquisition price of a land plot or land use right in the event of the provision of a plot for a fee, the terms and conditions for the conclusion of contracts for the sale of a land plot; • Surname and name of an individual or the name of the legal entity from which the acquisition of land parcel for state needs is made, indicating size of the plot(s); • Information on the whether the land plot can be divided or not; • Other conditions. 8. Chapter 9 of the Land Code addresses the issues related to termination of ownership, use and other rights for the land plot. In particular, the Article 81 of the Land Code provides grounds for terminating the right of private ownership of a land plot or land use rights and includes the following conditions for termination: <ul style="list-style-type: none"> • Alienation of the land plot by the owner or the land use right by the land user to other persons; • Owner's refusal of the right of ownership or land user from the right of land use; • Loss of ownership of land or land use rights in other cases envisaged by the legal acts of Republic of Kazakhstan (RoK). 9. Acquisition of the land plot from the owner and land use right from the land user without their consent is not allowed, except in the following cases: <ul style="list-style-type: none"> • Foreclosure on a land plot or land use right for the obligations of the owner or land user; • Compulsory acquisition of a land plot for state needs; • Compulsory withdrawal from the owner or land user of a land plot not used for its intended use or used in violation of RoK legislation; • Compulsory acquisition from the owner or land user of a land plot subjected to radioactive contamination, with the provision of an equivalent land plot; • Confiscation. 10. In addition, the right to land use may be terminated on the following grounds: <ul style="list-style-type: none"> • Expiration of the period for which the plot was provided;

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	<ul style="list-style-type: none"> • Early termination of the lease contract for a land plot or a contract for temporary unpaid land use, except for cases when the land plot is pledged; • Termination of labour relations, in connection with which the service land plot was provided to the land user. <p>11. The Code establishes that a land plot may be compulsory alienated for state needs in exceptional cases, subject to equivalent compensation of property with the consent of the owner or non-state land user or by a court decision. Exceptional cases are understood to mean the absence of a different way of satisfying state needs (Article 81.1). Construction (reconstruction) of the road and railroad transport infrastructure, as well as implementation to concession projects are among several grounds for compulsory acquisition of a land plot for state needs (Article 84.2.4). The compulsory alienation of a land plot provided for land use for state needs, if the land use right is purchased by the land user from the state, is reimbursed to the land user for the cost of payment for the purchase of the land use right, another land plot may also be provided according to this Code and the RoK legislation. If the land use right is not purchased by the land user from the state, another land plot may be given in exchange in accordance with this Code and the RoK legislation (Article 84.3). Compulsory alienation of a land plot is allowed only to the extent necessary to satisfy the state needs (Article 84.4). The compulsory alienation of a land plot for state needs is carried out while observing the publicity of the alienation procedure. A decree of the GoK or a local executive body on the commencement of the compulsory alienation of a land plot is subject to publication in the national or local mass media, including Internet resources of the executive bodies, respectively, within three working days from the date of its adoption. (Article 84.6).</p> <p>12. The owner of the land or land user must be notified in writing by the body that made the decision to purchase, date for starting land acquisition and resettlement (LAR) shall be indicated in the LAR Decree but not earlier than 3 months from the date of official publication of the Decree unless the owner or land user agrees to release the land before which is regulated by the Law "On State Property" (Article 63). If the remaining portion of the land can no longer be used for the intended purpose, then the entire plot must be purchased (Article 86.1).</p> <p>13. If the owner or land user disagrees with the decision to purchase his land for state needs, or disagrees on the price of the acquired land or other terms of acquisition, the local executive authority which decided on acquisition may file expropriation case (Article 88.1) after three months from the date of receipt of notification by the owner or the land user, but not later than the deadline stated in the decision on acquisition of the land plot for state needs (Article 88.2). Civil cases for claims on acquisition of land for state needs shall be considered and resolved within one month from the date of finalization of the case preparation for trial (Article 88.3).</p> <p>14. The Article 92 of the Land Code addresses compulsory acquisition of the land plot from the owner or land user in case it is not used for the purpose it was provided for or is not used at all. Paragraph 4 details the cases of non-use of a land plot provided for agricultural production for the intended purpose. Articles 93 and 94 specify the process of compulsory seizure of land plot from owner or user in case the land plot is used with violation of the requirements of RoK legislation.</p> <p>15. Upon termination of land ownership or land use right the cost of land or land-use right is defined by the amount paid to the state (Article 96). Upon termination of land ownership or land use right the value of the land granted for individual housing construction, for individual part-time farm (except field plots) on which an individual house is located, is defined by the cost of the land, not exceeding market cost (Article 96 as well as Article 67.2 of the RoK Law on State Property). Upon termination of land ownership right the cost of the land, passed to the owner or user by a contract or court decision is defined by the value specified in a contract or a court decision, but not exceeding the market cost. In case the land cost is not specified in the contract or the court decision, the value of the land is assessed by its cadastre (estimated) cost (Article 96).</p> <p>16. The Land Code provides for base rates of payment for the land plots and the cadastral value of land in order to determine the cost of the land. Basic rates of payment for the land plots when they are transferred to private property in the capital are established by joint decisions of the representative and executive bodies of the capital, depending on local conditions and peculiarities. The rates of payment for land use shall not be established at a level below the land tax rates. Payment for selling the right to lease is differentiated from the cadastral (estimated) cost of a particular plot of land. Base rate of payment for land plots is calculated in accordance with the Decree of the Government of the Republic of Kazakhstan from September 2, 2003 № 890 "On Establishment of Base Rates for the Land Plots". However, according to the</p>

Legislation Type	Summary of the Legislation
	<p>latest amendments of the abovementioned decree (The Decree of the Government of the Republic of Kazakhstan from October 10, 2011 № 1154¹), local government bodies of the capital, depending on local conditions and peculiarities must develop and approve the base rates for the land plots, except for lands used for agricultural purposes.</p> <p>17. Cadastral (estimated) cost of a land plot is determined by specialized state-owned enterprises responsible for operation of the state land cadastre, in accordance with the base rates of payment for land plots transferred to private property, with application of corrective (increasing or decreasing) coefficients to account for inflation, land conditions and location.</p> <p>18. In determining the amount of compensation, the following shall be included: (a) the cost of land or land-use rights; (b) the market cost of the assets located on the plot, including fruit trees and perennial plantings; (c) cost of the expenditures associated with development of the land, its operation, implementation of protective measures, improvement of soil fertility taking into consideration their inflation; (d) all losses inflicted on the owner or land user as a result of land acquisition at the time of termination of ownership or land-use right, including losses they incur due to early termination of their obligations to third parties; and (e) loss of revenue (Article 166.2).</p> <p>19. The amount of compensation is established based on the agreement among the parties (Article 166.3). In case of disagreement, the land cannot be taken until the court adjudicates a settlement (Article 166.7).</p> <p>20. The Land Code does not entitle encroachers to compensation for the right to use the lands they use informally or those who have not registered their claims to lands.</p>
<p>Law on State Property (№ 413-IV LRK adopted on 1 March 2011, last amendment dated 21 January 2019)</p>	<p>1. Law on State Property (№ 413-IV LRK adopted on 1 March 2011, last amendment dated 21 January 2019) defines the legal regime of state property, the legal framework for managing state property, the legal basis for acquiring and terminating rights to state property.</p> <p>2. Compulsory alienation of land or other immovable property in connection with the acquisition of land for public use is allowed only to the extent necessary to satisfy public needs (Article 62.4). Article 62-2 defines the conditions for granting an equivalent land plot or immovable property in connection with the acquisition of a land plot for state needs. The provision of an equivalent land plot to the owner or non-state land user is carried out taking into account the location of the alienated land plot, its intended purpose, and the area with consideration of incurred losses (if any). At the same time, an equivalent land plot must be provided within the settlement in which the land plot is alienated (Article 62-2.1). The cost of a state-owned land plot to be provided in exchange is determined by the valuator at its market value after the valuation of the alienated land plot or other immovable property in connection with the acquisition of the land plot for state needs (Article 62-2.4). If the cost of the alienated land plot is higher than the value of the land plot provided in exchange, the difference in their values is reimbursed to the owner (Article 62-2.5).</p> <p>3. Article 63.1 states that in case of compulsory acquisition of land or other real property for state needs, the government agency or local executive body should issue a decree that indicates:</p> <ul style="list-style-type: none"> (i) purpose and grounds for compulsory acquisition for state needs; (ii) location, size, cadastre number of land plot; (iii) property owner or private land user; (iv) date of compulsory acquisition, but not earlier than three months from the date of official publication of the decree; (v) place of application for landowner or land user for conciliation procedures (Article 63.2). <p>4. The Decree shall be published in national or local mass media, within three working days from the date of adoption (Article 63.5).</p>

¹ Press-release from December 3, 2011 to the Decree of the Government of the Republic of Kazakhstan from October 10, 2011 № 1154 On introduction of changes and additions to the Decree of the Government of the Republic of Kazakhstan from September 2, 2003 № 890 "On establishment of base rates for the land plots, when they are transferred to private property, leased by the state or state land-user, as well as payment for selling the right to lease the land plots"; <http://www.auzr.kz/en/news-list/784--03-2011>

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	<ol style="list-style-type: none"> 5. In case the right of private ownership of land plot is not registered in accordance with the legislation of the Republic of Kazakhstan, the owner, after the adoption of the decree, may make the necessary arrangements to register his/her right on the affected land plot. The period of compulsory acquisition for state needs set by the decree cannot be extended by more than one year (Article 63.7). 6. The acquiring authority is required to send to the owner or land user a written notification on the compulsory acquisition for state needs not later than 3 calendar days after the publication of the decree. The notification shall also include the draft purchase agreement for the land plot or other real property in connection with the seizure of land plot for the state needs. The notification shall be sent by mail with the mandatory notice of receipt. In the absence of notice of receipt, the documents referred to in this paragraph shall be sent again (Article 64.1). 7. The notice on compulsory alienation of a land plot for state needs shall include: <ol style="list-style-type: none"> (i) information on the adopted resolution specified in paragraph 2 of Article 63 of this Law (with a copy of the decision attached); (ii) information about the owner or non-state land user; (iii) location, area, cadastral number of the land or other immovable property to be alienated; (iv) information on how to determine the reimbursement at market value; (v) information on the possibility of choosing one of the methods of equivalent compensation; (vi) information on the procedure for signing an agreement on the alienation of a land plot for state needs, as well as an explanation of the judicial procedure for resolving the issue of expropriation upon refusal to conclude an agreement; (vii) deadlines for submitting copies of title and identification documents for the land plot or other immovable property to be alienated in order to organize their valuation (Article 64.2). 8. The owner or a non-state land user is given at least fifteen calendar days from the date of receipt of the notice to get acquainted with it, as well as to provide copies of title documents and identification documents for a land plot or other immovable property (Article 64.4). The notice on compulsory alienation of a land plot for state needs as a legal claim is subject to state registration in accordance with the RoK Law "On state registration of rights to real estate" (Article 64.5). 9. The compulsory alienation of the land plot or other immovable property in connection with the acquisition of land plot for state needs is carried out after the expiry of the deadline set in the Decree, either with the consent of the landowner or non-state land user, or by court decision (Article 65.1). The compulsory alienation of a land plot or other immovable property in connection with the acquisition of a land plot for state needs in order to implement concession projects may be carried out by local executive bodies at the expense of the concessionaire's funds subject to transfer to the concessor of the land plots bought by them, but no later than the transfer of the object of the concession or the incomplete construction of the object of the concession to state ownership (Article 65 .2). 10. Termination of the rights to private property and land use rights, as well as the State's right to land and other real property is subject to state registration by the authority responsible for state registration of rights to real property, the purchase agreement on acquisition of the land plot or other immovable property, or a court decision and the statement of the authority that adopted the Decree (Article 65.4). 11. Within one month from the date of receipt of copies of title and identification documents for an alienated land plot or other immovable property, the local executive body shall ensure that they are evaluated. If the owner or the non-state land user does not provide copies of title and identification documents for the land plot or other immovable property to be alienated, the local executive body has the right to request them from the authorized state bodies and (or) organizations. The local executive body, based on the results of assessing the value of the property being alienated for state needs, prepares a draft contract on the acquisition of a land plot for state needs within ten working days and sends it to the owner or to a non-state land user by mail with the obligatory receipt of the delivery receipt notice. In the absence of notice of receipt, the documents referred to in this paragraph shall be sent again (Article 65.6). The owner or non-state land user from the date of receipt of the draft agreement on the acquisition of land for public use within twenty calendar days expresses written consent (disagreement) with the draft agreement by filing a relevant application to the local executive body (Article 65.10). 12. The local executive body shall submit to the relevant local representative body a draft agreement on the acquisition of a land plot for state needs within one month from the date of receipt of a written statement of acceptance of the draft agreement from the owner or non-state

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	<p>land user. The draft agreement on the acquisition of a land plot for state needs is considered by the standing commission of the local representative body no later than a two-week period from the date of its submission with the obligatory invitation of the owner and persons whose rights to the alienated property will be terminated or limited. When an agreement is reached with the owner or non-state land user, the agreement on the acquisition of a land plot for state needs is approved by the executive body in coordination with the local representative body and signed by the owner or non-state land user (Article 65.11).</p> <p>13. In case of disagreement of the owner or non-state land user with the resolution and (or) in case of refusal to conclude an agreement on the acquisition of a land plot for public use after three months from the date of receipt of a written notice, but no later than the date (date) of the implementation of the expropriation, the local executive body shall have the right to file a lawsuit with a claim for the compulsory acquisition of a land plot or other immovable property in connection with the seizure of a land plot for state needs. Civil cases for claims of forcible expropriation of land or other immovable property in connection with the acquisition of land for public use are considered and resolved within one month from the date of completion of the preparation of the case for trial (Article 65.12).</p> <p>14. The actual transfer of a land plot to be alienated for state needs or other immovable property in connection with the acquisition of a land plot for state needs can be carried out only after receiving an equivalent compensation by the owner or non-state land user, made in the manner prescribed by this Law. The state registration of the termination of the rights of the owner or non-state land user and the emergence of the rights of the state to this property is subject to a document confirming the payment of compensation to the state registration authority (Article 65.14).</p> <p>15. The agreement for purchase of land plot or other real property in connection with the seizure of land plot for state needs shall include:</p> <ul style="list-style-type: none"> (i) price for the alienated land plot and characteristics of the real property or land given to the owner or land user as a replacement for the alienated one; (ii) difference in cost, if the price of the alienated land plot is higher than the price (value) of the land provided as a replacement for the alienated one; (iii) amount of damages to be reimbursed, including the value of real property taken in connection with the alienation of land plot for state needs, in case when such damages are caused as a result of compulsory acquisition; (iv) term of payment of the cost for the alienated land plot or other real property in connection with the alienation of land plot for state needs or transfer of land plot (or other real property) given to the owner as a replacement for the one alienated for state needs; (v) composition of the property alienated for state needs; (vi) list of people whose rights in respect to the alienated property will be terminated or limited; (vii) procedure for financing the government expenditures for the acquisition of property for state needs (Article 65.6). <p>16. The actual transfer of land or other real property alienated for state needs can only take place after the landowner or land user gets fair compensation. State registration of the termination of the rights of the owner or user and the beginning of the rights of the state on the property is subject to submission to the body conducting the state registration of rights to immovable property, of a document confirming the payment of compensation (Article 65.9).</p> <p>17. The owner or non-state land user from the moment of receiving the notice of the compulsory acquisition of a land plot for state needs until the conclusion of an agreement on the acquisition of a land plot or the court's decision on the compulsory acquisition of a land plot or other immovable property in connection with the acquisition of a land plot for state needs he is entitled to land and other immovable estate and to incur necessary expenses ensuring the use of property in accordance with its intended purpose. At the same time, the owner or non-state land user bears the risk of assigning to it the costs and losses associated with new construction, expansion or reconstruction of buildings (buildings, structures) and other real estate in the specified period. If the owner or non-state land user, after the acquisition of a part of the land plot for state needs, cannot use the remaining purpose, as before, the entire land plot is alienated (Article 66.1).</p> <p>18. When real estate rights are transferred during the time specified in Article 66.1 to another person by acquisition or on other grounds, as well as upon the change of the right holder due to universal succession, the procedure of compulsory alienation of a land plot or other immovable</p>

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	<p>property in connection with the withdrawal of a land plot for state needs it is applied (continues) in relation to the new right-holder (Article 66.2).</p> <p>19. The cost of land acquired for state needs (excluding losses) purchased by the owner from the state is determined in the amount of market value. In case of incomplete payment of the amount for a land plot (without taking into account losses) sold by the state in instalments, and its acquisition upon expropriation for state needs, the value of the acquired land plot is determined in the amount of the market value minus the amount unpaid to the state (Article 67.1). The cost of a land plot, as well as of immovable property located on a land plot that is acquired for state needs, is determined in the amount of their market value regardless of the grounds for the emergence of rights to a land plot (Article 67.2). The market value of the acquired land or other immovable property in connection with the acquisition of land for public use is determined by the valuator on the date of the valuation (Article 67.3). The amount of compensation is determined in accordance with paragraphs 4 and 5 of Article 9 of the RoK Civil Code based on the property value and damages in full, caused to the owner or non-state land user as a result of compulsory alienation of a land plot for state needs and (or) caused by early termination by the owner or non-state land user obligations to third parties. The amount of compensation to other persons whose rights in respect of compulsory acquisition of land for state needs will be terminated or limited, is determined on the basis of losses that they will have as a result of such compulsory acquisition (Article 67.4).</p> <p>20. Reimbursement of the cost for land plot or other real property in connection with the alienation of land plot for state needs and losses is subject to compensation in full, before the transition to the Republic of Kazakhstan or the administrative unit of the right of ownership to such property is carried out (Article 68.1). Reimbursement is made from the budget (Article 68.2). Non-cash compensation is allowed by agreement between the RoK represented by GoK or the administrative unit represented by the local executive authority and owner of the property. The mentioned agreement shall be made in writing in the form of the purchase agreement for the land plot or other real property alienated for state needs (Article 68.3). Reimbursement is made at a time no later than one month after the date of signing the purchase agreement for land plot or other real property in connection with the alienation of land plot for state needs or from the date of entering into force of the decision of the court (Article 68.4). It is not allowed to carry out compulsory alienation of a land plot or other immovable property in connection with the acquisition of a land plot for state needs, which provides for payment of compensation in instalments (Article 68.5).</p>
The Law on the Procedure for reviewing inquiries from individuals and legal entities (2007)	<p>Complaints from the public in Kazakhstan are regulated under the Law "On the procedure for reviewing inquiries from individuals and legal entities". The law prescribes the following:</p> <ul style="list-style-type: none"> • Complaints must be received, recorded and reviewed. It is against the law to reject a complaint. • When a complaint received does not fall under the responsibilities of the receiving body, the complaint must be redirected to the relevant body no later than 3 working days from its receipt. The person who logged the complaint has to be informed accordingly. • Complaints, which do not require collection of any additional information or site visits, must be reviewed within 15 calendar days; when additional information or a site visit is required the complaint must be reviewed and resolved within 30 calendar days. • Once a complaint has been resolved, the relevant body must inform the person who logged the complaint on the outcome of the review. • Anonymous complaints and those that do not clearly state the matter are not reviewed. The complaint should include name, position, and name of a person whose actions are being appealed, motives and demands.

4.2 EBRD REQUIREMENTS

EBRD requirements pertaining to land acquisition and displacement, relevant for this Project can be summarised as follows:

- to avoid or, at least minimise permanent or temporary project induced physical or economic displacement whenever feasible by exploring alternative project designs; where displacement is unavoidable, appropriate compensation, resettlement and livelihood restoration action plans shall be developed by a suitably qualified specialist;
- to mitigate adverse social and economic impacts from land acquisition or restrictions on affected persons' use of and access to land, physical assets or natural resources by:
 - providing compensation for loss of assets at replacement cost, prior to taking possession of acquired assets; and
 - ensuring that compensation and livelihood restoration activities are planned and implemented with appropriate disclosure of information, consultation, and the informed participation of those affected.
- to improve or, at a minimum, restore the livelihoods and standards of living of the affected people, including those who have no legally recognisable rights or claims to the land, to pre-project levels and support them during the transition period;
- to make special provisions for assisting disadvantaged or vulnerable individuals or groups (who are present in the project affected area at the time of the cut-off date during the future census survey) that may be more adversely affected by project impacts than others and who may be limited in their ability to claim or take advantage of livelihood assistance and related development benefits;
- to establish a grievance mechanism to receive and address in a timely fashion specific concerns about compensation and relocation that are raised by displaced persons, including a recourse mechanism designed to resolve disputes in an impartial manner;
- The future RP will confirm the entitlements of affected persons or communities and will ensure that these are provided in a transparent, consistent, and equitable manner. The client should document the procedures for paying compensation at the RP implementation stage;
- The Project should summarise the land acquisition-related information for public disclosure to ensure that affected people understand the compensation procedures and know what to expect at the various stages of the Project (for example, when an offer will be made to them, how long they will have to respond, grievance procedures, legal procedures to be followed if negotiations fail); and
- The Project should set up a Project-level grievance procedure to deal with concerns about compensation and livelihood restoration.

The above list is a summary of the main EBRD PR5 requirements, more information can be found on the EBRD website using the link below².

4.3 GAP ANALYSIS BETWEEN THE NATIONAL LEGISLATION AND EBRD PR5 REQUIREMENTS

In summary, in Table 6 below the following relevant key gaps were identified between EBRD PR5 and the Kazakhstan land acquisition legislation.

Table 6: Key Gaps

EBRD PR 5	National Land Regulatory Requirements and Key Gaps	Measures to bridge gap
Avoid or minimise displacement	Gap 1 – The National legislation on land acquisition of Kazakhstan does not have a clause with this regard.	To bridge Gap 1, the project will avoid and minimise any physical or economic displacement through analysis of possible alternatives. If such displacement is unavoidable, adverse impacts on individuals and communities will be minimised through implementation of this LARF.

² <https://www.ebrd.com/documents/environment/performance-requirement-5.pdf>.

EBRD PR 5	National Land Regulatory Requirements and Key Gaps	Measures to bridge gap
Early consultation	Gap 2 – No consultation is required as such with affected landowners or users. The state authority provides a written notification on the compulsory acquisition for state needs not later than 3 calendar days after the publication of the LAR decree. The notification shall be sent by mail with the mandatory notice of receipt. In case of absence of the recipient, the notification shall be re-sent (Article 64.1).	To bridge Gap 2, the project will ensure an early and meaningful consultation with all affected persons by consulting affected people on their rights and entitlements under RP.
Socio-economic assessment and census	Gap 3 – A socio-economic baseline assessment is not required as well as detailed census on affected peoples. The state land cadastre provides the system of information on natural and economic lands' condition of the Republic of Kazakhstan, on location, intended purpose, sizes and boundaries of the land plots, their qualitative characteristic, records of land use and cadastral value of the land plots, on other necessary information. The state land cadastre shall also include information on holders of rights to land plots.	To bridge Gap 3, the project will implement a LARP and/ or LRP in which a census and socio-economic baseline assessment will be conducted in case of any land acquisition/use impacts.
Cut-off date	Gap 4 – No cut-off date is required.	To bridge Gap 4, the project will set up a cut-off date and communicate it to all affected people.
Land compensation based on market value plus transaction cost	Gap 5. The land compensation will be calculated based on its market cost. However, the State Property Law does not refer to provision of compensation at full replacement cost ³ . Gap 6. Kazakh law does not provide compensation for permanent or temporary loss of livelihood resulting from access rights issues or construction activities.	To bridge Gap 5, the project will ensure that affected people will be compensated at full replacement cost (market cost plus any transaction costs). To bridge Gap 6, the project will compensate for permanent or temporary loss of livelihood (income, employment) through provision of compensation or rehabilitation support.
Legal land users	Land users are entitled to cash compensation for loss of land use. If the land user agrees, another plot of equal value can be substituted instead of cash compensation. There is no gap in this section.	The project will follow PR5 and provide alternative land of equal value reflecting terms of lease or other agreements in place. In case of non-availability of land, cash compensation will be provided for loss of lease (months paid) and assistance in identifying a new lease on an alternative land (See also Table 9).
Compensation for loss of non-land assets	Gap 7 – Harvest/livestock grazing, trees and structures are compensated only for registered legal land users or owners.	To bridge Gap 7, The project will compensate affected people (legal, illegal or non-registered land users or owners) for loss of non-land assets at full replacement cost (See also Table 9)
Vulnerable people	Gap 8 – The Kazakh law does not refer to livelihood restoration and consultation with vulnerable groups.	To bridge Gap 8, the project will identify vulnerable people and livelihood restoration actions (such as provision of assistance) will be implemented to ensure that land acquisition will not affect this group.

³ The replacement cost includes the current fair market price of the affected assets without any depreciation and includes the cost of building materials (if applicable), cost of labour and other related administrative expenses (notary fees, taxes, etc.) without deductions.

EBRD PR 5	National Land Regulatory Requirements and Key Gaps	Measures to bridge gap
Illegal people/land users (people who do not have any formal or legal rights to their land)	Gap 9 – The Kazakh law does not provide any compensation for people with no legal rights to their lands or non-land assets.	To bridge Gap 9, livelihood restoration assistance (in-kind or in cash) will be provided to this group for loss of non-land assets. In case of physically displaced person, the project will offer them a choice of options for adequate housing with security of tenure so that they can resettle legally without having to face the risk of forced eviction. In case of economically displaced persons, the project will compensate for lost assets (such as crops, irrigation infrastructure and other improvements made to the land) other than land, at full replacement cost.
Non-registered land users or owners (who do not have formal legal rights to land at the time of the census, but who have a claim to land that is recognised or recognisable under the national laws)	The Kazakh law provides opportunity for non-registered land users or owners to register their lands prior to the land acquisition process after receiving the decree ⁴ from the government on the land acquisition. Once the non-registered land user or owner obtained legal status for use or ownership of the specified land, then his or her land compensation rights will be treated as a legal land user or legal landowner. Gap 10 - Compensation for land and non-land assets is only explicitly provided for titled legal landowners or users, and if the legal status has not obtained yet, no compensation will be made.	To bridge Gap 10, the project will compensate affected persons for loss of land, loss of non-land assets or structures at full replacement cost.
Grievance Mechanism	Gap 11 – The Kazakh law does not provide a specific reference to a grievance mechanism.	To bridge Gap 11, the project will implement the grievance mechanism – complaint form presented in Appendix A.
Monitoring	The Kazakh law refers to monitoring of land condition, however, does not require a third-party consultant for monitoring the livelihood of affected landowners/users post land acquisition.	The project will conduct an Internal audit to ensure the livelihood of affected landowners/users (including illegal and legalizable) will be restored or improved.

⁴ The State Property Law refers to adopting the decrees on beginning of expropriation of land plot or another immovable property in connection with a seizure of land plot for state needs. In case the right of private ownership of land plot is not registered in accordance with the legislation of the Republic of Kazakhstan, the owner, after the adoption of the decree, may make the necessary arrangements to register his/her right on the affected land plot. The period of compulsory acquisition for state needs set by the decree cannot be extended by more than a year (Article 63.7 of State Property Law).

5 LAND TENURE, USE AND ENGAGEMENT

5.1 PLANNED LAND ACQUISITION

Permanent Land Acquisition for the Road Development and Its Associated Right of Way Zone

The reconstruction of the road will use the State land for the road development. All the relevant certificates for permanent use of the lands for road development have been obtained by the client. Based on the field observations and review of a map of the new route, it is not expected that the project will relocate any individuals and thus no physical displacement is anticipated.

Based on the current design, no households or individuals were identified within the RoW zone. According to Kazakh law, the RoW will be established during the construction stage, and no houses or structures will be allowed to be developed within the area. For Category II project, the RoW is 20 m each side of the road (from the centre).

KazAvtoZhol has obtained all the relevant certificates for permanent use of the lands for road development. Based on the field observations and review of a map of the new route, it is not expected that the project will relocate any individuals and thus no physical displacement is anticipated.

Planned Project Decisions and Future Land Allocation during Construction Stage

At this stage, no construction contractor or contractors have been selected. However, once the contractors are selected, the process of land allocation will be initiated likely to be for the following:




- Construction camps (number and location to be determined);
- Quarries; and
- Construction areas including storage of materials.

As the land will be used for the State/Public use, the government/district Akim will have the main responsibility for undertaking any potential land acquisition from private landowners or any users (if any). As confirmed by the Company, and based on the current design, it is not expected that any private lands will be acquired for the development of the associated facilities. Field observations did not also identify any official land users/occupiers within the project area.




5.2 KEY POTENTIAL LAND USE AND LIVELIHOOD IMPACTS





As stated in Section 2, some of the State-owned land to be used for the widening of the road and temporary side road are currently in use by the local population. Table 7 below provides a description of socio-economic characteristics of each section of the Kyzylorda – Zhezkazgan Road and potential key impacts on local communities in relation to land use/acquisition for the project:

Table 7: Key Socio-economic Characteristics of Potentially Affected Areas

Road Section	Summary socio-economic characteristics	Key potential impacts ⁵	Photos of the relevant areas/houses
Section 1 (km 12+000 – 24+600)	This section is in Syrdarya District and the main administrative centre is Terenozek an urban-type settlement. The land in this section of the road is sparsely populated, with around ten residential buildings.	<p>In this area, no private lands will be acquired for this project, and no physical displacement is expected.</p> <p>The road starts at 12+000 km outside kyzylorda where the area is sparsely populated with around ten residential buildings. The land along the alignment is a predominantly undeveloped sandy area devoid of vegetation. The residential houses will be outside of the right of way zone; however, they may potentially be affected as a result of dust, noise resulting from construction activities, and their access rights may potentially be impacted.</p> <p>Section 1 of the road does not cross any major settlements; households are sparse, and livelihoods are associated with agriculture and a brick works (from km 16+920 to 22+700). There is a café (km 12+300 km) observed within this section which is close to the alignment (within 40m) and a number of non-residential buildings. Cemeteries are located at km 12+500 (185 m at closest point beyond a surface water course), km 14+900 (within 100 m of alignment) and km 23+000 (within 50m), and a nearby parking area is situated along the road in this section. Some of the agricultural land in this section is used for running a peasant economy based on the implementation of personal entrepreneurship. During the construction activities and depending on the location of the side roads (left or right lane), businesses may lose income temporarily due to limited access for road users.</p>	<p><i>Picture #1. The starting point of the alignment: 12+000 km.</i></p>  <p><i>Picture #2. Café: 12+300 km.</i></p>  <p><i>Picture #3. Cemetery: 14+900 km.</i></p> 
Section 2 (km 24+600 – 76+000)	This section of the road passes through both Syrdarya and Shiyeli Districts.	The land along the road in this section is predominantly used as agricultural land, used for farming, grazing of livestock and pasture cattle breeding. This land is used for running a peasant economy based on the implementation of personal entrepreneurship. Several households are situated along this section of the road. The residential houses will be outside of the right of way zone; however, they may potentially be affected as a result of dust, noise resulting	<i>No photographs available for this section of the alignment</i>

⁵ Please note that these identified impacts – both from the construction (temporary) and from new alignment of the road (permanent), should be reviewed first to assess if they can be mitigated, for example, through design solution. Where the impacts are proven to be unavoidable, in such cases they need to be compensated based on the entitlement matrix presented in this LRF (Section 5.7).

Road Section	Summary socio-economic characteristics	Key potential impacts ⁵	Photos of the relevant areas/houses
		<p>from construction activities, and their access rights may potentially be impacted.</p> <p>Katym well is located within 320 m from the road to the south, approximately at km 67+500.</p> <p>There is also land along this section used for temporary paid long-term land use for the extraction of loam. During the construction activities and depending on the location of the side roads (left or right lane), businesses may experience temporary disruption to access due to limited access for road users.</p>	
Section 3 (km 76+000 – 127+000)	This section of the road also passes through both Syrdarya and Shiyeli Districts.	<p>This area is even more sparsely populated, although several households were observed along the road. The residential houses will be outside of the right of way zone, however they may potentially be affected as a result of dust, noise resulting from construction activities, and their access rights may potentially be impacted.</p> <p>The route runs through farming and seasonal pastureland, with several memorials/graveyards (km 79+500, km 90+500 and km 91+500) a café Kuydak (84 km) with recreation area and a designated parking area along this section of the road. During the construction activities and depending on the location of the side roads (left or right lane), businesses may lose income temporarily due to limited access for road users.</p>	<p><i>Picture #4: Memorial 79+500 km</i></p>  <p><i>Picture #5: Café and recreational area 84+000 km</i></p>  <p><i>Picture #6: View of Road 88+000 km</i></p>  <p><i>Picture #7: View of house at 98+000 km</i></p>

Road Section	Summary socio-economic characteristics	Key potential impacts ⁵	Photos of the relevant areas/houses
			 <p>Picture #8: 127+600 km End of asphalt</p>  <p>Picture #9. Road view from 140+000 km</p>
Section 4 (km 127+000 – 156+000)	This section of the road is located within the Shiyeli District.	<p>This section is used for livestock grazing. There were no households observed in this section.</p> <p>Two graveyards/memorials are situated along this section of the road (km 145+200 km and approx. km 155+300). A petrol station (km 153+900) and Sankuru café with parking area is located at about 154 km. During the construction activities and depending on the location of the side roads (left or right lane), businesses may lose income temporarily due to limited access for road users.</p>	 <p>Picture #10. Café and petrol station between 153+900 and 154+000 km</p> 
Section 5 (km 156+000 – 186+000)	This section of the road passes through both Syrdarya and Shiyeli Districts.	<p>Land in this section is used for farming and seasonal pastureland. Two households (both over 1 km distance from road alignment) and a café is present (km 159+800) along this road. During construction the households may experience access issues and depending on the location of the side roads (left or right lane), businesses may lose income temporarily due to limited access for road users.</p>	No photographs available for this section of the alignment.

Road Section	Summary socio-economic characteristics	Key potential impacts ⁵	Photos of the relevant areas/houses
Section 6 (km 186+000 – 216+000)	This section of the road also passes through both Syrdarya and Shiyeli Districts.	Land in this section is used for farming and seasonal pastureland. In addition, a quarry (km 188+900), a service station with parking (km 192+000), a café (km 198+000) and a graveyard/memorial (km 209+400) are situated along this road.	<p>Picture #10. General view from 204+000 km</p> 
Section 1 (km 12+000 – 24+600)	This section is in Syrdarya District and the main administrative centre is Terenozek an urban-type settlement. The land in this section of the road is sparsely populated, with around ten residential buildings.	<p>In this area, no private lands will be acquired for this project, and no physical displacement is expected.</p> <p>The road starts at 12+000 km outside kyzylorda where the area is sparsely populated with around ten residential buildings. The land along the alignment is a predominantly undeveloped sandy area devoid of vegetation. The residential houses will be outside of the right of way zone; however, they may potentially be affected as a result of dust, noise resulting from construction activities, and their access rights may potentially be impacted.</p> <p>Section 1 of the road does not cross any major settlements; households are sparse, and livelihoods are associated with agriculture and a brick works (from km 16+920 to 22+700). There is a café (km 12+300 km) observed within this section which is close to the alignment (within 40m) and a number of non-residential buildings. Cemeteries are located at km 12+500 (185 m at closest point beyond a surface water course), km 14+900 (within 100 m of alignment) and km 23+000 (within 50m), and a nearby parking area is situated along the road in this section. Some of the agricultural land in this section is used for running a peasant economy based on the implementation of personal entrepreneurship. During the construction activities and depending on the location of the side roads (left or right lane), businesses may lose income temporarily due to limited access for road users.</p>	<p>Picture #1. The starting point of the alignment: 12+000 km.</p>  <p>Picture #2. Café: 12+300 km.</p>  <p>Picture #3. Cemetery: 14+900 km.</p> 

Please note that the numbers mentioned above are an estimate at this stage of the process and should be confirmed later during the development of the RP.

5.3 PREVIOUS STAKEHOLDERS CONSULTATIONS

The main consultation meetings took place in March and April 2021 with focus on environmental and social impacts associated with the Project. Table 8 below provides an overview of the key Project stakeholders and their responsibilities:

Table 8: Project Responsibilities

Organisation	Project Function	Reports To
Ministry of Finance	Approves budget, controls usage.	Central Government
Committee of Roads	Administers budgets for all road projects, controls procurement.	Ministry of Investment and Development
KazAvtoZhol	General control over the project implementation, draws priorities and reallocates internal resources between the projects. KazAvtoZhol based in Nur-Sultan and Kyzylorda is responsible for the Project Implementation Unit (PIU). KazAvtoZhol will be responsible for approval of the LARF and implementation of the RP.	Committee of Roads
Project Supervision Consultant (PSC) or Construction Supervision Consultant (CSC)	Responsible for supervision of the project including construction work.	KazAvtoZhol
Project Management Consultant (PMC)	Assistance to KazAvtoZhol on finalization, supervision, monitoring and evaluation of LARF activities. Likely to be performed by KazAvtoZhol.	KazAvtoZhol
KazAvtoZhol Construction Directorate	Selection and control of contractor's adherence to the contract conditions and schedule.	KazAvtoZhol
Kazavtodor LLP	Maintenance, cleaning, amenity planting and post-guaranty running repairs of the road.	KazAvtoZhol sole service provider
District Akimats at regional level	Permanent and temporary acquisition of land for the project and approvals in the frame of the regional council requirements for the local infrastructure maintenance and improvement. Organisation of the local stakeholder's engagement and amalgamation of their opinions on the reconstructed road crossing and usage. Approval of places for construction camps and road maintenance.	Regional Council and District Akimats District Akimats
Regional departments of various ministries (see list of approvals)	Project approval, issue of permits for various construction works.	Various ministries
Detailed design consultant	Detailed design, obtainment of approvals, and stakeholder engagement at design stage. Approval of changes in the infrastructure road crossings and its protection from damage.	Contracted by KazAvtoZhol
Various consultants (archaeology, geology, geomorphology etc.)	Surveys and studies.	Contracted by lead contractor

6 FRAMEWORK FOR LAND ACQUISITION AND RESETTLEMENT

The following framework will be used by KazAvtoZhol to address any land acquisition or livelihood restoration activities for the upgrade of the Kyzylorda – Zhezkazgan road.

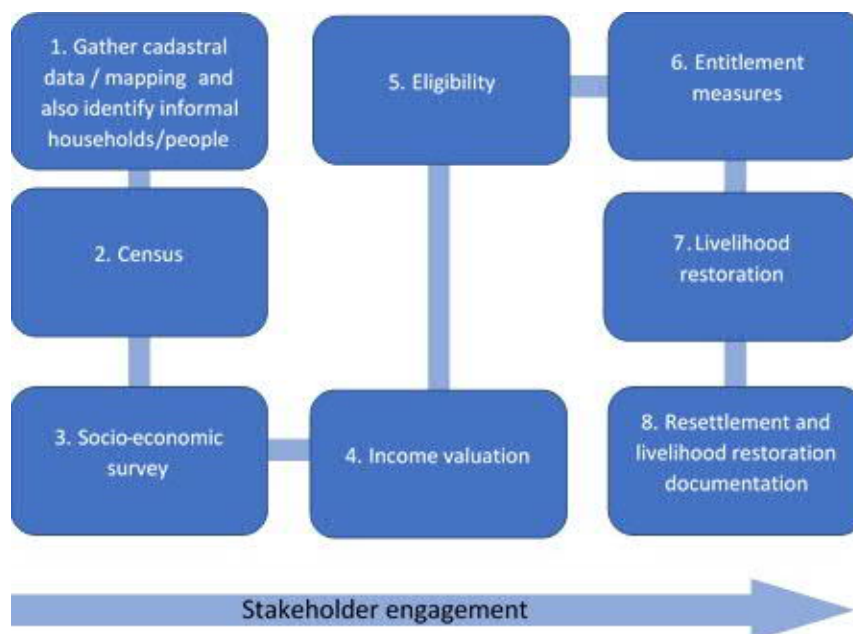
6.1 PRINCIPLES

The Project will:

- ensure provision of adequate compensation for loss of income / assets at replacement cost;
- improve, or at least restore, the livelihoods and standards of living of affected communities; and
- consult with and encourage the informed participation of those affected, and disseminate all relevant information to stakeholders.

The LARF covers the following process in accordance with EBRD PR5 as shown in Figure 7 below.

Figure 7: LARF Process



6.2 CENSUS / SOCIO-ECONOMIC DATA COLLECTION AND SURVEY ACTIVITIES

CENSUS AND ASSET INVENTORY

A census and asset inventory survey will be undertaken to identify eligible land users and businesses (including formal and informal land users and vulnerable groups) and their affected assets to confirm who is entitled to compensation and livelihood assistance. It is proposed that the Project will assign a third-party consultant to conduct the census and asset inventory survey and socio-economic baseline survey to further define the characteristics of the affected land users and their assets and develop the RP.

As part of the census and asset inventory, the following will be undertaken:

- All the affected legal or informal land users (from permanent or temporary land acquisition, or both) will be identified through Akimats and local authorities (Akimats to attend houses and invite affected land users and owners to a public meeting);

- A cut-off date will be set as the last day of the survey and such a date will be announced during the planning and organisation of the survey. The date of the census and asset inventory survey will be communicated to the local communities through local radio and also on posters located in the common areas, such as community centres, schools, local official buildings, etc.;
- A register of land users and their affected assets will be collected, including a record of their name, contact details, place of living and the assets they own. The register will be finalised by the cut-off date, and any individual who wishes to be added to the register after this date may not be considered eligible for compensation or assistance entitlements; and
- The KazAvtoZhol Community Liaison Officer (CLO) in collaboration with district Akimats will lead the RP preparation and implementation process with local support who can approach affected land users and communicate with them during the RP process.

SOCIO-ECONOMIC SURVEY

A detailed socio-economic survey will be undertaken by the third-party consultant to obtain data on affected users (including any informal people), trades and business or any houses for which its' rights of way will be affected. A series of questions will be presented to affected people. The questions will include:

- Household composition;
- Age;
- Source of income (including number of livestock, businesses, informal activities (if any));
- Place of residence;
- Gender - a focus group discussion/consultation will be conducted to ensure women's concerns and needs are taken into account in the implementation of the RP;
- Number of years working;
- Access to telephones / mobile phones (i.e. to establish if there is a simple mechanism to enable communication);
- Education;
- Health;
- Seasonal variations (if any); including status of seasonal workers/herders;
- Views on type of assistance they would prioritise (i.e. assistance to access farming equipment, assistance to access loans.); and
- Vulnerability status of affected people (i.e. the disabled, orphans, widows, sick and elderly and eligibility to social benefits as other proxy aspects to identify all possible types of vulnerabilities among local communities).

6.3 STAKEHOLDER CONSULTATION

A series of stakeholder engagement activities will be undertaken in order to develop the RP and complete the process. The following consultation activities will be conducted:

Consultation with all the affected land users

KazAvtoZhol, with the support of the district Akimats, will undertake consultations with all affected people:

- The residential households living within a 200m distance from the road;
- Local farmers whose access to grazing lands could be affected;
- Consultation with land users and businesses (both formal and informal) living along the Kyzylorda – Zhezkazgan Road; and
- Consultation with local herders and farmers whose access may be obstructed by roads' construction and operation activities.

The consultation will be undertaken once the affected individuals and households are identified as a result of the census and asset inventory survey. The census survey and consultations will be undertaken at the same time to avoid any engagement fatigue and confusion among the affected people. A focus group discussion will be undertaken with women to ensure that their concerns will be incorporated into the RP process. The consultation with the affected land users will be conducted in the following manner:

- Consultation with affected people through Akimats;
- Meaningful and culturally appropriate in both the Kazakh and Russian language;
- Transparent and clear of any manipulation; and
- To be conducted in a public / community centre.

Additional Consultations

Consultation with vulnerable groups

Consultation in a form of focus group discussions are recommended to be conducted with vulnerable groups. It is essential that this group of people is consulted in a simple language to ensure meaningful consultation. Information should be disclosed to this group in a form of presentation or verbal format to avoid confusion or misinterpretation.

Engagement and consultation with the Akimats

As part of the KazAvtoZhol meetings, engagements will be conducted with the allocated project CLO and Akimats to ensure that sufficient supervision is provided over the land allocation or acquisition process to mitigate all negative impacts. The Project CLO will lead the discussions on provision of livelihood assistance and compensation process. All the negotiations will be conducted by the CLO and Akimats.

KazAvtoZhol will ensure that meaningful consultation will be conducted with affected people. In the context of this project, the following actions will be followed to ensure meaningful consultation:

Box 1: Meaningful consultation within the context of the project

- Disclosure of a draft RP prior to its finalisation and decisions being taken when options are still open.
- Consultations with Affected People using the RP leaflet to all affected people.
- Documentation and record of affected people's concerns and grievances recorded through minutes of the meetings attached to the RP.
- On-going consultation on all impacts and issues that are being identified throughout the land acquisition process.

6.4 ESTABLISHING A CUT-OFF DATE

A cut-off date will be set as the last date of the census and asset inventory survey. Such a date will be announced as soon as possible and advertised prior to the start of the survey and will act as a specific time period/cut-off date for identifying and registering the eligible land users. Consultation with various stakeholder groups will be made in accordance with the processes set out in the Stakeholder Engagement Plan (SEP). Any land user who will join local communities after the cut-off date will not be considered for provision of compensation and assistance.

6.5 LAND USE ASSESSMENT

The assessment of the use of affected lands and assets will be undertaken by an independent evaluator. Details on how the affected land is used by the local communities will be confirmed in the RP.

6.6 VULNERABLE GROUPS

Based on the EBRD definition of vulnerable people⁶, this category includes people who, by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage or social status may be more adversely affected by displacement than others and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits.

⁶ EBRD Performance Requirement 5, paragraph 12, footnote 11.

Vulnerable groups in the context of displacement also include people living below the poverty line, the landless, the elderly, women- and children-headed households, ethnic minorities, or other displaced persons who may not be protected through national land compensation or land titling legislation.

In Kazakhstan, according to the Law on Government Targeted Social Aid ((TSA) dated 2001, amended in 2017), families/households with average income per capita below poverty line (defined as 40% of subsistence minimum) are eligible to receive TSA benefit. Until 2000, a uniform subsistence minimum was used in Kazakhstan⁷. However, the current system allows different regions to set their own subsistence minimum based on local retail prices. Therefore, local Akims have an important role in identifying and defining socially vulnerable households considering a variety of factors. Overall, different aspects such as disability, age, level of income, number of children under the age of 18 in a family, women-headed households and elderly with no family support are considered in defining vulnerable people.

Based on the WSP team's field observations and consultations and household survey, the following categories have been identified as 'Vulnerable' within the project area:

- **Poor households** – 42 of the 100 respondents self-identified as poor and government support (child support, benefits, and food assistance) is provided to 8 of the surveyed households.
- **Women-headed households** – 40 of the 100 households were women-headed. With women often not provided the same opportunities as men, some of these households may be classified as vulnerable.
- **Clinically vulnerable** – 5 out of the 100 households stated that they contained individuals that are clinically vulnerable to the effects of COVID-19. 56 of the surveyed population (18%) are also over the age of 60 and may be more vulnerable to the effects of COVID-19 and any nuisances or economic impacts caused by the Project.
- **Households containing disabled persons** – 12 of the households contain disabled or chronically ill persons.

Local women in the project area can be identified as those who could be marginally more vulnerable to Project impacts due to pre-defined gender roles which can potentially limit their ability to take advantage of Project benefits such as influence on the project-related decision-making. The vulnerable people are further exposed to risks associated with the project. During the construction stage, these people may likely suffer further from impacts associated with noise, dust and access rights issues due to their sensitive status.

Informal herders are not categorised as 'Vulnerable' as open access to other grazing areas will be provided by the State.

6.7 ENTITLEMENTS MATRIX

No permanent land acquisition impacts or physical displacement are anticipated as a result of the Kyzylorda-Zhezkazgan road development based on the socio-economic observations and the WSP field visits.

However, the following entitlement options are developed to inform any future potential land acquisition impacts (including permanent loss of land) and impacts associated with access rights/economic displacement mainly during the construction stage. Therefore, during the development of the RP process, a series of alternative livelihood assistance and compensation measures will be made available to the affected land users. The options will be considered based on different categories of Project Affected Persons (PAPs) and nature of impact (permanent or temporary loss of income). For instance, alternative land or areas need to be allocated to businesses if the construction corridor could temporarily affect the access of customers to a café or small trade. The following entitlement measures will be considered as presented in the Table 9 below.

⁷ ILO, 2018. Inception report on Targeted Social Assistance Scheme, <https://www.ilo.org/public/english/bureau/dwpp/download/kazakhstan/kazsclassist.pdf>

Table 9: Entitlement Measures

Type of Loss	Application	Affected Persons	Compensation Entitlements
Permanent Loss			
Land			
Agricultural land: Permanent loss	PAP losing land	Registered Owner: Owner with full registration	<ul style="list-style-type: none">Land for land compensation with plots of equal value to the plots lost (priority option); orCash compensation for the lost land plot at full replacement value based on current market value of the land plus the transaction costs (e.g. taxes, stamp duties, legal and registration fees, relocation costs and so on) related to replacing the plot.If the residual plot after acquisition becomes unviable, the project will acquire it if the owner so desires.
		Legalizable Owner: PAPs with title formalization pending and PAPs who are not registered but legitimately use the land	<ul style="list-style-type: none">The ownership rights of these PAPs will be regularized, the land plot registered and PAPs provided with cash compensation at full replacement cost.
		Land users (tenants)	<ul style="list-style-type: none">Replacement lease with plot of equal productivity to the plots lost; orIf the land is not available, consider providing compensation reflecting terms of lease and impact.
		Non-legal/Informal users: PAPs that are not legitimate land users	<ul style="list-style-type: none">Leased plot on State land; orIf leased plot cannot be provided, consider one-off self-relocation allowance equal to 12 months of minimum wage.
Non-Agricultural Land	PAP losing their commercial / residential land	Registered Owner: Owner with full registration	<ul style="list-style-type: none">Land for land compensation with plots of equal value to the plots lost; orCash compensation for the lost land plot at full replacement cost.
		Legalizable Owner: Legalizable owners according to national legislation	<ul style="list-style-type: none">The ownership rights of these PAPs will be regularized, the land registered and PAPs provided with cash compensation at full replacement cost.
		Non-agricultural Tenant	<ul style="list-style-type: none">Replacement lease with a plot comparable in value to the lost plot; orIf the land is not available, consider providing compensation reflecting terms of lease and impact; andRelocation support depending on the needs of the PAP.
		Non-legal / Informal users (if any)	<ul style="list-style-type: none">A land plot to be provided from the State Land Fund for lease (with no charge for taxes, transaction, registration and land legalization).If leased plot cannot be provided, consider one-off self-relocation allowance equal to 12 months of minimum wage.
Buildings and Structures			
Residential and non-residential structures/assets	Residential structures	Registered Owner:	<ul style="list-style-type: none">Cash compensation for affected residential structures at full replacement value free of depreciation and transaction costs.

Type of Loss	Application	Affected Persons	Compensation Entitlements
		Owners of structures used for residences	Compensation will include the value of affected connections to water supply or other public utilities.
		Tenants	<ul style="list-style-type: none"> Replacement rent in the residence of comparable size, location, and distance to utilities. If replacement rent cannot be provided, consider one-off rental allowance equal to 12 months of rent.
		Non-legal / Informal users	<ul style="list-style-type: none"> Cash compensation for affected residential structures at full replacement value free of depreciation and transaction costs.
	Temporary structures (animal shelters, kiosks, stalls)	Owners of temporary/ movable structures	<ul style="list-style-type: none"> Approved site to relocate structure with the relevant permissions and access to the road, if required. Permanent access to the road to avoid interruption of the business/sales. Temporary access to be provided during the construction works to prevent stoppages of business/sales.
Loss of community Infrastructure / Common Property Resources			
Loss of common property resources	Community or public assets	Community/ government	<ul style="list-style-type: none"> Reconstruction of the lost resource / asset in consultation with community and restoration of their functions.
Loss of Income and Livelihood			
Crops	Affected standing crops or agricultural land, used permanently for crop cultivation.	All PAPs regardless of legal status, including legalizable and informal users	<ul style="list-style-type: none"> Crop compensation in cash at full market rate for gross crop value of expected harvest. PAP permitted to harvest the standing crop if not yet harvested.
Trees	Trees affected	All PAPs regardless of legal status, including legalizable and informal users	<ul style="list-style-type: none"> Cash compensation based on the expected yield of the tree, multiplied by the number of years required to grow a tree of equivalent productivity, plus purchase cost of seedlings and starting materials.
Business and employment	Temporary or permanent business loss	Business owners (including those with no formal rights on the land)	<ul style="list-style-type: none"> If permanent business loss, cash compensation equal to one-year net income (lost profit). In the absence of formal evidence, PAPs will receive compensation equal to 12 months of income based on tax declaration. If temporary business loss, cash compensation for net income for months of business stoppage. Compensation to be based on formal evidence or in its absence tax declaration).
	Temporary or permanent loss of employment	Workers / employees losing employment due to Project activities	<ul style="list-style-type: none"> If permanent employment loss, severance pay up to 5 months minimum wage (3 months + various leaves + benefits, totalling 5 months). If temporary employment loss, average registered wage during disruption (if not registered, based on the official minimum wage in RoK).
Allowances			

Type of Loss	Application	Affected Persons	Compensation Entitlements
Relocation	Transport and transitional livelihood costs	All PAPs affected by physical relocation	<ul style="list-style-type: none"> One time transportation allowance sufficient to cover transport expenses; and One time transition allowance to cover their households needs during transition period.
Imposition of servitudes		Owners/user of land plots	<ul style="list-style-type: none"> Cash compensation for affected land plot and property without deduction for taxes, transaction, registration or transfer costs and other applicable payments. if servitude or limitations imposed will prevent the land user from using the land according to its designated purpose, then such land plots must be acquired in full (see agricultural, residential and commercial land categories above).
Vulnerable PAPs		Poor households, Women-headed households, households containing clinically vulnerable and disabled persons.	<ul style="list-style-type: none"> One-time assistance equivalent to minimum living wage for 3 months; Enrolment in government social assistance program if not yet enrolled; Priority in local employment for able members of vulnerable household; and Other support measures depending on the vulnerability assessment to be completed as part of RP preparation.
Severe impact	Severely impacted users	All severely affected households	<ul style="list-style-type: none"> Assistance equivalent to net income for one year generated on impacted land plot/property (if no data on income is available, then calculation will be based on minimum wage for 12 months) or land swap (if available); Enrolment in government social assistance program if not yet enrolled and applicable; and Priority in local employment for severely impacted PAPs.
Temporary Loss			
Temporary impact on land plot	n/a	n/a	<ul style="list-style-type: none"> Temporary land impacts will be compensated based on the productive value of the plot during the period of impact and after their use will be re-established by the client at the pre-impact conditions.
Land for civil works or borrow pits ⁸		Leaseholders (long-term and short-term land lease)	<ul style="list-style-type: none"> Cash compensation at local state rental rates for duration of temporary use plus income/crop/structure loss due to temporary land use, if any as provided for in the entitlements for crops, business and structure losses. Land restored to original status at the end of rental. Payment for preparing land management and legal documents.
		State lands (permanent land users)	<ul style="list-style-type: none"> Land restored to original status at the end of rental. Payment for making land management and legal documents.
Imposition of servitudes or		Owners and users of land plots	<ul style="list-style-type: none"> Signing of servitude agreement, specifying conditions of access to part of the land plot.

⁸ State owns the land to be used for borrow pits and as such any potential impacts will be on land users, if any.

Type of Loss	Application	Affected Persons	Compensation Entitlements
other restrictions (might be required for underground pipelines, communication and power lines, other utilities, etc.)			<ul style="list-style-type: none"> Provision of compensation as per servitude agreement. If imposition of servitude significantly restricts the designated use of land plot or makes the land plot unviable, then at the request of the owner/user the affected land plot will be acquired in full or replaced with another plot comparable in value to the initial plot.

This entitlements matrix will be adjusted given the results of the census of affected users as certain categories may no longer be applicable to the situation.

6.8 GRIEVANCE MECHANISM

According to the Kazakhstan legal and administrative structure, introduction of dispute settlement procedures is the responsibility of local authorities (Akimats) and representatives of the project beneficiary (CoR Kyzylorda region). The intended officials were appointed to these positions to assist in resolution of messages or submission of complaints, received from the Affected persons and the public.

The complaint procedures related to the project, are to ensure efficient and systematic mechanism for the project to answer questions, to provide feedback and complaints from those whose interests are affected, other stakeholders and the public.

Levels and Procedures of Grievance Mechanism

The grievance mechanism (GM) is available for those who live or work in the areas falling under the potential impact of the project activities. Anyone who has experienced the impact or is concerned by the project activity has the right to participate in the GM, to have an easy access to it and receive assistance in its use. The proposed GM does not replace the public mechanisms for resolving grievances and conflicts, provided by the legal system of the Republic of Kazakhstan, but tries to minimize its use as much as possible.

Overall responsibility for the timely implementation of the GM lies on the CoR and KazAvtoZhol. Relevant regional, district and village Akimats, authorized by the law to carry out tasks, related to the complaints, and mediators / non-governmental organizations (NGOs) that are involved in promoting the amicable resolution of complaints, are also included in the GM.

This GM provides two levels of resolution of complaints on projects of the road sector, implemented under the leadership of the CoR: Complaints Committee (CC) at the regional (oblast) and central (Nur-Sultan) levels in accordance with the Guidelines for grievance mechanism for environmental and social protection measures of the road sector projects, approved by the CoR in August in 2014. The Complaints Committee (CC) is composed of members appointed by the CoR, local government offices, KazAvtoZhol. Complaints Committee (CC) at regional and central levels are chaired by managers responsible for the overall operation of the GM and effectiveness and timely implementation, while the coordinators are responsible for involvement of the parties concerned and coordination of the CC at regional / central levels.

Regional Level (Kyzylorda region)

At the first phase, an attempt will be made to resolve complaints via the GM at the regional level through the following steps.

1. **Registration of complaints:** bidders or the concerned persons may visit, call or send a letter in a paper or electronic format, and through fax to the Akimat of the settlement, coordinator for complaints of the Building Contractor and Project Management Contractor, coordinator of the CC in the oblast branch of KazAvtoZhol. Reception of complaints, submitted personally, through the phone, letter or email or fax will be confirmed. The CC at the regional level also considers anonymous complaints in case a bidder rejects to provide contact information or if the contact information is not given in the complaint, received in a paper / electronic format / fax.

2. **Processing of complaints:** Requests and complaints in respect of which an explanation and a decision were made at the time of reception are closed immediately. Cases requiring further assessment and action are considered by the CC at the regional level. The CC at the regional level: (i) meets twice a month, but special meetings for specific cases can be arranged as required; and (ii) discusses a complaint within ten working days and recommends its settlement to the parties. The CC Coordinator at the regional level spreads the corresponding information among the CC members, prepares the minutes of the CC meetings and reports on the work progress and ensures that the actions and decisions are properly documented.
3. **Providing Feedback:** Reception of complaints filed in person or by telephone will be confirmed. Reception of complaints received in writing or by e-mail or confirmed by letter / e-mail / fax within 3 working days of receipt by the CC coordinator at the regional level. If a complaint is not related to project activities and impacts that have emerged as a result of the project's fulfilment and cannot be considered in the framework of the GM Guidelines, the feedback will be provided to the complainant, indicating the body (level of the akimat of municipality / district / regional akimat, respectively), where it was sent.

If a complaint is resolved at the regional level, the complainant will be informed about the results. If a complaint is not resolved at the regional level and is submitted to the CC at the central level for consideration and solution, the relevant information will be presented by the complainant, including the date when the case was forwarded to the CC at the central level and the date when the decision is expected at the central level.

In the case of anonymous complaints, a response in a paper form will be placed on the information board of the corresponding regional branch of KazAvtoZhol, as well as on the information board of the respective akimat, so that the complainant could come and see the response.

Central Level

After an inconclusive consideration of the complaint by the CC at the regional level, an attempt will be made to resolve the complaint at the central level through the following steps.

1. **Processing of complaints:** If the complaint cannot be solved with the help of the CC at the regional level, it will be submitted to the CC at the central level, including all the relevant documents. The CC at the central level: (i) meets on a monthly basis, but special meetings for specific cases can be arranged as required; and (ii) discusses the complaint within twenty working days and recommends its settlement to the parties. The CC coordinator at the central level disseminates relevant information among the CC members, preparing minutes of meetings and reports on progress of the work and ensures that the actions and decisions are properly documented.
2. **Providing feedback:** If a complaint has been resolved, the complaining party will be informed of the results of the decision on the appeal. If a complaint has not been resolved by the CC at the central level, the relevant information will be provided to the complaining party, including the details of why the case has not been resolved and the recommendations to seek a solution within the legal system of the Republic of Kazakhstan. In the case of anonymous complaints, or if the person who filed the complaint has refused to provide contact details, the response in paper form will be placed on the information board of the corresponding regional branch of KazAvtoZhol, local government offices and related localities / district / regional akimats.

Legal System

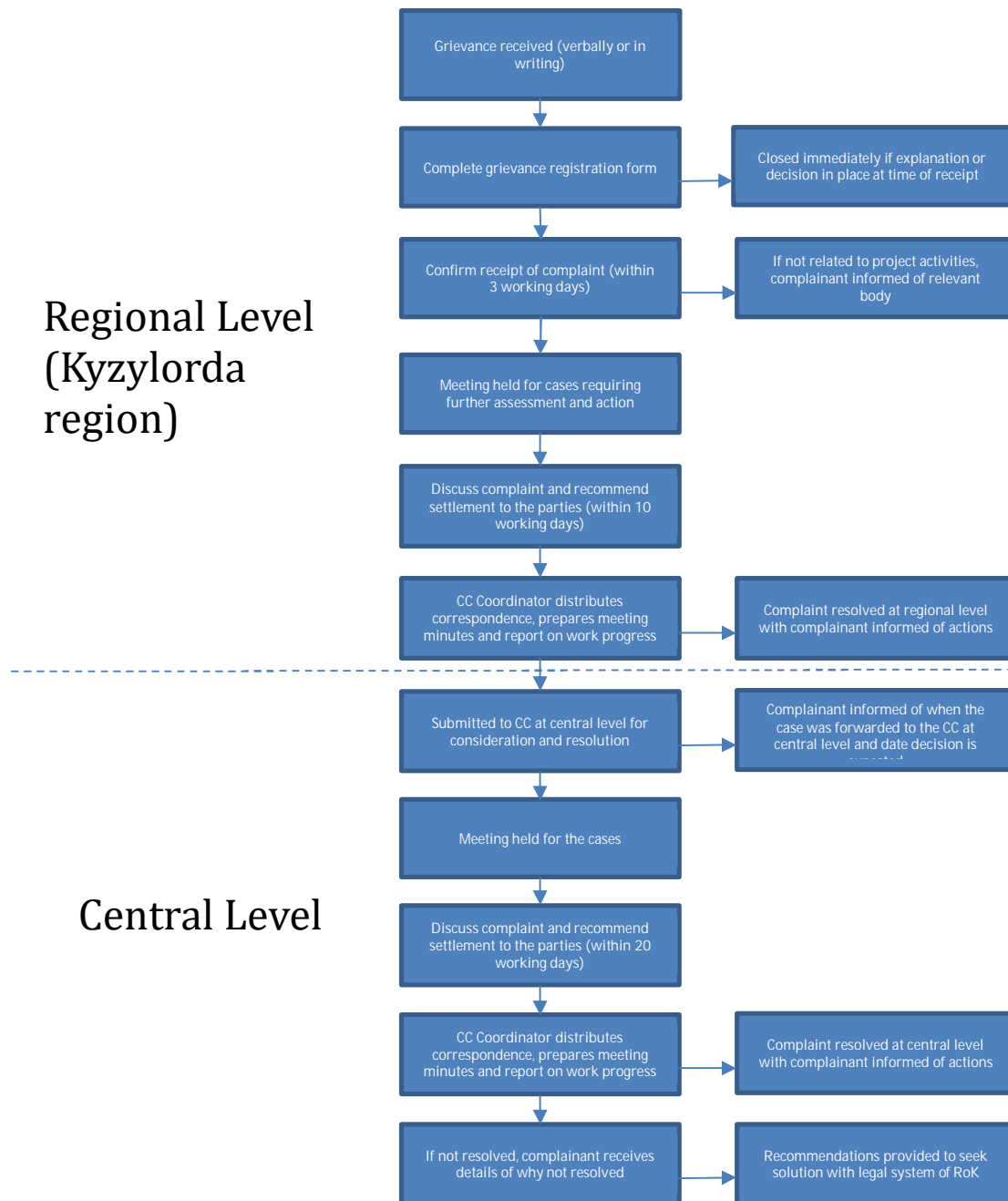
If, after intervention and assistance of the CC at the regional and central levels a decision was not reached, and if a complaint is not satisfied with the complaints system, the case will be submitted to the court for consideration in accordance with the laws of the Republic of Kazakhstan.

At the same time, it should be emphasized that the CC Guidelines do not limit the right of the complaining party to submit the case to court in the first stage of the complaint process.

Coordinators on complaints: The affected individuals and other interested parties may visit, call and send a letter or fax to the CC at the regional level for Atyrau region.

An overview of these regional and central level grievance procedures is presented in Figure 8 below.

Figure 8: Overview of the grievance mechanism procedure



Contact information of the CC (regional level):

Address: Kyzylorda regional branch of KAZH, Kyzylorda, Zheltoksan str 18
Tel: 8 (7242) - 26-25-37
E-mail: ouad_kzlorda@mail.ru

Regional CC in Kyzylorda region:

- The CC Head: Aliakbar Myrzabai

CC key person at the central level:

- The CC Head: Garyshzhan Nagmanov

6.9 ROLES AND RESPONSIBILITIES

The client and the CLO in collaboration with local authorities will have the overall responsibility for handling the consultation and information disclosure process, including organisation of the consultation process, communications with identified stakeholder groups, collecting and processing comments/complaints and responding to any such comments and complaints. Depending on the nature of a comment/complaint, some comments or complaints will be provided to the appropriate person in the authorities for a response.

Contact Details of the CLO:

Branch: KAZH Kyzylorda Regional Office
Name: Aliakbar Myrzabai
Title: Head of Quality Control and Acceptance Department
Telephone: + 7 701 174 86 05
Address: Kyzylorda Regional branch of KAZH, Kyzylorda, Zheltoksan str 18
Email: aliakbar.myrzabay@qaj.kz
Website: <https://ru.qaj.kz>

6.10 MONITORING AND EVALUATION

The client will monitor and audit the land acquisition process in different stages and will work based on the following indicators to measure the progress in Table 10 below.

Table 10: Monitoring and Evaluation

Topic	Monitoring	Progress or Outcome indicator
Implementation of RP	Regular monitoring of implementation of RP stages as defined in this LARF	Completion of RP (as defined in Section 5). Completion report for RP.
Permanent land acquisition	Semi-annual monitoring and annual monitoring report covering status of land and affected persons post-construction	Compensation of land at full replacement value for users. Land user's satisfaction from the process. Farming or grazing activities are run as before. There are alternative areas for herders to take their cattle for grazing.
Temporary land acquisition	Semi-annual monitoring and annual monitoring report covering status of land and affected persons post-construction	Rental value of the land at local state rates plus in-kind compensation on loss of land use. Upon completion of the temporary use of land by the project, the land needs to be restored to its previous state.
Loss of access rights and impacts on local livelihood resulting from the project	Semi-annual monitoring and annual monitoring report covering status of affected persons post-construction	Allocation of temporary access routes for livestock and individuals during the construction stage. In-kind compensation or allocation of temporary areas/lands to affected people.
Vulnerable people	Regular meetings (monthly or quarterly) with vulnerable group to ensure that their livelihood is not affected as a result of the project.	Assistance equivalent to minimum wage for 3 months. Provide alternative areas for living if vulnerable individuals are at high risk of impact from the project (such as noise disturbance, access rights issues). Provision of in-kind compensation to people in low income (i.e. assistance with filling in the relevant forms to obtain social benefits or giving them preference for the non-intensive types of project-generated jobs that they can and are willing to do). Provision of local employment opportunities through skill training, considering suitability of interested individuals for jobs related to the project.

6.11 Institutional Arrangements and Implementation of RP

No impact at this stage is expected on private landowners or users, but in case of potential land acquisition impacts, the following tasks in Table 11 should be implemented.

The KazAvtoZhol will be responsible for leading the implementation of RP process based on this LARF. The following institutional responsibilities and actions are assigned to the project land acquisition or livelihood restoration activities as presented in Table 11 below.

Table 11: Institutional Responsibilities for Land Acquisition and Livelihood Restoration Activities

	Institutional Responsibility	Key Implementation Activities
KazAvtoZhol	<ul style="list-style-type: none"> KazAvtoZhol is the Lead party for RP preparation, implementation, financing, reporting and evaluation. KazAvtoZol is responsible for RP preparation, implementation, reporting and evaluation. 	<ul style="list-style-type: none"> A social specialist/Community Liaison Officer (CLO) to undertake RP activities - Design Stage. In collaboration with district Akimats of affected regions, consult with all the affected landowners and users on selecting a suitable location for underpasses, construction camps and quarries or depots - Design Stage. Conduct census and socio-economic survey as part of the implementation of the RP. Electronic records of information will be kept, and the simple register will be updated by the KazAvtoZhol. Data protection of personal information will be reviewed at all stages - Design Stage, Prior to Construction. Conduct a meaningful and transparent consultation with the affected people (including informal people, women and people who will be affected as a result of the project) with assistance from the district Akimats. Implementation of GM activities (as mentioned in Section 6.8) relevant to the project. Provide and investigate suitable compensation package (land based or cash) and provision of assistance to affected people. This will be done in collaboration with district Akimats in affected regions. Disclose the RP to the public. Monitoring and evaluation of RP activities post construction stage.
Akimats	<ul style="list-style-type: none"> Assisting KazAvtoZhol in preparation and implementation of the RP. 	<ul style="list-style-type: none"> Provide the list of PAPs to KazAvtoZhol and support with development and update of database of PAPs based on the results of the census and new information. Maintain regular coordination with other estate agencies in Kyzylorda Oblast. Prepare and issue the decree(s) on land/property acquisition for state needs. Ensure notification of PAPs on upcoming land/property acquisition. Support KazAvtoZhol during census, socio-economic survey of the PAPs and valuation of the land / property to be taken. Participate in public consultations, disclosure the RP and the information brochures. Prepare documents for negotiation of compensation with the PAPs. Prepare documents for formalizing agreements with PAPs and processing of compensation payments. Collaborate with KazAvtoZhol to plan and manage RP implementation and the distribution of compensation. Follow up with expropriation cases. Facilitate conduct of field surveys, and re-registration of the remaining portions of the PAPs land plots. Participate in grievance redress process at local level. Assist in facilitating discussions and agreements among PAPs and other adjacent land users for land swapping and land reconsolidation. Assist PAPs who may wish to reclassify the remaining portions of their plots that are no longer viable for continued agricultural or farming activities. Provide necessary data to the KazAvtoZhol for internal monitoring purposes. Provide necessary data to the External Resettlement Monitor.
Other institutions and agencies, such as local court	<ul style="list-style-type: none"> Local Courts. The court system will be involved in LAR process in case the agreement is not reached between respective Akimat /KazAvtoZhol and the owner/user 	<ul style="list-style-type: none"> No action.

	Institutional Responsibility	Key Implementation Activities
	<p>of the affected land plot / property. The RoK court system has a pyramidal hierarchy and includes (i) district (rayon) courts; (ii) regional courts; and (iii) Supreme court of the RoK. Meantime the trial process has the following steps: (i) Court of First Instance; (ii) Appeal Court; (iii) Cassation Court; and (iv) Supreme Court. In case of expropriation issues Akimat / CoR shall rely on the court system, which based on due legal process will review the expropriation cases, carry out a hearing and decide whether the land / property can be expropriated and at what price.</p> <ul style="list-style-type: none"> ▪ Independent Valuers. These will be accredited / licensed private firms hired by KazAvtoZhol to evaluate the affected assets subject to acquisition / expropriation. 	
Lenders (i.e. EBRD)	<ul style="list-style-type: none"> ▪ The EBRD will be responsible to review RP documents prepared for this project and will ensure compliance with their environmental and social performance standards. 	<ul style="list-style-type: none"> ▪ To advise KazAvtoZhol where needed.

APPENDIX A: COMPLAINT PROCEDURE AND GRIEVANCE

GRIEVANCE REGISTRATION FORM	
CONTACT INFORMATION	
Name:	Gender: <input type="checkbox"/> Male / <input type="checkbox"/> Female
Address:	
Community:	Telephone:
Rayon and Oblast:	E-mail:
Anonymous grievance: <input type="checkbox"/> Yes / <input type="checkbox"/> No	Preferred mode of communication for feedback: <input type="checkbox"/> Mail / <input type="checkbox"/> Phone / <input type="checkbox"/> E-mail
DESCRIPTION OF GRIEVANCE / SUGGESTION / QUESTION	
Please provide details (who, what, where, when) of your grievance below:	
In case any other actions were undertaken by the complainant with respect to the grievance case, please provide details on past actions (if any):	
Please provide details on your suggested resolution for grievance:	
GRIEVANCE REGISTRATION DETAILS	
Name of registrant:	
Organization:	Position:
How the grievance was lodged: <input type="checkbox"/> in person / <input type="checkbox"/> mail / <input type="checkbox"/> e-mail / <input type="checkbox"/> phone / <input type="checkbox"/> fax / <input type="checkbox"/> _____	Type of grievance: <input type="checkbox"/> type A / <input type="checkbox"/> type B / <input type="checkbox"/> type C
Documents attached:	Grievance is relevant to project: <input type="checkbox"/> Yes / <input type="checkbox"/> No if "No" it was forwarded to: _____
Remarks:	
Signature of registrant:	Date of grievance:

Please return the form to: **KazAvtoZhol PLC**

Branch: KAZH Kyzylorda Regional Office

Name: Aliakbar Myrzabai

Title: Head of Quality Control and Acceptance Department

Telephone: + 7 701 174 86 05

Address: Kyzylorda Regional branch of KAZH, Kyzylorda, Zheltoksan str 18

Email: aliakbar.myrzabay@qaj.kz

Website: <https://ru.qaj.kz>

APPENDIX B: AFFECTED LAND PLOTS

The table below provides an overview of the sections of the road which will be widened the alignment. It demonstrates the area to be taken to the left and right-hand side of the current alignment, as well as its current land use designation (e.g. pasture) and land user. All land to be affected is currently owned by the State.

Table B-1 – Land Parcels Affected by the Proposed Road Project

Item Ref ⁹	Alignment chainage, km		Chainage		Length, m	Width, m		Area, ha	Purpose of Land uptake	Type of land	Land user
			Highway Marker From	Highway Marker To		Left	Right				
Document: Statement of Permanent Land Uptake - Section km 12 + 000 – km 24 + 600. Construction of a bypass in Kyzylorda.											
1	12+000	22+469.9	0+00.0	104+69.9	10470	20		20.94	for the Road	other	Lands of Kyzylorda
2	22+469.9	23+275.9	104+69.9	112+75.9	806.0	20		1.62	for the Road	pasture	Lands of the Syrdarya region
3	12+000	22+469	0+00.0	104+69.9	10470		20	20.94	for the Road	other	Lands of Kyzylorda
4	22+470.6	23+275.1	104+70.6	112+75.1	804.4		20	1.60	for the Road	pasture	Lands of the Syrdarya region
Document: Statement of Permanent Land Uptake - Section km 12 + 000 – km 24 + 600. Construction of the Kyzylorda bypass.											
5	12+024.5	19+364.7	0+24.50	73+64.70	7,340.20	35		25.67	for the Road	pasture	Lands of Kyzylorda
6	12+023.9	19+368.3	0+23.90	73+68.30	7,344.40		35	25.73	for the Road	pasture	Lands of Kyzylorda
7	25+725.7	26+584.6	137+25.70	145+84.60	858.90	35		2.94	for the Road	pasture	Lands of Kyzylorda
8	25+866.5	26+584.6	138+66.50	145+84.60	718.10	35		2.62	for the Road	pasture	Lands of Kyzylorda
9	12+000	25+715.7	0+00.00	137+15.70	13,715.70	35		22.43	for the Road	pasture	Lands of the Syrdarya district (No. 101530184217 the land plot belongs to the Syrdarya district as well).
10	12+000	25+866.5	0+00.00	138+66.50	13,866.50		35	22.54	for the Road	pasture	Lands of the Syrdarya district

⁹ Item reference taken from statement of permanent land uptake spreadsheet.

Item Ref ⁹	Alignment chainage, km		Chainage		Length, m	Width, m		Area, ha	Purpose of Land uptake	Type of land	Land user
			Highway Marker From	Highway Marker To		Left	Right				
											(For farming based on the implementation of personal entrepreneurship).
<i>Document: Statement of Permanent Land Uptake - Section km 24+600 — 76+000.</i>											
11	24+000	25+8751	0+00.0	18+75.1	1,875	20		3.68	for the Road	pasture	Lands of Kyzylorda
12	25+8751	53+805	18+75.1	298+05.0	27,930	20		55.86	for the Road	pasture	Lands of the Syrdarya district (№10153018)
13	53+805	54+354.7	298+05.0	303+54.7	550	20		1.12	for the Road	pasture	Lands of the Syrdarya district
14	54+354.7	75+924.8	303+54.7	519+24.8	21,570	20		43.17	for the Road	pasture	Lands of the Shieli district
15	24+000	25+746.7	0+00.0	17+46.7	1,747		20	3.56	for the Road	pasture	Lands of Kyzylorda
16	25+746.7	53+805	17+46.7	298+05	28,060		20	56.12	for the Road	pasture	Lands of the Syrdarya district (№10153018)
17	53+805	54+279.6	298+05	302+79.6	28,252*		20	0.92	for the Road	pasture	Lands of the Syrdarya district
18	54+279.6	75+924.8	302+79.6	519+24.8	21,645		20	43.26	for the Road	pasture	Lands of the Shieli district
<i>Document: Construction and Technology Sites Section km 76+000 – km 127+000**</i>											
19	76+637		6+36,5			20	20	20	Construction Site		For pipe-making
20	77+300		13+00,0			20	20	20	Construction Site		For pipe-making
21	79+600		36+00,0			20	20	20	Construction Site		For pipe-making
22	82+941		69+41,4			20	20	20	Construction Site		For pipe-making
23	84+020		80+20,0			20	20	20	Construction Site		For pipe-making

Item Ref ⁹	Alignment chainage, km		Chainage		Length, m	Width, m		Area, ha	Purpose of Land uptake	Type of land	Land user
			Highway Marker From	Highway Marker To		Left	Right				
24	85+700		97+00,0			90		133.3	Technology Site No 1		Ground quarry no 5
25	88+020		120+20,0			20	20	20	Construction Site		For pipe-making
26	89+200		132+00,0			20	20	20	Construction Site		For pipe-making
27	93+490		174+90,0			40		60	Construction Site		Cattle grazing
28	100+800		248+00,0			90		133.3	Technology Site No 2		Ground quarry no 4
29	109+000		330+00,0			20	20	20	Construction site		For pipe-making
30	109+900		339+00,00						Technology Site No 3		ABZ, bitumen pit, watch town
31	110+000		340+00,0			40		60	Construction site		Cattle grazing
32	113+800		378+00,0			90		133.3	Technology Site No 4		Ground quarry No.3
Document: Permanent Land Reclamation Section km 76+000 – km 127+000**											
33	76+000	81+182	0+00.00	51+82.47	5,182.47	20	20	20.73	For the Road	Pasture	Lands of Shiyeli District
34	81+182	101+558	51+82.47	255+58.18	20,375.71	20	20	81.50	For the Road	Pasture	Lands of Syrdarya district
35	101+558	103+280	255+58.18	272+80.00	1,721.82	40	40	13.77	For the Road	Pasture	Lands of Syrdarya district
36	103+280	103+600	272+80.00	276+00.00	320.00	60	40	3.20	For the Road	Pasture	Lands of Syrdarya district
37	103+600	103+880	276+00.00	278+79.73	279.73	60	52	3.13	For the Road	Pasture	Lands of Syrdarya district
38	103+880	103+900	278+79.73	279+00.00	20.27	60	52	0.23	For the Road	Pasture	Lands of Syrdarya district

Item Ref ⁹	Alignment chainage, km		Chainage		Length, m	Width, m		Area, ha	Purpose of Land uptake	Type of land	Land user
			Highway Marker From	Highway Marker To		Left	Right				
39	103+900	103+940	279+00.00	279+40.00	40.00	40	52	0.37	For the Road	Pasture	Lands of Syrdarya district
40	103+940	103+960	279+40.00	279+60.00	20.00	40	40	0.16	For the Road	Pasture	Lands of Syrdarya district
41	103+960	104+842	279+60.00	288+42.15	882.15	40	40	7.06	For the Road	Pasture	Lands of Syrdarya district
42	104+842	105+237	288+42.15	292+36.84	394.69	20	20	1.58	For the Road	Pasture	Lands of Syrdarya district
43	105+237	126+111	292+36.84	501+11.30	20,874.46	20	20	83.50	For the Road	Pasture	Lands of Shiyeli District
<i>Document: The record of constant diversion under the road, intersections and adjoining. Section km 127+000 – km 156+000**</i>											
44	127+000	155+336	0+000	283+360	28,336	18.5	18.5	104.84	Category II Road	Other previously allotted land for the road	
45	127+000	155+336	0+000	283+360				9.083	Category II Road	Pasture	Kyzylorda Region, Shiyeli district (excluding alignment chainage km 139+930 to km147+550 – see below)
46	139+930	147+550	7+53	7+56	9	19.94		0.018	Category II Road	to operate the access road to KU-4	Land user 10-154-039-1426
47	153+375		263+75	263+75				1.200	Recreation area	Pasture	
48	127+758	153+375						1.291	Intersection and adjoining	Pasture	Kyzylorda Region, Shiyeli district (excluding alignment section km 128+556 see below)
48	128+516	128+516	7+58	7+58	65	8	8	0.104	Intersection and adjoining	to operate the access	Land user 10-154-039-1426

Item Ref ⁹	Alignment chainage, km		Chainage		Length, m	Width, m		Area, ha	Purpose of Land uptake	Type of land	Land user
			Highway Marker From	Highway Marker To		Left	Right				
										road to KU-4	
<i>Document: The record of constant diversion under the road, intersections and adjoining. Section km 156+000 – km 186+000***</i>											
50	184+336	214+346	283+36	583+45.95	30009.25	18.5	18.5	113.0368	Category II road	Other previously allotted land for the road.	Kyzylorda Region.
51	184+336	214+346						1.582	Category II road	Pasture	Kyzylorda Region, Lands of Shiyeli District (excluding alignment chainage km 187+405 to 187+417 - item ref 42 below)
52	184+336	214+346						7.301	Category II road	Pasture	Kyzylorda Region, Lands of Syrdarya District (excluding alignment chainage km 187+405 to 187+417 – item ref 42 below)
53	187+405	187+417						0.023	Category II road	to operate the access road to KU-5	Kyzylorda Region, Shiyeli District Land User 10-154-039-141
54	203+465	211+586						0.255	Intersection and adjoining	Pasture	Kyzylorda Region, Lands of Shiyeli District
55	203+465	211+586						1.920	Intersection and adjoining	Pasture	Kyzylorda Region, Lands of Syrdarya District
56	187+412	187+412						0.065	Intersection and adjoining	to operate the access road to KU-5	Kyzylorda Region, Shiyeli District Land User 10-154-039-141
<i>Document: The record of additional permanent diversion under the road. Section km 186+000 – km 216+000</i>											

Item Ref ⁹	Alignment chainage, km		Chainage		Length, m	Width, m		Area, ha	Purpose of Land uptake	Type of land	Land user
			Highway Marker From	Highway Marker To		Left	Right				
57	186+000	198+749	0+000	127+48.6	12,748.60			11.67	for the Road	pasture	Syrdarya District
58	198+749	216+548	127+486	305+48.0	17,799.41			16.26	for the Road	pasture	Shieli district
59	186+000	198+749	0+000	127+48.6	12,748.60			10.88	for the Road	pasture	Syrdarya District
60	198+749	216+548	127+486	305+48.0	17,799.41			15.42	for the Road	pasture	Shieli district

Note:

* Based on WSP Calculation this figure does not appear to be correct in the spreadsheet "Statement of Permanent Land Uptake". The figure has not been changed as this is a formal signed document by KazAvtoZhol.

** Streamlined data is not available for all sections for comparison purposes.

*** The document for alignment 156 – 186 km contains data from km 186 through to km 214+346

The following additional tables were provided in relation to compensation calculations for km 76+000 to km 127+000:

APPENDIX C: TABLE OF CONTENTS FOR RESETTLEMENT PLAN (RP)

A. Executive Summary

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

B. Project Description

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

C. Scope of Land Acquisition and Resettlement

This section:

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

D. Socio-economic Information and Profile

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

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

E. Information Disclosure, Consultation and Participation

This section:

- G1. identifies project stakeholders, especially primary stakeholders;
- G2. describes the consultation and participation mechanisms to be used during the different stages of the project cycle;
- G3. describes the activities undertaken to disseminate project and resettlement information during project design and preparation for engaging stakeholders;
- G4. summarizes the results of consultations with affected persons (including host communities), and discusses how concerns raised and recommendations made were addressed in the resettlement plan;
- G5. confirms disclosure of the draft resettlement plan to affected persons and includes arrangements to disclose any subsequent plans; and
- G6. describes the planned information disclosure measures (including the type of information to be disseminated and the method of dissemination) and the process for consultation with affected persons during project implementation.

F. Grievance Redress Mechanisms

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

G. Legal Framework

This section:

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

H. Entitlements, Assistance and Benefits

This section:

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

I. Relocation of Housing and Settlements *(if applicable)*

This section:

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

J. Livelihoods Restoration and Rehabilitation

This section:

1. identifies livelihood risks and prepare disaggregated tables based on demographic data and livelihood sources;
2. describes income restoration programs, including multiple options for restoring all types of livelihoods (examples include induced benefit sharing, revenues sharing arrangements, joint stock for equity contributions such as land, discuss sustainability and safety nets);
3. outline measures to provide social safety net through social insurance and/or project special funds;
4. describes special measures to support vulnerable groups;
5. explains gender considerations; and
6. describes training programs.

Resettlement Budget and Financing Plan

This section:

- provides an itemized budget for all resettlement activities, including for the resettlement unit, staff training, monitoring and evaluation, and preparation of resettlement plans during loan implementation;
- describes the flow of funds (the annual resettlement budget should show the budget scheduled expenditure for key items;

- includes a justification for all assumptions made in calculating compensation rates and other cost estimates (taking into account both physical and cost contingencies), plus replacement costs; and
- includes information about the source of funding for the resettlement plan budget.

Institutional Arrangements

This section:

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

Implementation Schedule

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

Monitoring and Reporting

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

Annexes

- Copies of census and survey instruments, interview formats, and any other research tools.
- Information on all public consultation including announcements and schedules of public meetings, meeting minutes, and lists of attendees.