

Land Acquisition and Resettlement Framework

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Kazakhstan Almaty International Airport Project

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ACRONYMS AND ABBREVIATIONS

AAK	- Aviation Administration of Kazakhstan
AoI	- Area of Impact
EBRD	- European Bank for Reconstruction and Development
Consortium	- TAV-led consortium on investors
ERM	- External Resettlement Monitor
ESDD	- Environmental & Social Due Diligence
FS	- Feasibility Study
GoK	- Government of Kazakhstan
GRM	- Grievance Redress Mechanism
GRC	- Grievance Redress Committee
IFC	- International Finance Corporation
ICAO	- International Civil Aviation Organization
LAR	- Land Acquisition and Resettlement
LARF	- Land Acquisition and Resettlement Framework
RESA	- Runway End Safety Area
MIID	- Ministry of Industry and Infrastructural Development
NGO	- Non-government Organization
NPTsZem	- State Scientific and Production Center for Land Management
PAP	- Project Affected Person
PR	- Performance Requirements
Project	- Almaty International Airport Project
PS	- Performance Standard
RoK	- Republic of Kazakhstan
RP	- Resettlement Plan
SG	- Safety Gaps
SPZ	- Sanitary Protection Zone
SSL	- Side Safety Lane

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DEFINITION OF TERMS

Compensation –	refers to any payment in cash or in kind of the replacement cost of the acquired assets.
Area of Impact –	<p>it is the area that is impacted by the airport civil works or by the need to retain sites for use in maintenance of safety areas / zones. In the context of involuntary land acquisition and resettlement, it is the area where the project affected persons will be identified who are eligible to receive compensation based on the cut-off date established under the project.</p> <p>Resettlement impacts generally are confined within area of impact (Aoi), which is the area where it is unsafe or not permitted for people to occupy structures, carry out business activities, or to cultivate land. For purposes of resettlement planning, whatever has to be removed or demolished, whether permanently or temporarily, is by definition inside the area of impact, and those suffering losses caused by the project should be assisted.</p>
Cut-off-date –	means the date prior to which the occupation or use of the Project area makes residents/users of the Project area eligible to be categorized as Project Affected Persons (PAPs). For this project, in the context of resettlement planning the date of the Akimat(s) decree(s) on land acquisition for state needs is(are) considered as the cut-off date.
Project Affected Persons –	people, households, or legal entities, who experience full or partial, permanent or temporary physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) resulting from involuntary acquisition or land or involuntary restrictions on land use.
Entitlement –	is a range of measures comprising compensation in cash or in kind, income restoration, transfer assistance, income substitution, and relocation which are due to PAPs, depending on the nature of their losses, to restore their economic and social base.
Grievance Procedure –	is the process established under law, local regulations, or administrative decisions to enable property owners/users and other PAPs to redress issues related to acquisition, compensation, or other aspects of resettlement.
Household –	means all persons living together as a single social unit. They are identified in a census being an instrument of their recognition and legitimacy to receive compensation, rehabilitation and assistance under the Project.
Income Restoration –	is the reestablishment of income sources and livelihoods of PAPs to their pre-project levels.
Resettlement Plan –	is the planning document that describes the activities to be done in addressing the direct social and economic impacts associated with

	<p>involuntary taking of land, which includes both outright purchases of property and acquisition of access rights, such as easements or rights of way.</p>
<p>Economic and physical displacement –</p>	<p>is the physical shifting of PAP from his/her pre-Project place of residence and/or business.</p>
<p>Replacement Cost –</p>	<p>is defined as a method of valuation yielding compensation sufficient to replace assets, plus necessary trans- action 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 labor for construction of structures or other fixed assets, plus transaction costs In all instances where physical displacement results in loss of shelter, 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.</p>
<p>Severely Affected Persons –</p>	<p>typically any individual whose livelihood cannot be restored through cash compensation measures is deemed severely affected and would warrant further measures specifically meant to restore their livelihoods.</p>
<p>Vulnerable household –</p>	<p>Vulnerable or “at-risk” groups include people who, by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage or social status may be more diversely 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. Vulnerable groups in the context of displacement also include people living below the poverty line, the landless, the elderly, women- and children-headed households, Indigenous Peoples, ethnic minorities, natural resource dependent communities or other displaced persons who may not be protected through national land compensation or land titling legislation.</p>

1. INTRODUCTION

1.1 General information

1. Almaty is the largest city in Kazakhstan and served as capital of the Kazakh state from 1929 to 1997. Geographically, it is well positioned in Central Asia. After the relocation of the Capital to Astana, Almaty continues as a major commercial centre.

2. Almaty International Airport is the largest international airport in Kazakhstan and is situated 15km northeast of Almaty city centre. The airport has been operational since 1935 at which time it was in civil/military use and has held an international categorisation since 1998 (IATA: ALA, ICAO: UAAA). The airport consists of two close parallel runways (Runway 1 05R/23L 4.4km in length and Runway 2 05L/23R 4.5km in length) and associated taxiways, 78 apron areas, 2 helipad stands and various auxiliary facilities required for the operation of the airport such as wastewater treatment works, fuel storage area, laboratory and car parks. The area surrounding the airport is a mixed use area comprising largely residential, commercial and agricultural land uses. It is noted significant residential land use is present in close proximity to the airport.

3. After the reconstruction of the runway (Runway No.1), the new terminal was completed in 2004. The second runway (Runway No.2) was constructed in 2008 to accommodate CAT III landings and whilst it can accommodate Code F aircrafts (wingspan of 65m but less than 80m) the terminal is not designed as such. Currently, the arrivals from the western direction accounts for 70% of the flights due to the mountainous location. The current terminal building is located in the west of the airport and comprises of three adjoining buildings (domestic, international and VIP). It was constructed in 2004 after a fire destroyed the previous terminal building during the late 1990s and the domestic terminal area is housed in a 2012 extension. See the map below.

4. The fuel farm is located in the northwest of the airport. Fuel is delivered to the airport by rail and is pumped through filters to ensure quality requirements are met. Associated pipework is largely aboveground although some underground pipework is also present. Aviation fuel is stored in eleven aboveground storage tanks with a total capacity of 41,000m³. A laboratory is present adjacent to the fuel farm which undertakes analysis to ensure fuels supplied to airlines meet the required standards.



Layout map of Almaty Airport

5. Almaty International Airport is an important hub for Air Astana, the national carrier of Kazakhstan, and for the cargo requirements in Central Asian region. Almaty International Airport has more than 34 other Airlines operating, such as Turkish Airlines, Asiana Airlines, China Southern Airlines, Fly Dubai and Lufthansa.

6. Almaty International Airport has experienced a steady increase in passenger traffic, which affected the Level of Service. The challenge of the Airport is mainly on the site of the passenger terminal capacity, especially the peak hour that limits the potential growth. To accommodate the traffic growth, without degrading the passenger experience even more, it is necessary to increase the capacity of the terminal buildings.

7. It is planned that the new international terminal building will be built and the existing terminal at Almaty International Airport will be refurbished for domestic use. TAV-led consortium of investors (Consortium) is planning to raise financing for the Project from the European Bank for Reconstruction and Development (EBRD) and International Finance Corporation (IFC).

1.2 Project Description

8. TAV plans to develop a new international terminal building and refurbish the current terminal (for domestic flights) at Almaty International Airport. The project is in its initial stage of planning with no design work having been completed at the time of preparation of this Land Acquisition and Resettlement Framework.

Feasibility Study

9. An Expansion Feasibility Study was completed by ADP Ingenierie in May 2019 on behalf of TAV to identify the general order of magnitude for the capital expenditure for the terminal expansion. The study notes the current terminal capacity is limiting potential growth at ALA and that traffic forecast is assumed to reach its capacity of at least 10 million passengers, annually. Peak hour international traffic is forecast at 1,600 air traffic movements and 1,200 air traffic movements for domestic and these have been used to determine the terminal size requirements. TAV indicated that the area required for the international building was approximately 53,000 m² and approximately 30,000m² for the domestic terminal. The area of current domestic terminal is 30,370m², therefore remodeling of this available space is possible.

Environmental & Social Due Diligence

10. Waterman Infrastructure & Environment Limited was commissioned by EBRD and IFC to complete an Environmental & Social Due Diligence Assessment (“ESDD”) of Project A3F – Almaty International Airport, Kazakhstan relating to the proposed construction and operation of a new international terminal building. The objective of ESDD was to assess the compliance / performance of the project with relevant Kazakhstani legislation, International Law, including conventions and treaties adopted by the host country and applicable to the Project, EBRD Performance Requirements and IFC Performance Standards, and industry specific technical reference documents. The assessment was undertaken in 2019-2020.

11. According to ESDD, three development options were considered for the international terminal. The option of demolition of existing VIP terminal building and substantiation for that is considered the most favourable and is being assessed further; based on the study the option will not require the acquisition of land currently outside the airport boundary.

12. As noted above, based on the information provided by TAV, the current terminal building is of insufficient size and could not support airport growth; therefore, the 'do-nothing' approach was not considered a viable option during ESDD assessment.

Aviation Safety Study (international standards)

13. Almaty International Airport Safety Study was undertaken by TYPASA (Spain) in 2020 to assess aviation safety of the Almaty International Airport. The report prepared in May 2020 stated that Kazakhstan has a good level of safety in aviation and Almaty International Airport is not a very complicated infrastructure, with special difficulties to be managed by pilots or Air Traffic Controllers that can hinder the inherent safety of the airport and that the pressure of the surroundings is not as high as in other international hubs. Notwithstanding, in order to manage the risk of aeronautical operations in the surroundings of the airport, it is also recommended to expand the existing safety area along runways 05R-23L / 05L-23R and to implement a regime of control of land use around the airport through the Aviation Administration of Kazakhstan with a defined safety area or zone. The report also provides details on number plots (with basic information on cadastral code, type of ownership, land use purpose) that could potentially be affected due to establishment of safety area / zone.

14. Implementation of mitigation measures related to safety proposed in Safety Study should not involve any physical and economic displacement impacts.

Noise Study

15. Noise Study was undertaken by Frekans Environmental Acoustics Modeling Lab in January - February 2020, and the report was prepared in March 2020. The objective of the noise assessment was to characterize the existing environmental conditions for potential receptacles and current / future noise exposures to those receptacles in order to assess the significance of the potential environmental impact and recommend appropriate mitigation measures. Noise maps with navigation grid and elevation maps were prepared to analyze the impact of landing and take-off noise as well as APU noise levels. Future scenarios for 2030 and 2040 have also been analyzed to understand future impact.

16. Within the framework of the study a small area at the periphery of Almaty airport was surveyed, including a number of buildings in the vicinity of the airport.

17. Report notes that there are communities nearby airport subject to noise impact, and most of the dwellings are located under the flight paths of the aircraft very close to the runway. One of the communities is located parallel to the runway, and faces major impact mainly due to inappropriate urbanization of the area. Neither changes to takeoff and landing operations nor the noise barrier will be effective in this area. The most appropriate way would be to stop construction of new buildings and increase of population in this area.

18. Other small villages are located on distance of 2-3 km from the runways 05. These villages are located under the flight paths at close range. In these areas, only a small noise level of about 1 dBA was determined.

19. Similarly, there are residential buildings located at about 2 km distance from the takeoff runway 23. The same impact is also valid for this area.

20. The report concludes that even though there are some problems with land planning (many residential areas are very close to the airport and the runway), the picture as a whole shows that a very small percentage of the population is exposed to serious aircraft noise compared to major European airports.

21. Establishment and enforcement of sanitary zones associated with noise impacts / noise modeling results will not result in land acquisition and resettlement in accordance with the national legislation and Lenders policies. To manage noise impacts, the mitigation measures will be implemented as part of the Environmental and Social Action Plan.

1.3 Aviation safety risks on the perimeter of the airport (national legislation)

22. The Rules for issuing permits for activities that could pose an aviation safety risk to aircraft, approved by a GoK Decree No 504 dated May 12, 2011 specify that approval from the airport commission is necessary:

- a. in order to build any object of any height at a distance of up to 4 kilometers from the nearest point of the runway;
- b. for any objects with true (geometric) height of which relative to the level of the runway is 45 meters or more and located within 15 km from the airport control point, as well as objects true (geometric) height of which relative to the ground level is 100 m or more, and on the aerodrome territory - 100 m or more relative to the airfield level.

23. The commission's permit is also required for industrial and other enterprises and structures, whose activities may lead to deterioration in visibility in the areas of aerodromes (heliports). Moreover, within 15km from airport control point the Rules prohibit placement of domestic waste dumping sites, construction of fur farms, slaughterhouses and other facilities that may attract large number of birds. To support an effective implementation of the Rules # 504, the permanent multi agency commission was established in 2011 according to the Order of President of Almaty International Airport No 249 dated November 16, 2011 "On establishment of commission to control activities that may pose a threat to aviation safety on the near-aerodrome territory of the Almaty aerodrome. This commission carried out monitoring of 4 km zone around the perimeter of the airport to ensure compliance with the abovementioned Rules.

24. In order to carry out continuous control of activities that may pose risks to aviation safety in the area around the airport (4 km radius), the Permanent Multi Agency Commissions were established in accordance with the GoK Decree No 504 dated May 12, 2011, as well as Order of First Director of Almaty International Airport No 342 dated November 14, 2018 "On establishment of permanent commission for issuing permits for the approval of construction and placement of buildings, structures, and other objects on near-aerodrome territory and Almaty aerodrome", and Order of First Director of Almaty International Airport No 343 dated November 14, 2018 "On establishment of permanent commission to control implementation of requirements for construction and placement of buildings, structures and other objects that threaten aviation safety at the near-aerodrome territory and Almaty aerodrome, as well as Order No 62 dated March 4, 2020 "On changes introduced in Order of President of SC Almaty International Airport No 342 dated November 14, 2018".

25. Monitoring was carried out by commission following the runway excursion on December 27th, 2019, which occurred at Almaty International Airport during a take-off, with the result of the veering off aircraft impacting an individual house by the fence of the airport, raising concerns about the safety condition of Almaty International Airport. In early 2020 the airport's aerodrome service monitored informal objects at a distance of 4 km from the nearest runway point. As a result, and based on preliminary estimate, a significant number of buildings (mostly residential), which have not obtained the permits from Multi-Agency commission, controlling implementation of requirements for construction and placement of buildings that threaten aviation safety, were identified.

26. In accordance with the Aviation Safety Study report, the majority of properties lacking permits as per above do not seem to pose aviation risks, therefore it is believed that the enforcement of 4 km safety zone is unlikely to trigger land acquisition and resettlement impacts. Should this be confirmed by the Commission / GoK, the property owners/users will be able to exercise their right to regularize their properties. For some of the properties, however, obtaining the approval of Commission and regularization may prove problematic. In the meantime, the overall situation (especially with problematic properties) will be closely monitored by the Client. The Project so far does not require any land acquisition or resettlement.

27. MIID and Client are committed to avoiding any potential economic and physical displacement impacts, thus no land acquisition and resettlement is expected within the area of impact. At the same time, some properties within 4 km zone, built without the permit of the Commission, may be declared as representing risk for aviation safety and hence may in a possible scenario, driven by the Government, require modifications to the properties' parameters, including potentially demolition and resettlement impacts. Should any land acquisition and/or resettlement impacts occur due to the enforcement of the Rules # 504 by the Commission or the RoK, the Lenders' resettlement policy will need to be triggered and LARF should be applied. Specifically, a Resettlement Plan will be prepared based on policy principles specified in this LARF and implemented to address all economic/physical displacement impacts as per IFC PS5 and EBRD PR5. The implementation of the Resettlement Plan will be verified and confirmed by the External Resettlement Monitor. The function of the External Resettlement Monitor will be carried out by the independent consultant who will be responsible for external monitoring and preparation/submission of RP Completion Report.

1.4 The LARF Document

28. This Land Acquisition and Resettlement Framework (LARF) is formulated based on relevant laws on land acquisition and resettlement (LAR) in the Republic of Kazakhstan (RoK), provisions of the Environmental and Social Policy 2014 Performance Requirement (PR) 5 of EBRD and Performance Standard (PS) 5 on Land Acquisition and Involuntary Resettlement of IFC. The LARF identifies likely impacts or/and risks of the investment, describes anticipated groups of PAPs, clarifies land and resettlement principles, assesses the legal framework for land acquisition and resettlement in RoK and respective policies of EBRD and IFC, describes standard procedures and methods of grievance redress, and outlines steps that will be taken to plan, obtain concurrence from EBRD and IFC, and to implement and monitor the impact of land acquisition and resettlement within the Project area.

29. The project does not require land acquisition and resettlement. This LARF was developed to cover any potential land acquisition related to the operation of the airport imposed by the GoK in the future (i.e. implementation of safety or sanitary zones). This LARF applies to the private landowners, whose lands may be permanently or temporarily affected, as well as to people who lease private or state-owned lands or those who have no registered or legal rights over the land they use, and who will be adversely affected as a result of RoK Government decisions related to the operation of the Almaty International Airport. However, the LARF does not apply to state land that is transferred from one GoK authority to another, or used temporarily by the Consortium during construction works, unless third parties are adversely affected by the transfer or use.

30. This LARF expresses the commitment of Government of Kazakhstan (GoK) to avoid adverse involuntary LAR impacts, where possible, and to mitigate and manage them to ensure that PAPs are able to maintain, restore or improve their livelihoods at the end of the Project.

Once this document is approved by EBRD, IFC and GoK, it will become an element of the Government Support Agreement to be concluded between the GoK, TAV, EBRD and IFC with respect to the Project. It is expected that GoK implements requirements of this LARF regarding provision of compensation to PAPs.

1.5 Processing Requirements

31. It is understood that both EBRD and IFC have categorized the Project as B which indicates that the project has the potential to result in adverse environmental and social impacts which are typically site specific and/or readily identified and addressed through mitigation measures.

32. Based on EBRD and IFC policy and practice, Project implementation will entail the following LAR-related conditions:

- (i) In case land acquisition and resettlement is required during implementation of Project, GoK has to inform EBRD and IFC on such impacts, prepare and implement a Resettlement Plan (RP) per EBRD and IFC standards as set out in this LARF;
- (ii) Commencement of property demolition in area of impact with pending LAR issues is subject to provision of EBRD and IFC approvals to start civil works: full implementation of RP as vouched by the RP Completion Report prepared by the External Resettlement Monitor.

2. OBJECTIVES, POLICY FRAMEWORK AND ENTITLEMENTS

33. This LARF defines the eligibility for compensation and rehabilitation assistance, and details the entitlements for each impact type, as well as procedures for valuation, compensation, complaints consideration, consultations and disclosure, and monitoring/evaluation. It combines existing legal framework and procedures for land acquisition in Kazakhstan and involuntary resettlement safeguards requirements as stipulated in the PR 5 of EBRD Environmental and Social Policy (2014) and PS 5 on Land Acquisition and Involuntary Resettlement of IFC.

2.1 Kazakhstan Legal Framework and Practices

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

2.1.1 Hierarchy of Legal Acts in Kazakhstan

35. Hierarchy of legal acts in the Republic of Kazakhstan corresponds to the following levels:

- The Constitution of the Republic of Kazakhstan;
- International treaties ratified by the Parliament;
- Laws that incorporate changed and additions into the Constitution;
- Constitutional laws of the Republic of Kazakhstan;
- Codes of the Republic of Kazakhstan;
- Consolidated laws, laws of the Republic of Kazakhstan; and
- Other regulations, normative decrees, and so forth.

2.1.2 Kazakhstan Constitution

36. Kazakhstan laws and regulations regarding land and land ownership are derived from the Constitution, which states that land (surface and underground) is owned by the State, but can also be privately-owned (Article 6.3). Article 26.3 also states that no one may be deprived of property unless stipulated by a court decision. Forcible alienation of property for state needs stipulated by law may be exercised on condition of its equivalent compensation.

2.1.3 The Land Code

37. The Land Code of the Republic of Kazakhstan (RK Code No. 442-II adopted on 20 June 2003, last amendment dated 14 July 2020) 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.

38. 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 (Article 10). Basic rates of payment for the land plots when they are transferred to private property in the cities and communities (including rural) are established by joint decisions of the representative and executive bodies, 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. Guidelines to

determine the base rates of payment for land plots upon their provision for private ownership in settlements were developed by the RoK Agency on Land Administration in 2012. Cadastral (estimated) cost of a land plot is determined by State Corporation “Government for Citizens” responsible for operation of the state land cadastre, in accordance with the base rates of payment for land plots transferred to private ownership, with application of corrective (increasing or decreasing) coefficients and is formalized by the act of definition of cadastral (valuated) cost of land plot. Base rates for the land plots provided for private ownership in communities located in suburban area of the cities of republican importance are increased by two times (Article 10.2). In the meantime correction coefficients defined for base rates are detailed in Article 11.

39. Articles 16 and 17 of the Land Code provides details on authorities and competencies of local authorities (city authorities and 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).

40. Article 43 presents procedure for granting the rights to a state-owned land plot or plots put for auction, which in particular covers:

- 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.

41. Article also defines that identification documents for the land plot issued by the state corporation, managing state land cadaster, are:

- 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.

42. 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.

43. 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 respective authorized body at the location of the land plot. Based on the commission's conclusion, a Land Use Plan is being 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.

44. 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. 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.

45. The draft decision of the local executive body on granting the right to the land plot should contain:

- 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;
- 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.

46. 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:

- 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 RoK.

47. 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:

- 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.

48. In addition, the right to land use may be terminated on the following grounds:

- Expiration of the period for which the plot was provided;
- 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 labor relations, in connection with which the service land plot was provided

to the land user.

49. 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 84.1). Construction (reconstruction) of the airports, aerodromes, aero navigation and aero technical centres, as well as implementation of 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).

50. The owner of the land or land user must be notified in writing regarding the compulsory acquisition according to timeline and procedure specifies in the Chapter 6 of the Law “On State Property” (Article 85). The owner of the land or land user, from the day of receiving the notification on compulsory acquisition of their land plot for public needs and until the state registration of the state rights to the plot, is free to exercise his/her right with respect to the land plot and other property, make appropriate expenses allowing use of the property in accordance with its purpose of use. In the meantime, the owner/user of such a land plot incurs the risk of being responsible to cover the expenses and losses related to new construction, expansion or reconstruction of buildings (structures) and other objects of property within that timeframe. 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).

51. Article 87 specifies that the size, forms of payment and the timing of the payment of compensation for the value of the land upon its compulsory acquisition for state needs are determined by Chapter 6 of the Law “On State Property” (Article 87).

52. 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, as well as Article 65.12 of RoK Law on State Property). 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).

53. 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. In particular, the third paragraph mentions that in case the land plot is provided for agricultural production, including peasant farms or farming, and is not used for a total of two years in a five-year period (unless otherwise stipulated by the legislative acts of RoK), then such a land plot is subject to compulsory seizure in the manner specified in Article 94 of the Land Code. 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.

54. 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).

55. Article 165 refers to grounds for compensation for losses incurred by land owners or users and in among other cases states that losses incurred by land owners or users are fully compensated in case of compulsory acquisition of land for state needs, entailing the termination of the right of ownership or land use.

56. In determining the amount of compensation, 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).

57. 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).

58. Article 113 of the Land Code defines Transport Lands and considers lands provided operation and maintenance of the objects of air transport as such. Article 117 specifies that land for the needs of air transport includes land allocated for the location of airports, airfields, airports, runways and other ground facilities necessary for the operation, maintenance, construction, reconstruction, repair, development of ground and underground buildings, structures, devices and other air transport facilities, as well as their safety zones. In the meantime it states that safety zones can be established without taking land plots from land owners and land users.

59. Article 121 refers to Zones with special conditions for the use of land and states that in order to ensure the safety of the population and create the necessary conditions for the operation of industrial, transport and other facilities, zones are established within which the types of activities that are incompatible with the objectives of establishing zones are restricted or prohibited (Article 121.1). Areas with special conditions for the use of land include among others near-aerodrome strips (Article 121.2). The boundaries of these zones and the land use regime in them are determined by the body that made the decision on the provision of land for ownership or land use, in accordance with the standards and design and technical documentation (Article 121.4).

60. The Land Code does not entitle encroachers to compensation for the right to use the lands they use informally (squatters) or those who have not registered their claims to lands.

2.1.4 Law on State Property

61. Law on State Property (№ 413-IV LRK adopted on 1 March 2011, last amendment dated 29 June 2020) 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.

62. 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).

63. 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:

- (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 land owner or land user for conciliation procedures (Article 63.2).

64. The Decree shall be published in national or local mass media, within three working days from the date of adoption (Article 63.5).

65. 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).

66. 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).

67. The notice on compulsory alienation of a land plot for state needs shall include:

- (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).

68. 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).

69. 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 land owner 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).

70. 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).

71. 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 (Article 65.5). 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).

72. The agreement on acquisition of land plot for state needs shall include (Article 65.7):

- (i) The parties to the contract, including a list of persons whose rights with respect to the alienated property will be terminated or limited;
- (ii) Identification characteristics of the alienated land or other real estate and their composition, including structures whose construction is not completed;
- (iii) Rights to the land plot or other immovable property that are terminated;
- (iv) Price for the alienated land, determined in the manner prescribed by Article 87 of the Land Code of the Republic of Kazakhstan and Article 67 of this Law;
- (v) Amount of losses to be compensated, including the value of real estate, if incurred in connection with a forced transfer;

- (vi) Time and procedure for payment of the price (value) for the alienated land or other real estate in connection with the seizure of the land for state needs;
- (vii) Term for the transfer of the alienated land or other real estate;
- (viii) Procedure for financing state expenditures on the forced alienation of a land plot or real estate in connection with the seizure of a land plot for state needs.

73. If an equivalent land plot is provided in exchange for the land plot alienated in the contract on alienation for state needs, in addition to the requirements contained in paragraph 7 of this article, the following shall be indicated (Article 65.8):

- (i) Identification characteristics of the land plot or other real estate provided to the owner or non-state land user in exchange for the alienated one;
- (ii) Market value of the land or other real estate provided in exchange for the alienated;
- (iii) Difference in value if the price of the alienated land or other real estate is higher than the price (value) of the land or other real estate provided in exchange for the alienated, and the procedure for payment of such difference;
- (iv) Rights to a land plot or other real estate granted in exchange for the alienated one, which arise on the basis of an agreement on the alienation of a land plot for state needs.

74. 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).

75. 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 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).

76. 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).

77. 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).

78. 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).

79. 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 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).

80. 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 installments, 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). Amount of compensation is defined in tenge (Article 67.5).

81. 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 installments (Article 68.5). Conciliation procedures for the compulsory acquisition of a land plot or other real estate in connection with the seizure of a land plot for state needs are detailed in Article 69.

2.1.5 Law on Housing Relations

82. The Law on Housing Relations (№ 94-І, adopted on 16 April 1997, last amendment dated 13 May 2020) regulates the issues on provision of housing to the property during the demolition of a residential building as a result of involuntary acquisition of land plots for state needs. During the demolition of a residential building as a result of the involuntary acquisition of land plots for state needs, the owner before the demolition of the housing, in accordance with his/her preference, is offered a well-maintained place of residence as a property or compensation in an amount of the market cost of the housing taken. If the cost of the offered housing is higher than the cost of the one to be demolished, the difference in cost is not charged from the owner. If the cost of the housing to be demolished is higher than the cost of a place of residence offered as a replacement, then the owner is reimbursed in the amount of the cost difference (Article 15).

2.1.6 Labor Code

83. According to the Labor Code (№ 414-V, adopted on 23 November 2015, last amendment dated 26 June 2020), registered employees of enterprises / institutions who are losing their jobs as a result of termination of employment agreement by the employer in the event of termination of the employer's activities are entitled to compensation in the amount of average salary for one month (Article 131).

2.1.7 Law on State Administration and Local Self-Government

84. The Law of the Republic of Kazakhstan on State Administration and Local Self-Government (№ 148 adopted on 23 January 2001, last amendment dated 10 January 2020) in it Article 29 specifying the competences of the Akim of Oblast, city of republican importance, capital states the following functions among others:

- Facilitates the implementation by citizens and organizations of the norms of the RoK Constitution, laws, acts of the President and the Government of the Republic of Kazakhstan, normative legal acts of central and local state bodies;
- Regulates land relations in accordance with the land legislation of RoK;
- Creates the conditions for the development of entrepreneurial activity and the investment climate in the region, a city of republican significance, the capital;
- Carries out monitoring of objects planned for construction (reconstruction, expansion, modernization, overhaul) on the territory of objects and complexes;
- Provides housing certificates at the expense of budgetary funds.

85. Article 31 specifying the competences of the regional Akimat stated that rayon Akimat shall among other functions:

- Facilitates the implementation by citizens and organizations of the norms of the RoK Constitution, laws, acts of the President and the Government of the Republic of Kazakhstan, normative legal acts of central and local state bodies;
- Develops master plans for the development of communities and villages located in the given region (city of regional significance), and submits them for approval to the regional (city of regional significance) maslikhat, acts as the customer for the construction, reconstruction and repair of objects of the regional (city of regional significance) communal property and socio-cultural facilities, gives permission for the construction of intra-village (intra-city) and intra-district communal networks and structures;
- Regulates land relations in accordance with the land legislation of RoK;
- Provides housing for certain categories of citizens in accordance with the legislative acts of the Republic of Kazakhstan.

2.1.8 Sanitary Rules “Sanitary-Epidemiological Requirements for Establishing Sanitary Protection Zones for Production Facilities”

86. Sanitary Protection Zones (SPZs) and Sanitary Gaps (SG) are currently regulated with under the Sanitary Rules “Sanitary-epidemiological requirements for establishing Sanitary Protection Zones for production facilities” approved by the Order of the Minister of National Economy No 237 dated 20 March 2015.

87. An SPZ is an area that separates special designation zones, industrial enterprises and other industrial, public utility and storage facilities from nearby residential areas, buildings and facilities to reduce exposure to adverse factors. An SG is the minimum distance from the pollution source to the border of receptors i.e. housing, recreational areas.

88. The Sanitary Rules state the SPZ for airports, aerodromes and heliports should be based on calculations of dispersion of atmospheric air pollution and physical impacts regarding noise, vibration, air quality and non-ionising radiation, as well as on the basis of results of field studies and measurements, assessing the risk to public health. The size should ensure the reduction of the impact of environmental factors on the population to the requirements established by the sanitary norms.

89. Owners of airports are responsible for organization and implementation of calculations (through licensed company), field studies and measurements, and assessing public health risks.

90. The border of the SPZ and SG is marked on graphic materials (general plan of the city, territorial planning scheme, topographic map, situational scheme).

91. Changing the size (increase, decrease) of SPZ and SG (along standard flight routes in the take-off and landing zone of aircraft) of operating, reconstructed and projected industrial facilities and industries is accompanied by the development of a project justifying the necessary changes.

92. Chapter 5 sets out. Territory regime and landscaping of the sanitary protection zone. The following are not located within the boundaries of the SPZ:

- 1) newly built residential buildings, including individual residential buildings;
- 2) landscape and recreational areas, recreation areas, resorts, sanatoriums and rest homes;
- 3) newly created and organized territories of horticultural partnerships, collective or individual summer cottages and garden plots;
- 4) sports facilities, playgrounds, educational and children's organizations, therapeutic-preventive and health-improving organizations of general use.

93. The SPZ or any part of it is not considered as a reserve territory of the object for the expansion of the residential area, the placement of collective or individual summer cottages and garden plots. Part of the SPZ is considered as a reserve territory of the facility for expanding the production zone, subject to the availability of a project to justify compliance with Maximum Permissible Concentrations and / or Maximum Permissible Levels on the outer border of the existing SPZ.

2.1.9 Law on Use of Airspace of the Republic of Kazakhstan for and Aviation Activity

94. Law of the Republic of Kazakhstan “On Use of Airspace of the Republic of Kazakhstan and Aviation Activity” No 339-IV dated 15 July 2010 is the main legislation that underpins aviation in Kazakhstan.

95. Under the Aviation Law there are a number of statutory requirements for airport operators to adhere to, including:

- Ensure and control the safety performance of flights and aviation security in the territory of the airport, including by individuals and legal entities carrying out activities in the territory of the airport;
- Establish a committee on control of activities that may constitute a threat to flight operating safety in the vicinity of the aerodrome;
- Keep a daily plan on the arrival and departure of aircraft, ensure their performance, keep records and analysis on the regularity of departures, take-offs and landings of aircraft;
- Present reports on the safety performance of flights, aviation security, audits, etc.

96. Article 90 covers activities which may constitute a threat to the operational safety of flights, these include electromagnetic and light source, activities / business which attract bird populations and the construction of building or structures in relation to their height and location. Such activities may only be carried out under a permit, issued in accordance with the ‘Rules of issuing permits for carrying out of activity that may constitute a threat to the flight operating safety of aircrafts’.

2.1.10 Other rules and requirements

97. **Construction Norms and Rules of the Republic of Kazakhstan, SNR RK 3.03-19-2013. Aerodromes.** SNR largely sets requirements for the construction of new aerodromes, however sections of the regulation also cover development works at existing facilities. Construction Norms and Rules establish the basic design principles for newly built, expanded and reconstructed aerodrome (heliport) structures. In the meantime the Rules mention, that departure from these building codes for specific objects, in justified cases, shall be agreed with the authorized state body in the field of aviation of the Republic of Kazakhstan in the presence of measures to compensate for these deviations.

98. The purpose of the normative requirements is to ensure the safety of aerodromes, taking into account mechanical safety in terms of strength, operational reliability and suitability, efficiency and durability of elements (structures) of aerodromes, in compliance with fire safety and sanitary and hygienic requirements, requirements for protection from noise, preventing the occurrence of unacceptable risks of harm health and life of people, the environment.

99. In its Section on Terms and Definition, the Construction Norms and Rules set terms for:

- Side safety lane (SSL): The area adjacent to the edge of the pavement and prepared in such a way as to provide a transition from the pavement to the adjacent surface;
- End safety zone (ESZ): An area located symmetrically on either side of the extended runway center line and adjacent to the end of the runway, designed primarily to reduce the risk of damage when landing short of a runway or exiting the runway.

100. Section 9 of SNR refers to the Requirements for Environmental Protection and in number of its sub-sections provide the following details regarding safety zones, land use, and location of residential areas in proximity of aerodromes are provided:

- Sub-Section 9.8. Land plots allotted for the period of airfield construction for placement of temporary production bases, temporary access roads and for other construction needs, after its completion, are subject to return to those land users from whom these plots were withdrawn, after their restoration in the prescribed manner.

- Sub-Section 9.9. Newly constructed airfields (heliports) must be located outside cities and towns. In this case, the distance from the boundaries of the airfield (heliport) to the boundaries of the residential area should be determined in each specific case, also among other factors taking into account the location of boundaries of residential zone with respect to runway.
- Sub-Section 9.10. For the estimated approximation of the border of the residential territory to the airfield of the aerodrome (heliport), the greatest distance should be taken, obtained on the basis of taking into account the factors of ensuring flight safety, permissible levels of aircraft noise or the intensity of exposure from sources of electromagnetic radiation.
- Sub-Section 9.11. For newly constructed airfields, the distances from the boundaries of the airfield to the boundaries of the residential area, taking into account their prospective expansion, placement in the areas of airfields, within and outside the boundaries of air approaches to them, buildings, structures, including communication lines, high-voltage power lines, radio engineering and other objects, which can threaten the safety of aircraft flights or interfere with the normal operation of radio technical means of aerodromes, as well as the procedure for coordinating the placement of these facilities must be adopted taking into account the requirements of regulatory documents on the planning and development of urban and rural settlements. At the same time, if the flight route does not cross the border of the residential area, the minimum distance between the horizontal projection of the flight route along the approach route and the border of the residential area for airfields with a runway length of 1500 m and more should be defined as - 3 km, for the rest - 2 km.
- Sub-Section 9.12. Helicopter landing pads should be located no closer than 2 km from the residential area in the direction of take-off (landing) and have a gap between the lateral border of the landing site and the border of residential area at least 0.3 km.
- Sub-Section 9.14. The level of acoustic impact on the territory of residential and other buildings near the airfield should not exceed the permissible values.
- Sub-Section 9.16. To protect service personnel, passengers and the local population from the effects of electromagnetic radiation, it is necessary to arrange sanitary protection zones (SPZ) and development restriction zones (DRZ) around transmitting radio engineering objects. The sizes of these zones should be determined by calculations in accordance with departmental regulatory documents.
- Sub-Section 9.17. Within the SPZ and DRZ, new residential construction is not allowed, but the existing residential development can be preserved, provided that a set of measures, justified by calculation, to protect the population is implemented.

101. GoK Decree No 504 on approval of **Rules for Issuing Permits For Activities That Could Pose a Safety Hazard to Aircraft** was adopted on May 12, 2011. It specifies that determination of the impact of activities on flight safety and the necessary measures to eliminate threats to the safety of aircraft flights as a result of such activities is carried out in the area of the civil aviation aerodrome and outside the area of aerodromes - by a permanent commission created at aerodromes by the decision of the first director of the organization operating the airport (aerodrome). It also specifies that determination of the impact of activities on flight safety and the necessary measures to eliminate the threat to the safety of aircraft flights as a result of such activities is carried out at the airfields of state aviation - by a permanent commission created at airfields by a decision of the authorized body in the field of state aviation. The commissions include representatives of the airport (aerodrome), air navigation organization and representatives of local executive bodies.

102. In section 5, the Rules, among other issues, also define that an approval from the airport commission is necessary for:

1) All objects:

- of any altitude at a distance of up to 4 km from the nearest point of the runway;

- of true (geometric) height relative to the level of the airfield 45 meters or more and located within 15 km from the control point of airport;
- of true (geometric) height of which relative to the ground level is 100 m or more, and on the aerodrome territory - 100 m or more relative to the airfield level;

2) Communication lines, power transmission lines, as well as other radio objects, electromagnetic and light emitters that can interfere with the normal operation of aviation radio equipment and light-signaling equipment;

3) Flare devices for emergency combustion of discharged gases. The height of the flare devices is the maximum possible height of the flame throw;

4) Helicopters (heliports);

5) Explosive objects.

103. The placement of objects specified in the third paragraph of subparagraph 1), subparagraphs 2), 3), 4), 5) of paragraph 5 of these Rules (see paragraph above), regardless of their location, is permitted by the authorized body in the field of civil aviation in agreement with the authorized body in the field state aviation.

104. It is forbidden to place food waste dumping sites, construction of fur farms, slaughterhouses and other facilities at a distance of less than 15 km from KTA, which are distinguished by the attraction and mass concentration of birds.

105. In order to ensure flight safety, the owners of buildings and structures shall place night and day markings and devices at these facilities at their own expense.

106. The Rules also provide information on procedure of provision and cancelling of approval, application process and duration of review.

107. The **Order on Approving Hygienic Norms on Physical Factors Having Negative Impact on People** (microclimate, noise, light, infra sound and vibration) (dated 28, February 2015) and the **Order on Hygienic Norms of Noise Levels and Infra Noise in Residential and Public Facilities and in Residential Areas** (dated 3 December 2004) specify that the maximum level of noise for day time (55 dB LAeq) and for night time (45 dB LAeq) should not be exceeded in residential areas.

108. The **Order on Approval of Hygienic Standards for Atmospheric Air in Urban and Rural Localities** (dated 28 February 2015) provides the quality norms and establishes permissible concentrations of atmospheric pollutants in residential areas.

109. **ICAO's Global Aviation Safety Plan.** International Civil Aviation Organization (ICAO) Global Aviation Safety Plan is a strategic document that enables States, regions and industry to adopt a flexible, step-by-step approach for safety planning and implementation. In accordance with ICAO Standards and Recommended Practices, States must develop their safety oversight capabilities and implement a State Safety Programme, whereas industry should engage in a Safety Management System implementation to continually identify hazards and address operational safety risks, as well as work collaboratively with ICAO, the regions and individual States on safety information exchange, safety monitoring and auditing programmes.

110. ICAO mandates Runway End Safety Areas (RESA). A RESA is a cleared ground area extending from the end of the runway strip for the purpose of minimizing damage to an aircraft if it overruns or undershoots the runway. According to ICAO annex 14 - Aerodromes - Volume I - Aerodromes Design and Operations, the Runway End Safety Area is defined an area symmetrical about the extended runway centre line and adjacent to the end of the strip

primarily intended to reduce the risk of damage to an aeroplane undershooting or overrunning the runway. RESA should present a surface with no obstacles at all and a leveled and capable surface for an aircraft to overrun the runway in a missed take-off or landing.

111. ICAO defines, about the dimensions of a RESA (Annex 14, paragraphs 3.5.3. and 3.5.5), that it shall extend from the end of a runway strip (60 m from the end of the runway) to a distance of at least 90 m, and a width equal to two times the width of the runway. ICAO recommend (Annex 14, paragraphs 3.5.4.), in addition to the mandatory 90 m in length extend from the end of a runway strip, a runway end safety area should, as far as practicable, extend from the end of a runway strip to a distance of at least to 240 m where the code number is 3 or 4. ICAO recommend (Annex 14, paragraphs 3.5.6.), in addition to the mandatory 90 m in width, extend wherever practicable, the RESA width, equal to that of the graded portion of the associated runway strip (150m, 75 m from the centre line of the runway, on each side).

112. In practical terms, the RESAs of the four runway ends at Almaty International Airport should have, as minimum, a length of 90 m from the end of the runway strip and a width of 90 m, 45 m on each side of the runway centreline. It shall be noted that Almaty International Airport has no obstacles in the defined area and fully complies with ICAO regulations for RESAs.

2.1.11 Standard Land Acquisition Practices and Process

113. Land acquisition for public needs in Kazakhstan is generally implemented in accordance with the following procedures:

- Proposed area and estimates of the amount of land to be acquired permanently or temporarily; as well as estimated cost of acquisition, rental and restoration of affected lands are included in the feasibility study (FS) and/or design;
- The FS and/or design is sent for review and comments. In the case of Almaty International Airport Project, the FS and/or design will be sent to the Ministry of Industry and Infrastructural Development for review;
- Based on the tentative alignment, registered owners/leaseholders are notified initially that their land will be acquired;
- The detailed design is prepared which firms up the alignment and assessment of land acquisition requirements, including detailed maps and individual landholdings to be affected, ownership data from the cadastre and estimated compensation for acquisition and losses;
- Once the final alignment is agreed with local officials, the agency that requires the land requests the appropriate Akimat(s) to issue a resolution on the land acquisition;
- The Akimat(s) issue(s) a resolution on the land acquisition and register(s) the resolution with the oblast Department of Justice (“Government for Citizens” State Corporation registers such resolutions). Owners are officially notified of the extent of land acquisition of their properties;
- The Akimat(s) establish(es) an evaluation commission that includes officials and land owners. Inputs are sought from licensed valuers in establishing official compensation amounts;
- Once the official compensation amounts have been established, negotiation between government and the displaced persons starts. Signed agreements are again registered with the oblast Department of Justice (“Government for Citizens” State Corporation). Based on the agreements, compensation amounts are processed and delivered to the displaced person.
- If agreement cannot be reached, the government agency requiring the land has right to initiate a court appeal for expropriation after three months from the date of receipt of the notification by the owner;

- Once the court renders a decision, the compensation amount will be transferred to the account of the displaced land user. Land cannot be accessed until compensation is completed and the title is transferred;
- Financing for compensation costs is made available, and payments should be conducted within one month after the court decision comes into force or the signing of the land acquisition agreement.

2.1.12 Temporary Land Use by the Consortium

114. If any locations for temporary storage facilities and/or other sites for temporary use by the Consortium during construction are required, the Consortium will be responsible for the temporary acquisition and reinstatement of all land required outside of the right of way for temporary use. The Consortium will select the land parcels they require and will be responsible for negotiating agreements with land owners to temporarily use the land. Consortium is assumed to prefer to rent State land, rather than private property, but the choice is theirs. In either case, the arrangements must be subject to a written agreement between the Consortium and the owner, and lands are required to be returned to their original state after work is concluded.

2.2 Requirements of Lenders Policies on Involuntary Resettlement

2.2.1 EBRD PR5: Land Acquisition, Involuntary Displacement and Economic Displacement

115. The Project needs to meet the requirements for land acquisition, involuntary resettlement and economic displacement as specified in the EBRD Environmental and Social Policy (2014) and Performance Requirements (PRs), particularly EBRD's PR5 (Land Acquisition, Involuntary Displacement and Economic Displacement) of the policy.

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

- Avoid or minimize displacement
 - To avoid or, when unavoidable, minimize, involuntary resettlement by exploring alternative project designs; measures to mitigate adverse impacts on displaced persons and host communities should be carefully planned and implemented.
- Consultation
 - To involve the affected men and women, including host communities from the earliest stages and through all resettlement activities.
 - To provide affected persons with the opportunity to participate in the eligibility requirements, negotiation of the compensation packages, resettlement assistance, suitability of proposed resettlement sites and proposed timing consultation will continue during the implementation, monitoring and evaluation of compensation payment and resettlement.
 - To take necessary actions to ensure that vulnerable groups are not disadvantaged in the resettlement process, are fully informed and aware of their rights, and are able to benefit equally from the resettlement opportunities and benefits.
- Socio economic assessment and census
 - To carry out a socio-economic baseline assessment on people affected by the project, including impacts related to land acquisition and restrictions on land use. The assessment shall identify impacts within a project's social context and

the needs and rights of the affected people and develop appropriate actions to minimize and mitigate resettlement impacts.

- To carry out a detailed census to: (i) identify persons who will be displaced by the project; (ii) determine who will be eligible for compensation and assistance; and (iii) take inventory of affected land and property. The census should take into account the needs of seasonal resource users who may not be present in the project area during the time of the census.
- **Compensations for displaced persons**
 - To mitigate adverse social and economic impacts from land acquisition or restrictions on affected persons' use of and access to land by: (i) Providing compensation for loss of assets at replacement cost, prior to taking possession of acquired assets; and (ii) Ensuring that resettlement activities are implemented with appropriate disclosure of information, consultation, and the informed participation of those affected.
 - To restore or, where possible, improve the livelihoods and standards of living of displaced persons, including those who have no legally recognizable rights or claims to the land (present in the project affected area at the time of the cut-off date), to pre-project levels and support them during the transitions period.
 - To make special provisions for assisting disadvantaged or vulnerable individuals or groups (present in the project affected area at the time of the cut-off date) that may be more adversely affected by displacement than others and who may be limited in their ability to claim or take advantage of livelihood assistance and related development benefits.
- **Grievance mechanism**
 - 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 resource mechanism designed to resolve disputes in an impartial manner.
- **Resettlement and/or Livelihood Restoration Framework**
 - To develop a Resettlement and/or Livelihood Restoration Framework to outline the general principles, procedures and entitlement framework.
- **Monitoring**
 - To carry out a monitoring of the resettlement and livelihood restoration process with the participation of key stakeholders such as affected communities.
 - The completion report should be undertaken after all inputs in the process, including any developmental initiatives, have been completed. The report may identify further actions to be completed to close obligations for resettlement, compensation, livelihood restoration and development benefits.
- **Private sector responsibilities under government-managed resettlement**
 - There may be cases where land acquisition and resettlement are the responsibility of the host government. In such cases, the collaboration with the responsible government agency, to the extent permitted by the agency, is required. Where government capacity is limited, the client will play an active role during resettlement planning, implementation and monitoring. The client will prepare a plan (or a framework) that together with the documents prepared by the responsible government agency, will meet the EBRD requirements. The client may need to include in its plan: (i) a description of the entitlements of displaced persons provided under applicable laws and regulations; (ii) the measures proposed to bridge any gaps between such entitlements and the

requirements of this PR; and (iii) the financial and implementation responsibilities of the government agency and/ or the client.

2.2.2 IFC PS 5: Land Acquisition and Involuntary Resettlement

117. IFC Performance Standard (PS) 5 (2012) is the core standard related to land acquisition and resettlement. It refers to the management of physical displacement (i.e. relocation or loss of shelter) and economic displacement (i.e. loss of assets or access to assets that leads to loss of income sources or means of livelihood) as the result of project-related land acquisition.

118. The objectives of IFC PS 5 include:

- To avoid, and when avoidance is not possible, minimize displacement by exploring alternative project designs;
- To avoid forced eviction;
- To anticipate and avoid, or where avoidance is not possible, minimize adverse social and economic impacts from land acquisition or restrictions on land use by (i) providing compensation for loss of assets at replacement cost, and (ii) ensuring that resettlement activities are implemented with appropriate disclosure of information, consultation, and the informed participation of those affected;
- To improve, or restore, the livelihoods and standards of living of displaced persons; and
- To improve living conditions among physically displaced persons through the provision of adequate housing with security of tenure at resettlement sites.

119. Performance Standard 5 requires:

- That the project proponent identifies those persons who will be displaced and establish a cutoff date to establish eligibility for compensation;
- The project proponent to offer land-based compensation, where feasible, where livelihoods of displaced persons are land-based, or where land is collectively owned;
- Negotiated settlements to be encouraging to avoid forcible removal of people;
- Private sector companies to “bridge the gap” between domestic legal requirements and the requirements of the Performance Standard where necessary; and
- Preparation of RP, which demonstrates how displacement will be managed in accordance with the Performance Standard 5.

120. Performance Standard 5 further requires that standards for compensation be transparent and consistent within a project, and established with the participation of those impacted. Project proponents must, according to the Performance Standard, offer displaced persons’ compensation for loss of assets at full replacement cost, and other assistance to help them improve or at least restore their standards of living or livelihoods.

121. In the case of physically displaced persons, the Performance Standard requires that project proponents offer the choice of replacement property of equal or higher value, equivalent or better characteristics, and advantages of location and security of tenure, or cash compensation at full replacement value where appropriate.

122. If land acquisition for the project causes loss of income or livelihood, regardless of whether or not the affected people are physically displaced, project proponents are required to:

- Promptly compensate economically displaced persons for loss of assets or access to assets at full replacement cost;

- In cases where land acquisition affects commercial structures, compensate the affected business owner for the cost of re-establishing commercial activities elsewhere; for lost net income during the period of transition; and for the cost of the transfer and reinstallation of the plant, machinery or other equipment;
- Provide replacement property (e.g. agricultural or commercial sites) of equal or greater value, or cash compensation at full replacement cost where appropriate, to persons with legal rights or claims to land which are recognized or recognizable under the national laws;
- Compensate economically displaced persons who are without legally recognizable claims to land for lost assets (such as crops, irrigation infrastructure and other improvements made to the land) other than land, at full replacement cost;
- Provide additional targeted assistance (e.g. credit facilities, training, or job opportunities), and opportunities to improve or at least restore their income-earning capacity, production levels, and standards of living to economically displaced persons whose livelihoods or income levels are adversely affected; and
- Provide transitional support to economically displaced persons, as necessary, based on a reasonable estimate of the time required to restore their income-earning capacity, production levels, and standards of living.

123. PS5 requires project proponents to identify, review, and abide by all laws of the host country that are applicable to land acquisition and involuntary resettlement.

2.3 Comparison of Lenders requirements on Involuntary Resettlement and Kazakhstan’s Legislation and Measures to Address the Difference

124. There are a number of differences between the requirements of Kazakhstan legislation and the Lenders requirements related to involuntary resettlement. In particular, Lenders Resettlement Policies do not consider the absence of land rights of PAPs as a bar to receive compensation for non-land assets, and entitles vulnerable groups to additional support. In addition, while Lenders policy requirements specifically focus on improving the livelihood of vulnerable PAPs, such objective is not sought under national legislation. Under the local legislation, compensation is based on the market price and Lenders policy requires compensation at full replacement costs.

125. Key differences between Lenders policy requirements related to involuntary resettlement and RoK legislation are outlined in Table 1 below.

Table 1. Comparison of RoK land acquisition / resettlement practice / policy and Lenders policy requirements related to involuntary resettlement policy

Kazakhstan’s Land Acquisition Practice	Lenders Involuntary Resettlement Policy
Compensation of privately-owned land (without taking into account the losses) is based on the market cost.	Compensation of privately-owned land is based on full replacement cost ¹ .

¹ (i) According to EBRD PR5, the replacement cost is usually calculated as the market value of the assets plus the transaction costs related to restoring such assets. The calculation of replacement costs is complex due to the potential variety of land, land use claimants, and the differing levels of land market development across member countries. For this reason clients should identify and consult with all persons and communities that shall be displaced by land acquisition as well as host communities who shall receive those who are to be resettled, so as to obtain adequate information about land titles, claims and use. The valuation method for determining replacement cost should be documented in respective Resettlement and/or Livelihood Restoration plans. Where land markets are still in a formative stage, clients should seek valuation by external independent professional valuation experts (or if there are no professional valuation experts, other professionals with relevant expertise acceptable to the EBRD and the client). (EBRD PR5, paragraph 5, footnote 7, page 29).

Kazakhstan's Land Acquisition Practice	Lenders Involuntary Resettlement Policy
<p>Compensation for land and non-land assets is only explicitly provided for titled land owners or leaseholders, who purchased the right to land and leasing from the State. Unregistered land user may have one additional year for land registration.</p>	<p>While some people do not have rights over the land they occupy, Lenders policy requires that non-land assets be retained, replaced, or compensated for; relocation take place with security of tenure; and lost livelihoods be restored.</p>
<p>Objective does not explicitly include restoration of livelihood and standards of living. No requirement for provision of relocation assistance and for exploring opportunities for the PAPs to benefit from the project.</p>	<p>Objective focuses on restoring livelihood and standards of living for PAPs, regardless of tenure or legal status. Physically displaced persons (regardless of their legal status on the land) are provided with:</p> <ul style="list-style-type: none"> • relocation assistance, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, and civic infrastructure and community services as required; • transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and • opportunities to derive appropriate development benefits from the project.
<p>No provision required for assisting economically displaced persons other than compensation for affected assets and lost income from affected business (including future losses)</p>	<p>Economically displaced persons are provided with:</p> <ul style="list-style-type: none"> • assistance (i.e. credit facilities, training, and employment opportunities). • opportunities to derive appropriate development benefits from the project. • compensation for (i) the costs of reestablishing commercial activities elsewhere; (ii) the net income lost during the transition period; and (iii) the costs of transferring and reinstalling plant, machinery, or other equipment.
<p>No requirement for conducting a census and socio-economic survey</p>	<p>Socio-economic survey(s) and a census, with appropriate socio-economic baseline data is required to identify all PAPs and to assess the project's socio-economic impacts on them.</p>
<p>Limited requirements to identify and assist vulnerable groups. Social allowances are envisaged for the households below the poverty line, large families having 4 or more children below 18 years, HH with disabled members.</p>	<p>Requires the identification of vulnerable groups and development of targeted measures so that adverse impacts do not fall disproportionately on them and they are not disadvantaged in sharing the benefits and opportunities resulting from development.</p>

(ii) According to IFC Guidance Note 5, the replacement cost is defined as the market value of the assets plus transaction costs. In applying this method of valuation, depreciation of structures and assets should not be taken into account. Market value is defined as the value required to allow Affected Communities and persons to replace lost assets with assets of similar value. The valuation method for determining replacement cost should be documented and included in applicable Resettlement and/or Livelihood Restoration plans. (IFC Guidance Note 5: Land Acquisition and Involuntary Resettlement, footnote 4, page 3).

Kazakhstan's Land Acquisition Practice	Lenders Involuntary Resettlement Policy
No requirement for Resettlement Plan preparation and approval. No requirement for PAP consultation.	Requires the preparation, approval, disclosure and monitoring of Resettlement Plan based on PAP consultation and social impact assessment.
Uses negotiated settlement as an initial approach to acquiring land without the requirement for third party validation. If agreement cannot be reached, initiates expropriation procedures,	Encourages acquisition through a negotiated settlement subject to third party validation to ensure compensation at replacement costs and conduct of meaningful consultations with PAPs.
No requirement for project-level grievance mechanism establishment and operation.	Requires establishment of grievance mechanism to receive and address in a timely fashion specific concerns about compensation and relocation that are raised by displaced persons.

2.4 Policy Framework and Entitlements for Displaced Persons under Project

2.4.1 Displaced Persons

126. The following groups of PAPs are eligible for entitlements under this LARF and will be addressed in the Resettlement Plan to be prepared for Almaty International Airport Project:

- i. All PAPs losing land either covered by legal title, legalizable, or without registered ownership status;
- ii. Tenants, whether registered or not;
- iii. Owners of buildings, crops, plants, or other objects attached to the land; and
- iv. PAPs losing business, income, and salaries

127. In case unregistered land users are affected, the GoK / MIID, through the State Corporation Government for Citizens, will assist the affected land users to register or update the registration of their lands in order to enable the GoK / MIID to compensate them under existing RoK legislation. The non-land assets/structures on the affected plots of land users without titles will be evaluated and compensated by exactly the same criteria as those with titles.

2.4.2 Entitlements to Compensation and Assistance

128. Compensation and entitlements must ensure that the PAPs maintain or improve their livelihood and standard of living after the project. For purposes of eligibility, the cut-off date for the Project will be determined by the GoK and usually is the date(s) of Akimat(s) decree(s) on land acquisition for state needs. Table 2 below provides a high level entitlements for various categories of PAPs and degrees of impacts related to the Project. If PR5/PS5 is triggered for the project, it is expected that the RP will provide compensation and rehabilitation measures that will achieve the objective of Lenders' policies and consider the specific context of impacted households.

Table 2. Entitlement and Compensation Matrix

Asset	Specifications	Affected Persons	Compensation Entitlements
Permanent Loss			

Asset	Specifications	Affected Persons	Compensation Entitlements
Agricultural land	Cropped / cultivated land or pastureland	Owners	<ul style="list-style-type: none"> Land for land compensation with plots of equal value to the plots lost; or Cash compensation for affected land plot at full replacement value without deduction for taxes, transaction, registration or transfer costs and other applicable payments.
		Renters long-term/ short term	<ul style="list-style-type: none"> Compensation includes provision of another plot for lease at similar conditions and of equal productivity to the plots lost. If the land is not available, consider providing compensation reflecting terms of lease and impact.
		Informal users (if any)	<ul style="list-style-type: none"> Leased plot on State land; or If leased plot cannot be provided, consider one-off self-relocation allowance equal to 12 months of minimum wage; Rehabilitation assistance, if required (e.g. assistance with job placement, skills training).
Residential and commercial land		Owners	<ul style="list-style-type: none"> Land for land compensation with plots of equal value to the plots lost; or Cash compensation for affected land plot at full replacement value without deduction for taxes, transaction, registration or transfer costs and other applicable payments.
		Renters long-term/ short-term	<ul style="list-style-type: none"> includes provision of another plot for lease at similar conditions and comparable in value to the lost plot. If the land is not available, consider providing compensation reflecting terms of lease and impact.
		Informal users	<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); Rehabilitation assistance, if required (e.g. assistance with job placement, skills training).
Structures	Residential houses and commercial buildings	Owners of permanent structures, including informal land users	<ul style="list-style-type: none"> House for house swap (at the owner option): if replacement is of lower value, cash compensation for the difference; or Cash compensation at the full replacement value for affected structures and other real assets, regardless of the legal status of the land users, at existing prices at the moment of acquisition with no deduction for depreciation or transaction costs. Compensation will include the value of affected connections to water supply or other public utilities. If immediate accommodation/storage is unavailable, housing/storage rental allowance covering rent for at least 3 months or more if rental requirement period is longer.
	Temporary structures (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.
Crops	Crops affected	All PAPs including informal users	<ul style="list-style-type: none"> Crop compensation in cash at full market rate for 1 year gross harvest.
Trees	Trees affected	All PAPs including informal users	<ul style="list-style-type: none"> Cash compensation reflecting income replacement. Fruit trees value is based on age category and calculated as gross market value of one-year income times the number of years to grow a tree to similar productivity, plus purchase cost of seedlings and starting materials. For wood/timber trees, compensation will be based

Asset	Specifications	Affected Persons	Compensation Entitlements
			on the cost of dry wood volume.
Business and employment	Temporary or permanent business/employment loss	Business owners (including those with no formal rights on the land) and their affected workers	<ul style="list-style-type: none"> • If permanent business loss, cash compensation equal to one-year net income (lost profit) plus livelihood restoration measures. • If temporary business loss, cash compensation for the period of income loss (not exceeding one year). • If permanent employment loss, 12 months average registered wages (if not registered, based on the official minimum wage in RoK). • If temporary employment loss, average registered wage during disruption (if not registered, based on the official minimum wage in RoK). • Note: Affected workers will be paid through their employers (as per the Labor Code)
Relocation	Transport and transitional livelihood costs	All persons affected by relocation	<ul style="list-style-type: none"> • Transportation allowance sufficient to cover transport expenses; and • Relocation allowance equivalent to monthly rental cost for similar land plots/structure multiplied by the number of months needed to rebuild and relocate to a new site. • Transition allowance to cover their households needs during transition period
Structure renters		Renters with valid rental contract	<ul style="list-style-type: none"> • Rental allowance in accordance with the conditions of the rent agreement but not less than cost of rent for 3 months. Refund of the unused portion of the rent or lease fees paid in advance.
Community assets			<ul style="list-style-type: none"> • Rehabilitation or replacement of affected structures to pre-project function.
Imposition of servitudes		Owners of land plots	<ul style="list-style-type: none"> • Cash compensation for affected land plot and property in line with provisions of this matrix and without deduction for taxes, transaction, registration or transfer costs and other applicable payments.
Vulnerable population groups		Households below the poverty line; female headed household; large families having 4 or more children below 18 years; HH with disabled members; and elderly with no family support	<ul style="list-style-type: none"> • Assistance equivalent to minimum living wage for 3 months; • Enrollment in government social assistance program if not yet enrolled; • Priority in local employment for able members of vulnerable household.
Severe impact	Any household whose livelihood cannot be restored through cash compensation measures would warrant further measures specifically meant to restore their livelihoods	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); • Enrollment in government social assistance program if not yet enrolled and applicable. • Priority in local employment for severely impacted PAPs.
Temporary Loss			

Asset	Specifications	Affected Persons	Compensation Entitlements
Land for civil works or borrow pits	Negotiated between owner and Consortium	Owners	<ul style="list-style-type: none"> • Consortium pays cash compensation at existing local rental rates for duration of temporary use plus income/crop/structure loss due to temporary land use, if any as provided for in the entitlements for crops, business and structure losses. • Land restored to original status at the end of rental. • Consortium pays for making land management and legal documents.
		Leaseholders (long-term and short-term land lease)	<ul style="list-style-type: none"> • Consortium pays cash compensation at local state rental rates for duration of temporary use plus income/crop/structure loss due to temporary land use, if any as provided for in the entitlements for crops, business and structure losses. • Land restored to original status at the end of rental. • Consortium pays for making 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. • Environmental safeguard measures. • Consortium pays for making land management and legal documents.
Imposition of servitudes or other restrictions (might be required for underground pipelines, communication and power lines, other utilities, etc.)		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. • 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.

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

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

Leaseholders (whether long-term or short-term) that lease plots from the State will be provided with an alternative land plots, as they may require for maintaining their activity. If the land is not available, provision of compensation reflecting terms of lease and impact will be considered. Resettlement Plan must cover details of modifications, including review of baseline legal documents.

Informal land users will not be compensated for land itself, however will be provided with an opportunity to lease a plot on State land or obtain a one-off self-relocation

allowance equal to 12 months of minimum wage. In addition, they will be provided with the livelihoods rehabilitation support including assistance with job placement, skills training, etc.

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

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

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

Transaction taxes/fees and/or registration costs will be paid by the GoK or waived by the concerned agency.

- c. Residential/commercial land.** Households and legal entities which own residential/commercial lands that will be affected by the Project will be compensated at full replacement rate either: (i) in form of land for land with equal characteristics and agreed with the owner; or (ii) cash at current market rates free of transaction costs and depreciation (inclusive of fair market value, transaction costs, interest accrued, transitional and restoration costs and other applicable payments).

Leaseholders (whether long-term or short-term) that lease plots from the State will be provided with an alternative land plots, as they may require for maintaining their activity. If the land is not available, provision of compensation reflecting terms of lease and impact will be considered. Resettlement Plan must cover details of modifications, including review of baseline legal documents.

Informal land users will not be compensated for land itself, however will be provided with an opportunity to lease a plot on State land. In addition, they will be provided with the rehabilitation support including assistance with job placement, skills training, etc.

- d. Buildings, and structures.** Owners, including informal users, will be compensated in cash at full replacement cost free of deductions for depreciation, salvaged materials, and transaction costs irrespective of the registration status of the affected item. The cost of lost connections to water supply and other public utilities will be included in the compensation. Alternatively, the option of house for house swap will be considered at preference of owner (if replacement house is of lower value, cash compensation will be provided in amount of difference). In addition, if immediate accommodation/storage is unavailable, housing/storage rental allowance covering rent for at least 3 months (or more if rental requirement period is longer) will be provided.

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

Renters with valid rental contract will be provided with rental allowance in accordance with the conditions of the rent agreement, but not less than cost of rent for 3 months. The unused portion of the rent or lease fees paid in advance will be refunded

Owners/users of temporary/movable structures (such as kiosks, stalls, etc.) will be provided with an approved site to relocate structure with the relevant permissions and access to the road, if required.

- e. **Crops.** Standing crops on the acquired lands will be compensated at market rates for their gross value of 1 year's harvest losses. Crop compensation will be paid both to landowners and tenants based on their agreed sharing scheme.
- f. **Trees.** Trees planted by private land users will be paid cash compensation reflecting replacement of income derived from the trees. The economic value of fruit trees will be based on the age category and valued equivalent to one-year income times the number of years to grow a tree to similar productivity. The cash compensation will also include the price of seedlings and starting materials. For wood/timber trees, cash compensation will be based on the price of dry wood volume.
- g. **Businesses.** If business is lost permanently, it will be compensated in amount equal to one-year net income (loss of profit), and livelihood restoration measures will be provided (e.g. owner can be assisted with provision of new location to re-establish the business, etc.). If disruption is temporary, the PAP will be paid cash compensation for the period of business interruption period (not exceeding one year) based on tax declaration or, if unavailable, official monthly minimum salary, taking into account compensation for employed workers based on the specific labor agreement/contract between the employer and employee and/or provision of this matrix. Losses that the owner incurred related to early termination of obligations to third parties, and expenses related to business development will also be considered.
- h. **Employees.** Workers whose employment is permanently lost will be provided with 12 months average registered wages (if not registered, the official minimum wage in RoK will be used).

Workers whose employment is temporarily disrupted, will be provided with indemnity for lost wages for the period of business interruption up to a maximum of 12 months, based on their registered monthly wages/salaries, or, if unavailable, official monthly minimum salary.

- i. **Relocation assistance and transitional allowance.** PAP households/owners of structures who need to relocate will be provided with (i) transportation allowance or transport to help them transport their structures, goods and personal items to a new site; (ii) relocation allowance equivalent to monthly rental cost for similar land plots/structure multiplied by the number of months needed to rebuild and relocate to a new site; (iii) transition allowance to cover their household expenses during the transition period. The transition allowance will be computed based on the official

minimum wage multiplied by the number of months needed for them to rebuild and relocate to a new site.

- j. **Community structures and public utilities** will be fully replaced or rehabilitated to maintain their pre-project functions.
- k. **Vulnerable households** will be provided cash assistance equivalent to 3 months minimum wage, and will be enlisted in existing special programs and other initiatives for socially vulnerable people (i.e. Targeted Social Assistance and State social benefits) if not yet enrolled. Able-bodied (and qualified, after training if necessary) members of vulnerable households will be given priority in project-related jobs. Measures will be taken to ensure that their vulnerability does not make the resettlement process impact them additionally. Mitigation measures will depend on the specific situation
- l. For **Severely impacted** an additional allowance for severe impacts equal 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). Assistance will also be provided for enrollment in government social assistance program (if not yet enrolled) and enrollment in vocational training programs, in discussion with NGOs and development partners. Priority in local employment will be provided to members of severely impacted households.
- m. **Temporary impacts.** In case of temporary land acquisition, compensation will be based at local commercial rental rates for the duration of use, plus income/crop/structure loss due to temporary land use, if any as provided for in the entitlements for crops, business and structure losses. The Project will ensure that the land is restored to its original status at the end of the rental period.

130. For unexpected adverse effects during the project implementation, the GoK / MIID / relevant Akimats will undertake measures in accordance with the objectives of the RP of restoring the socio-economic and living conditions of the affected persons. The GoK / MIID will conduct census / socio-economic survey of PAPs and prepare the Resettlement Plan covering all applicable requirements consistent with the approved LARF.

131. In the case of cash compensation, payments will be delivered by GoK / MIID through the banks based on the preference of the PAPs free from fees or processing charges. Expenses related to transfer of funds, and documentation requirements will be covered by the GoK / MIID.

3. SOCIO-ECONOMIC INFORMATION

3.1 Procedures for Impact Assessment

132. Assessment of impacts will be done based on information on the affected plots derived by superimposing the proposed area of impact on the land cadastral map to be provided by the NPTsZem. The land cadastre will be used to identify the names of the registered landowners / leaseholders with permanent land use rights, land use, size of the affected plots and the proportion of affected land against the total area of the plot. Impacts of land acquisition will be fully assessed once the land plan is available and Area of Impact (AoI) boundaries has been marked on the ground. Affected owners/users will be also identified through field visits by MIID (or other entity as delegated by GoK / MIID) jointly with representative of Consortium. Background information on the PAPs will be obtained using a structured census / socio-economic questionnaire. Secondary information on the social, demographic and livelihood conditions in the Project area will be collected from state agencies and relevant Akimats. On the basis of the impact assessment and consultation with PAPs, a Resettlement Plan will be prepared. The sample outline of a Resettlement Plan is presented in Annex 1.

133. The impact assessment will involve the following procedures:

- i. Marking of Project AoI boundaries by the GoK / MIID in collaboration with relevant state entities and Consortium;
- ii. Inventory and valuation of affected assets (land, structures, crops, trees, other improvements) by valuers commissioned by MIID. A map that will indicate the location of affected structures will be prepared for the project area (alignment), as means of controlling which owners should be eligible for assistance during Resettlement Plan implementation;
- iii. Census of all PAPs by the MIID taking into account their socio-economic characteristics, gender, ethnicity and demography;
- iv. In parallel with the inventory of assets, a replacement cost survey will be undertaken by independent valuers to serve as a basis for establishing compensation rates at pre-project level replacement cost.

134. The inventory of affected assets will summarize the: (i) number of structures that will be demolished and information on their ownership disaggregated by gender; (ii) the types of construction materials used in the affected structures; and (iii) other immovable assets like connection to utilities, etc.

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

will be complemented with available community / district / oblast-level secondary socio-economic information for the Project area.

3.2 Inventory and Valuation of Losses

136. The independent licensed valuator(s) engaged to assess the current market value of lands and structures located in Aol will conduct a detailed measurement survey of the affected assets. To establish a basis for compensation rates for affected lands and structures to ensure that PAPs are compensated at replacement cost, a replacement cost survey will be conducted. On the basis of this and further information on required rehabilitation measures the compensation, relocation and rehabilitation budget will be prepared. The final amount of compensation will be agreed between the PAPs and GoK / MIID (other entity delegated by GoK / MIID). All compensation payments, land transfers will be born by GoK and be free of taxes and administrative costs. Costs related to Resettlement Plan preparation and implementation will be the responsibility of GoK through MIID. GoK / MIID is responsible for ensuring the payments are made on time.

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

138. The full replacement value of the land plot will be determined according to EBRD and IFC policies on involuntary resettlement, which require replacement cost to be assessed at current market price (without deductions for amortization) and is therefore a higher principle than the one envisaged under RoK laws. Data sources on farm productivity and agricultural crops will be the (a) the Almaty city / oblast Department of Agriculture, (b) Almaty city / oblast Statistics Department and (c) PAPs' statements and other documents/data (pledge agreements, statistics data and tax information regarding farms, etc.). Compensation for crop losses is calculated by taking the average of the gross harvest for the previous three years prior to the acquisition. The unit rate for each crop will be derived by adding the average gross harvest per hectare for the previous three years divided by three. Representatives from construction companies can be consulted on the average cost estimate for constructing a square meter of different structure categories in recent months. Respective Akimats will also be consulted on the current building standards and prices.

4. CONSULTATION, PARTICIPATION AND DISCLOSURE

4.1 Consultations

139. MIID and Client are committed to avoiding any potential economic and physical displacement impacts, thus no land acquisition and resettlement is expected within the area of impact. However, should any land acquisition and/or resettlement impacts occur due to the enforcement of the Rules # 504 by the Commission or the GoK, and preparation of Resettlement Plan deemed necessary, the below-mentioned approaches regarding consultation, participation and disclosure will be followed. The Project will promote the active public and stakeholders' participation that involve information exchange and decision-making during the Resettlement Plan preparation and implementation process. The objectives of consultations are to: (a) identify and help address PAPs' concerns related to the preparation and implementation of the RP; (b) determine PAPs' preferences on the type and delivery of compensation; (c) minimize PAPs' concerns and ensure transparency of RP activities; and, (d) help avoiding unnecessary and costly project development delay.

140. According to EBRD and IFC policies, the PAPs must be fully consulted and provided with opportunities to participate in the planning and implementation of LAR processes. They also must be informed in an appropriate and timely manner on their rights and entitlements, the outcomes of the planning process, as well as the schedules and procedures for implementation of the Resettlement Plan. Public information and consultation campaign must be carried out by the GoK / MIID (or other entity as delegated by GoK / MIID) with participation of the Consortium during all stages of the LAR process. In addition, the GoK / MIID (or other entity as delegated by GoK / MIID) with participation of the Consortium must also organize public information meetings to ensure disclosure of Resettlement Plan and inform PAPs about the procedures for payments for compensation and relocation.

141. For Almaty International Airport Project at least one consultation with PAPs will be conducted every time an AoI is determined. The consultation will present the scope of works, description of temporary and permanent impacts, entitlements of PAPs to compensation and assistance, grievance procedure, schedule of land acquisition activities, role of various agencies and other related information. To ensure that PAPs and other key stakeholders are informed of these consultations, schedule and venues of consultations will be announced in local newspapers at least two weeks before the activity. Individual notifications of potential PAPs will also be made as required under the Land Code. Representatives from NGOs will also be invited as observers to ensure that discussions are free of intimidation and PAPs are allowed to speak. Staff from the GoK / MIID (or other entity as delegated by GoK / MIID) will record the discussion and prepare minutes of the meeting.²

142. Relevant Akimats shall be informed about Almaty International Airport Project, as their assistance will be solicited for conducting the inventory of affected assets, the census / socio-

² Considering COVID-19 limitations, hosting of "in-person" public information meetings and consultations shall be carried out strictly in accordance with protocols in place to adhere to physical distancing requirements. In the meantime, virtual public engagement shall be encouraged, including: (i) hosting a regularly updated web-page that includes Project information and a comment form; (ii) providing a phone number of a staff member available for responding to questions and providing information; (iii) mailing and/or e-mailing a notice to the residents of area of impact and inviting the PAPs to "attend" the virtual engagement and providing relevant explanation on connecting to video conferencing. Mail outs should be properly timed to accommodate potential mail delivery delays due to the COVID-19 pandemic. Additionally, notice regarding online discussion can be spread by local newspapers/radio/TV active in the area of impact. A "phone-in" option to join the discussion shall be envisaged for those who may have limited access to computer / smartphone or internet. Moreover, to ensure effective follow-up engagement, the participants can be asked on their preferred method of engagement (mail, e-mail, social media groups, phone, etc.), which will be taken into account during planning of further consultations.

economic survey of PAPs and the detailed measurement surveys. Also, prior to the finalization of the Resettlement Plan and its submission to EBRD and IFC for endorsement, the GoK / MIID shall thoroughly inform PAPs on the results of the census and detailed measurement survey, and their preferences on compensation or other resettlement assistance shall be given due consideration. The processes and mechanisms ensuring the active involvement of PAPs and other stakeholders will be detailed in the final Resettlement Plan including the date, list of participants, and minutes of consultation meetings.

4.2 Disclosure of information

143. Public information brochure that summarizes PAPs' entitlements, procedures, grievance redress and related information will be distributed during consultations. The brochure will also include guidance on temporary use of land for borrow pits, staging areas, labor camps, etc. The brochure will be prepared in two languages – Kazakh and Russian and distributed during public consultations as well as through relevant akimats.³

144. The LARF (in Russian languages) shall be made available at the Project area. The LARF (in Russian and English languages) will be uploaded on the websites of EBRD and IFC. Similarly, the LARF will be posted on the GoK / MIID and Consortium websites. During different stages of the Project (planning, implementation, and monitoring), once any LAR impacts occur, the following actions shall be carried out: (i) distribution of public information brochure, (ii) availability of copies of the Resettlement Plan in the office of Consortium and in respective Akimat(s), and (iii) uploading of the Resettlement Plan to the EBRD, IFC, Consortium, GoK / MIID and Akimat(s) websites.

145. An RP brochure (translated in Kazakh and Russian) shall be distributed among the PAPs to provide additional information on the implementation arrangement, payment schedule, assistance to specific groups and complaints resolution options.

4.3 Participation / Involvement of Women and Vulnerable Groups

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

147. During the Resettlement Plan preparation / finalization vulnerable groups will be identified during census / socio-economic survey and GoK / MIID will ensure that they are informed of the consultation dates and venues. Meeting with vulnerable people will be conducted to ensure that they are aware and properly informed of their rights, compensation, entitlements and types of assistance, as well as, seek inputs on their concerns, preferences, and recommendations.

148. During Resettlement Plan implementation, the GoK / MIID will assign staff to: (i) inform in advance the PAPs (including women-headed households and vulnerable groups) at least 3 months prior to demolition of their structures; (ii) follow up with transfer of funds to the appropriate bank accounts; (iii) encourage any women members of the households to participate in the monitoring and evaluation of LAR; (iv) involve women of affected households and vulnerable groups from the project area in addressing the unexpected social and environmental impacts that arise during Project implementation. Moreover, with the consent of the PAPs, the names of both spouses will be reflected in the registration of new plots/property and re-registration of the remaining land/property.

³ In addition, considering COVID-19 limitations, information can be disseminated through mailing lists, social media platforms and online discussion groups

5. GRIEVANCE REDRESS MECHANISM

149. Complaints consideration procedure aims to provide an effective and systematic mechanism for the Project in responding to queries, feedbacks and complaints from affected persons, other key stakeholders and the general public. In the section below the grievance handling process in relation to land acquisition and resettlement is described in detail.

5.1 Levels and Procedure for Grievance Redress

150. The Grievance Redress Mechanism (GRM) is available to people living or working in the areas impacted by the project activities. Any person impacted by or concerned about the project activities has the right to participate in the GRM, should have the easy access to it, and be encouraged to use it. The proposed GRM does not replace the public mechanisms of complaint and conflict resolution envisaged by the legal system of the RoK, but attempts to minimize use of it to the extent possible.

151. Overall responsibility for timely implementation of GRM lies with the Consortium and GoK / MIID involved in managing and supervising the civil works and other activities under the Almaty International Airport Project. Relevant Akimats, who are mandated by law to perform grievance redress related tasks, and mediators / non-governmental organizations (NGO), who are involved in facilitating amicable resolution of grievances are also included in GRM.

152. This GRM envisages two levels of grievance resolution: Grievance Redress Committees (GRC) at regional (oblast) and central (MIID) levels. GRCs are expected to be composed of members nominated from Consortium, Akimats and MIID. GRCs at regional and central levels are chaired by the Heads responsible for the overall operation of GRM and its efficient and timely implementation, while the Coordinators are responsible for involving the relevant parties and coordinating the works of GRCs at regional/central levels. Information on GRC Contact Persons shall be made available during public consultations, information disclosure and discussions with PAPs.

5.1.1 GRM: Regional Level (Almaty city and Almaty oblast)

153. At the first stage, the resolution of grievance will be attempted through GRC at regional level through the following steps.

154. Grievance registration: complainants or concerned individuals can visit, call or send a letter or e-mail or fax to community Akimat and/or GRC Coordinator in Consortium. Receipt of grievances lodged in person, via phone, through a letter or e-mail or fax will be acknowledged. GRC at the regional level also considers the anonymous complaints, in case the complainant refuses to provide contact details or no contact information is available in the grievance received by e-mail / mail / fax.

155. Grievance processing: Queries and complaints that are clarified and resolved at the intake point are closed immediately. Cases requiring further assessment and action are considered by the GRC at regional level. The GRC at regional level: (i) holds meetings on bi-monthly basis, however special ad hoc meetings can be arranged, as needed; and (ii) discusses the grievance case within ten working days and recommend its settlement to parties. GRC Coordinator at regional level circulates relevant information among the members of GRC, prepares Minutes of GRC meeting and progress reports, and ensures that actions and decisions are properly documented.

156. Feedback provision: Receipt of grievances lodged in person or via phone will be acknowledged immediately. Receipt of grievances received through a letter or e-mail or acknowledged through a letter / e-mail / fax within 3 working days upon receipt by GRC coordinator at regional level. In case the grievance is not related to project activities or impacts generated due to the project implementation, the feedback will be provided to the complaining party specifying to which entity it has been forwarded.

157. If grievance was resolved at regional level, the complaining party will be informed of the outcome. If grievance was not resolved at the regional level and was passed to the GRC at the central level for consideration and resolution, appropriate information will be provided to the complaining party, including the date when the case was passed to GRC at the central level and the date by which the outcome at the central level is expected.

158. In case of anonymous complaints, the printed response will be posted at the web-site and information board of the Consortium office, so as the complaining party can access and review the feedback.

5.1.2 GRM: Central Level

159. Following unsuccessful consideration of grievance by GRC at the regional level, complaint resolution will be attempted at a central level (MIID) through following steps.

160. *Grievance processing:* If grievance cannot be resolved by the GRC at the regional level, it will be forwarded for consideration by the GRC at the central level, including all relevant documents. The GRC at central level: (i) holds meetings on monthly basis, however special ad hoc meetings can be arranged, as needed; and (ii) discusses the grievance case within twenty working days and recommends its settlement to parties. GRC Coordinator at central level circulates relevant information among the members of GRC, prepares Minutes of GRC meeting and progress reports, and ensures that actions and decisions are properly documented.

161. *Feedback provision:* If the grievance was resolved, the complaining party will be informed on the outcome of grievance resolution. If grievance was not resolved by the GRC at central level, appropriate information will be provided to the complaining party, including details why the case was not resolved, as well as recommendation to seek for resolution through the RoK legal system.

162. For anonymous grievances or in cases when the complainant refused to provide contact details, the information on status of grievance redress and outcomes of resolution process will be posted on the web-site and information boards of Consortium office.

5.1.3 GRM: Legal System

163. If after the intervention and assistance from the GRCs at both regional and central levels, no solution has been reached, and if the grievance redress system fails to satisfy the complaining parties, the case will be referred to the court for resolution in accordance with the RoK legislation.

164. In the meantime, it should also be emphasized that this GRM does not limit the right of the complaining party to submit the case to the court of law in the first stage of grievance process.

5.2 GRC Contact Persons

165. GRC Contact Details (Regional Level):
Contact person: to be nominated by Consortium
Address:
Tel:
Email:
166. GRC Contact Details (Central Level):
Contact person: to be nominated by MIID
Address:
Tel:
Email:

5.3 Disclosure of the Grievance Process

167. The complaints resolution process for this LARF will be disseminated through information brochures and posted to the respective Akimat(s) information board, as well as on web-site and information board of the Consortium. Grievance redress mechanism will also be presented during the public consultations and informal meetings at Project area by Consortium and MIID representatives. The information of grievance resolution will be summarized in Consortium and MIID progress reports to be submitted to EBRD and IFC.

6. INSTITUTIONAL ARRANGEMENTS AND IMPLEMENTATION

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

6.1 MIID

169. MIID has the overall responsibility for Resettlement Plan preparation, implementation, financing, reporting and evaluation. The MIID will: (a) prepare RP (including all necessary activities, such as data collection, census, socio-economic survey of the PAPs and valuation of the land / property to be taken, public consultations, disclose the RP and the information brochures, etc.) and submit it to EBRD and IFC for approval; (b) implement RP, including making decisions related to the land acquisition and compensation of affected people; (c) direct government units and Akimats involved in land acquisition, plot allocation and complaint handling/grievance resolution; (d) provide sufficient budget for compensation, support and resettlement activities; (e) ensure compliance of land acquisition and resettlement activities with the LARF and approved RP, as well as EBRD PR5 and IFC PS5, (f) ensure paying appropriate compensation, as well as complete relocation or reconstruction of affected structures/ businesses before civil works start, and (g) carry out monitoring and reporting over RP implementation (including internal monitoring and provision of data to External Resettlement Monitor to prepare compliance report).

170. The MIID is also responsible for ensuring cross-agency coordination and liaison with relevant state agencies involved in implementation of all LAR tasks, making high-level decisions, including participation in resolving PAPs grievances and facilitating court processes. With regard to grievance redress, the MIID will be responsible for establishing the grievance redress committee at central level and provision of support for establishment on the grievance redress committee at regional level. The MIID will assign a dedicated staff member (social specialist) for LAR-related tasks to ensure preparation and implementation of Resettlement Plan, implementation of monitoring and GRM activities, as well as quick preparation of the compliance report / RP completion report and its submission to the EBRD and IFC to allow for timely commencement of works.

171. MIID with support of Akimats (or other entities, as deemed necessary by GoK) will carry out day-to-day implementation of LAR activities. The focal point on LAR issues to be nominated within MIID (and other entities, as deemed necessary by GoK) will be responsible for coordination of RP implementation. In particular, MIID directly or through other state entities (as deemed necessary by GoK) will be responsible to:

- Identify the requirements of land to be acquired for permanent use for project implementation;
- Prepare the list of PAPs and support with development and update of database of PAPs based on the results of the census and new information;
- Maintain regular coordination with relevant state agencies (e.g. NPTsZem, Justice Department / State Corporation “Government for Citizens”, etc.);
- Prepare and issue the decree(s) on land/property acquisition for state needs;
- Ensure notification of PAPs on upcoming land/property acquisition;
- Ensure implementation of 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;
- Provide to Consortium all necessary inputs required for preparation of RP;
- Prepare documents for negotiation of compensation with the PAPs;

- Prepare documents for formalizing agreements with PAPs and processing of compensation payments;
- 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;
- 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 activities;
- Collect necessary data to the MIID for internal monitoring purposes;
- Provide necessary data to the External Resettlement Monitor.

6.2 Consortium

172. The Consortium will carry out the duties related to monitoring of LAR activities and grievance redress. The Consortium staff will include a full time specialist (engaged for at least the first year of land acquisition, if any) to be responsible for RP preparation. In particular, the Consortium will:

- Identify the requirements of land that may be temporarily required for implementation of construction works;
- Obtain all necessary inputs for RP preparation from MIID, including data, supporting documents, clearances, information on grievances and other inputs required for preparation of RP and external monitoring of its implementation;
- Maintain regular coordination and communication with MIID and relevant state agencies (e.g. NPTsZem, Justice Department / State Corporation “Government for Citizens”), and respective Akimats;
- Participate in public consultation and disclosure activities;
- Collaborate with MIID to coordinate grievance redress;
- Provide information to MIID on temporary land use for monitoring purposes;
- Engage an External Resettlement Monitor which will be responsible for external monitoring and preparation/submission of RP completion report to document the RP implementation processes.

6.3 Other Agencies and Institutions

173. Several other institutions will take part in the preparation and implementation of LAR activities. These are:

- **GoK** will participate in financing the compensation for land / property acquisition and resettlement;
- **Aviation Administration of Kazakhstan (AAK)** is the safety and security regulator for all civil air operations and operation of Kazakh aircrafts and airports. Aviation Administration of Kazakhstan is responsible for the implementation of International Civil Aviation Organization (ICAO) Standards and Recommended Practices. AAK has a role in the regulation of ICAO mandated Runway End Safety Areas.
- **Courts.** The court system will be involved in LAR process in case the agreement is not reached between MIID and the owner/user 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 RK. 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 MIID / Akimat 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;

- **Valuators.** These will be accredited / licensed individuals and/or private firms hired by MIID to evaluate the affected assets subject to acquisition / expropriation.

6.4 Lenders

174. EBRD and IFC will review LAR documents prepared for Almaty International Airport Project to ensure compliance with their policy requirements.

6.5 RP Preparation and Implementation Process

175. Resettlement Plan preparation will start at the design phase, when the Aol is defined the LAR impacts are confirmed. RP will specify the timeline for preparation, finalization, approval and implementation of the LAR activities. Following completion of LAR activities (confirmed by ERM), the demolition works can be started in Project area. Restoration of temporarily acquired lands will be done at the end of the rental period. Table 3 below summarizes the roles of various entities in the preparation, review, implementation, evaluation and reporting of RP.

Table 3. RP preparation, finalization and implementation process

No.	Work Description	Responsible Agency/Unit
A. Resettlement Plan Preparation		
A1	Finalization of design	Consortium
A2	Definition of Aol and list of PAPs	MIID, State Corporation Government for Citizens, Akimat(s)
A3	Collection/verification of documents on affected assets and businesses	MIID, Akimat(s), supported by independent valuers
A4	Finalization of compensation rates	
A5	Finalization of sites to be made available as replacements plots for lease and agreements with leaseholders	
A6	Preparation of draft RP	
A7	Review/approval of final RP	EBRD, IFC, MIID
A8	Disclosure of RP	EBRD, IFC, MIID, Consortium
B. Resettlement Plan Implementation		
B1	Issuing decree on land/property acquisition for project purposes	GoK, MIID, Akimat(s)
B2	Processing of LAR funds, including those needed for supplemental assistance and provision of renewed leases	GoK, MIID, Akimat(s)
B3	ERM mobilization	Consortium
B4	Identification of different types of PAPs	MIID supported by independent licensed valuers
B5	Official notification on land acquisition	Akimat(s), MIID
B6	Issuance of new leases in alternative plots for leaseholders.	Akimat(s), MIID
B7	Registration of new plots, including new leases	Department of Justice (State Corporation "Government for Citizens") NPTsZem, MIID

No.	Work Description	Responsible Agency/Unit
B8	Expropriation cases	Akimat(s), MIID, GoK
B9	Monitoring reports on LAR	MIID
B10	Preparation of the completion report / compliance report	External Resettlement Monitor with support from Consortium, MIID, Akimat(s)
B11	Review of compliance report	EBRD, IFC
B12	Post RP evaluation	External Resettlement Monitor

7. MONITORING AND REPORTING ARRANGEMENTS

176. The primary objective of monitoring is to identify as early as possible progress on Resettlement Plan implementation achieved and the cause(s) of constraints so that arrangements in RP implementation can be adjusted. The following two mechanisms will be used: (i) internal monitoring in collaboration with MIID; and (ii) external monitoring.

7.1 Internal Monitoring

177. All activities in LAR are time bounded. MIID will routinely perform internal monitoring of LAR activities with results to be reported to EBRD and IFC on quarterly basis. Related information will be collected from the Akimat(s) and field to assess the progress and results of RP implementation, and to adjust the work program, when necessary. Indicators subject for integrated internal monitoring will be those related to process and immediate outputs and results, such as the following: (i) disclosure, information campaign and consultations with PAPs and stakeholders; (ii) payments of compensation on lands and affected structures; (iii) status of relocation of affected structures and other assets of PAPs; (iv) payments of loss incomes to affected small businesses; (v) provision of alternative land leases; and (v) re-registration of plots and (vi) restoration of living standards.

178. The preceding indicators will be monitored monthly by applying the following approaches: (a) review of detailed measurement survey of all PAPs; (b) consultations and informal interviews with PAPs; (c) in-depth case studies; (d) sample survey of PAPs; (e) key informant interviews; and (f) public meetings with people in the communities located in the Project area.

7.2. External Monitoring

179. The function of the External Resettlement Monitor (ERM) will be carried out by the independent resettlement consultant, which will be responsible for external monitoring and preparation/submission of RP completion report to document the RP implementation processes. External monitoring will be carried out during RP implementation and will be concluded after the RP is fully implemented by the preparation of a Completion Report/Compliance Report. If the RP implementation includes Livelihood Restoration Measures which will require longer timescale for full implementation, then the Compliance Report will need to confirm that the implementation of livelihoods restoration measures is on track (in case these are not fully implemented yet).

180. The ERM will perform the following activities:

- Review the records provided by GoK / MIID, analyze the payment of compensations, procedures for approving payment of compensations and recommend on their compliance with the RP, as well as EBRD and IFC policy requirements;
- Interview a random representative sample of PAPs to assess their knowledge and concerns about the LAR process, their entitlements, and assistance measures;
- Observe the functioning of the LAR operation at all levels to assess the effectiveness of and compliance with RP;
- Verify the nature of grievance issues and the functioning of grievance redress mechanism by reviewing the processing of appeals at all levels by interviewing the aggrieved PAPs;

- Where feasible, survey the standards of living of PAPs and the people in unaffected portion nearest the civil works sites before and after displacement, to assess the effects of LAR to PAPs who own small businesses;
- Advise MIID and Akimat(s) regarding the possible improvements in RP implementation and corrective action plans if required; and
- Prepare Compliance Report.

181. Assessment by ERM on compliance with RP implementation will be provided to GoK / MIID, EBRD and IFC for review and appropriate actions, if needed.

8. BUDGET AND FINANCING

182. The GoK/MIID is responsible for Resettlement Plan preparation and implementation, all land acquisition costs, the compensation of losses, resettlement-related operations, transaction/registration costs, costs for allocation of new leases, and land plot re-registration associated with the implementation of RP for Almaty International Airport Project.

183. Resettlement Plan will include a budget section indicating (i) unit compensation rates for all affected items and allowances, (ii) methodology followed for the computation of unit compensation rates, and (iii) a cost table for all LAR-related expenses including administrative costs and contingencies. GoK/MIID will ensure the timely allocation/transfer of funds needed to implement the RP. Allocations will be periodically reviewed based on the budget requirements indicated in the RP.

ANNEX 1. Sample Resettlement Plan Outline

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:

- discusses the project's potential impacts, and includes maps of the areas or zone of impact of project components or activities;
- describes the scope of land acquisition (provide maps) and explains why it is necessary for the main investment project;
- summarizes the key effects in terms of assets acquired and displaced persons; and
- 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:

- identifies project stakeholders, especially primary stakeholders;
- describes the consultation and participation mechanisms to be used during the different stages of the project cycle;
- describes the activities undertaken to disseminate project and resettlement information during project design and preparation for engaging stakeholders;
- 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;
- confirms disclosure of the draft resettlement plan to affected persons and includes arrangements to disclose any subsequent plans; and
- 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:

- describes national and local laws and regulations that apply to the project and identify gaps between local laws, EBRD and IFC policy requirements; and discuss how any gaps will be addressed;
- describes the legal and policy commitments from the executing agency for all types of displaced persons;
- 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.
- Describes the land acquisition process and prepare a schedule for meeting key procedural requirements.

H. Entitlements, Assistance and Benefits

This section:

- defines 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

This section:

- 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);
- describes alternative relocation sites considered; community consultations conducted; and justification for selected sites, including details about location, environmental assessment of sites, and development needs;
- provides timetables for site preparation and transfer;
- describes the legal arrangements to regularize tenure and transfer titles to resettled persons;
- outlines measures to assist displaced persons with their transfer and establishment at new sites;
- describes plans to provide civic infrastructure; and
- explains how integration with host population will be carried out.

J. Livelihoods Restoration and Rehabilitation

This section:

- identifies livelihood risks and prepare disaggregated tables based on demographic data and livelihood sources;
- 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);
- outline measures to provide social safety net through social insurance and/or project special funds;
- describes special measures to support vulnerable groups;
- explains gender considerations; and

- describes training programs.

K. 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;
- includes information about the source of funding for the resettlement plan budget.

L. 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.

M. Implementation Schedule

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

N. Monitoring and Reporting

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