



Resettlement Framework

Modernisation of Almaty CHP 2,
Kazakhstan

June 2022

This document belongs to AIES and was developed to meet the requirements of the project financing and EBRD

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Acronyms and Abbreviations

Aol	Area of Interest
GP	Gardener's partnership
EBRD	- European Bank for Reconstruction and Development
ESDD	Environmental and Social Due Diligence
RF	Resettlement Framework
GHG	Greenhouse Gas
GoK	Government of Kazakhstan
GRM	- Grievance Redress Mechanism
RP	- Resettlement Plan
NGO	- Non-government Organization
NPTsZem	- State Scientific and Production Center for Land Management
PAP	- Project Affected Person
PR	- Performance Requirements
Project	- Big Almaty Ring Road Project
RF	Resettlement Framework
RoK	- Republic of Kazakhstan
SC	Supervision Consultant
SEP	Stakeholder Engagement Plan
SPZ	Sanitary Protection Zone

DEFINITION OF TERMS

Compensation –	refers to any payment in cash or in kind of the replacement cost of the acquired assets.
Cut-off-date –	means the date prior to which the occupation or use of the Project area makes residents/users of the Project area eligible to be categorized as Displaced Persons (PAPs).
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 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 involuntary taking of land and resettlement, which includes both outright purchases of property and acquisition of access rights, such as easements or rights of way.
Relocation –	is the physical shifting of PAP from his/her pre-Project place of residence and/or business.
Replacement Cost –	the value determined to be fair compensation for land based on its productive potential, the replacement cost of houses and structures (current fair market price of building materials and labor without depreciation or deductions for salvaged building material), and the market value of residential land, crops, trees, and other commodities.
Vulnerable household –	a household, which might suffer disproportionately or face the risk of being further marginalized by the effects of resettlement such as a household living below the poverty line; female headed household; large household with 4 or more children below 18 years; household with disabled members; elderly with no family support.

1. INTRODUCTION

The European Bank for Reconstruction and Development (“EBRD” or the “Bank”) and Samruk Energy of Kazakhstan are considering the modernisation and reconstruction of CHP-2 of Almaty (the “Project”), one of the three CHPs that provide heat to the district heating network of the city operated by Almaty Electric Stations JSC (“JSC AIES” or the “Company”). The main purpose of the Project is the full replacement of coal by natural gas as the primary fuel.

It is expected that the fuel switch from coal to natural gas will have a dramatic effect in the long-term reduction of GHG emissions as well as in the reduction of local pollutants emissions, especially dust, NOx and sulphur oxides that are related to the use of coal in the residential heating of Almaty.

Under this framework, the EBRD hired ERM (the “Consultant” or “ERM”) to carry out a detailed project preparation study for the Project at a level sufficient for the Bank to decide for its possible financing and ensure the Project is structured to comply with the Bank’s Performance Requirements (PRs).

This document belongs to AIES and was developed to meet the requirements of the project financing and EBRD.

Resettlement Framework (RF) is formulated based on relevant laws on land acquisition and resettlement in the Republic of Kazakhstan (RoK) and the provisions of the Lenders relevant policies, including Environmental and Social Policy 2019, Performance Requirement (PR) 5 of EBRD.

The RF identifies likely impacts of the investment, describes anticipated groups of project affected persons (PAPs), clarifies land and resettlement principles, assesses the legal framework for land acquisition and resettlement in Republic of Kazakhstan (RoK) and respective policies of Lenders, describes standard procedures and methods of grievance redress, and outlines steps that will be taken to plan, obtain concurrence from Lenders, and to implement and monitor the impact of land acquisition and resettlement within the Project Area of Interest (Aoi).

This Resettlement Framework applies to the land users, whose lands will be permanently or temporarily affected by JSC AIES due to any future additional/new land acquisition required for Project or/and limitations imposed on lands within Sanitary protection zone (SPZ). It also applies 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 the Project.

Once this document is approved by Lenders and JSC AIES, it will become an element of the respective financing agreements between the JSC AIES and Lenders with respect to the Project.

1.1 Project Description

1.1.1 Location of CHP-2

CHP-2 is located in the western part of the city (Figure 1-1) on two sites (Figure 1-2). Main and auxiliary generating facilities are operating on the Site 1 (the industrial site, 93 hectares), Site 2 to the west is an ash dump (413 hectares). There are no legally protected areas of biodiversity value and monuments of history and architecture near the sites.

There are three dacha communities (gardener’s partnerships – “GPs”) located near the CHP-2:

- Teploenergetik GP is located to the east of the ash dump at a minimum distance of 123 m;
- Energostroitel GP is located to the east-north of the ash dump at a minimum distance of 340 m.
- Bastau Nurka GP is located to the south of the ash dump at a minimum distance of 330 m.

Sanitary protection zone (SPZ) was established for each site: 1000 m for the Site 1 and 500 m for the Site 2, however in 2015 a unified 1000 m SPZ was confirmed for the CHP-2 and its facilities. New development allow for reasonable expectations of reduction of SPZ.

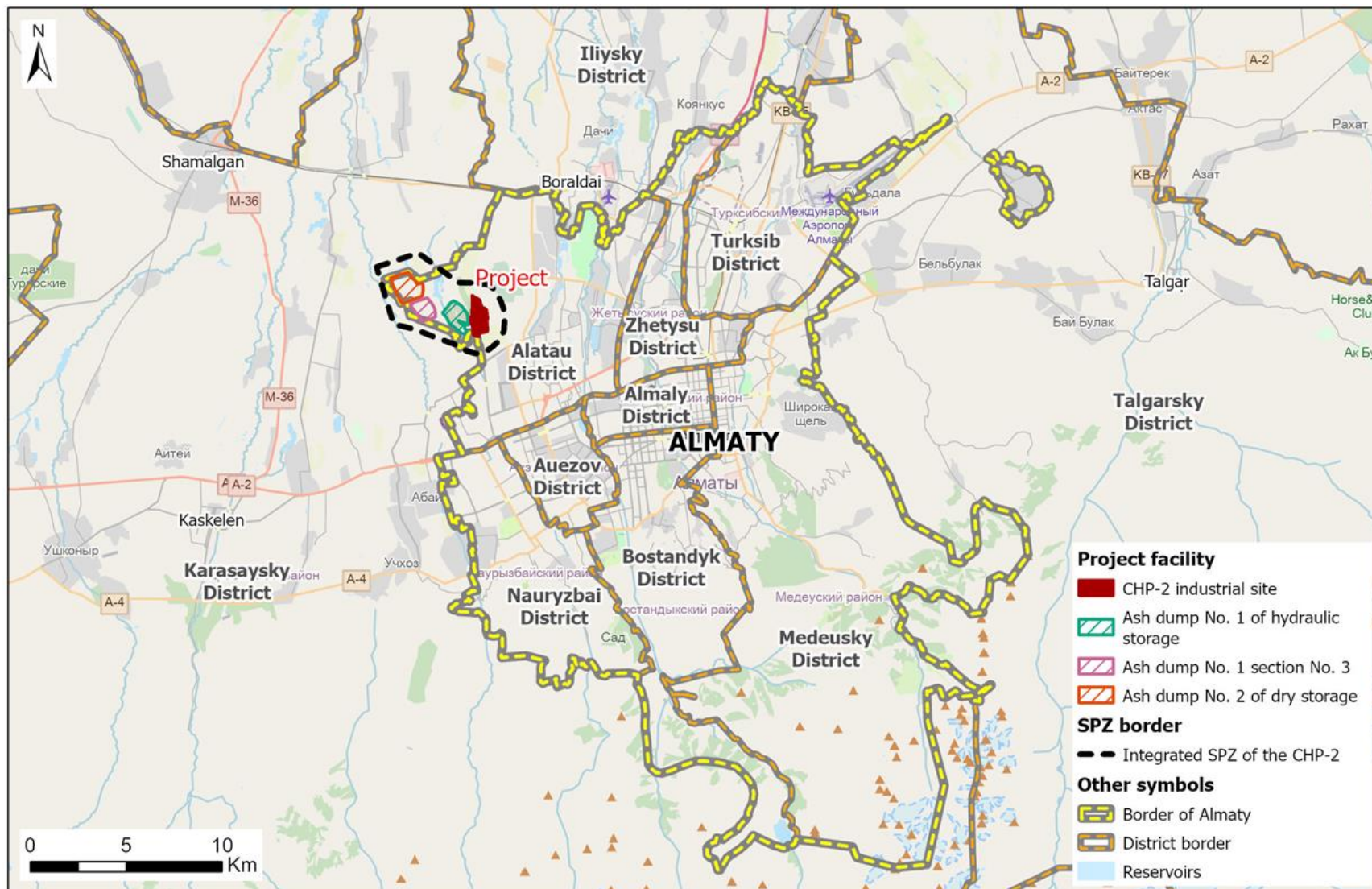


Figure 1-1: Location of CHP 2

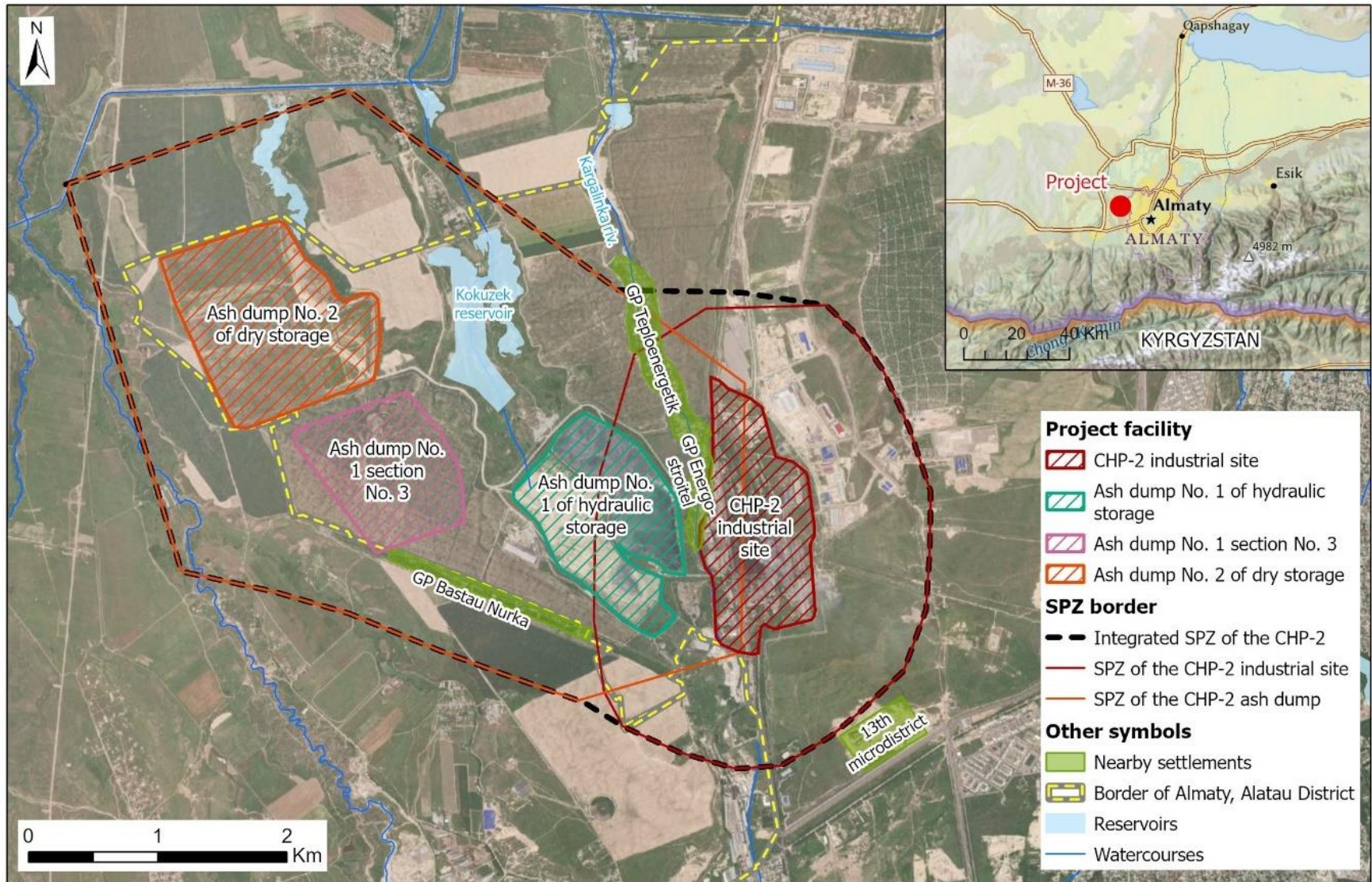


Figure 1-2: CHP-2 Industrial Sites

1.1.2 Existing Facilities at CHP 2

CHP-2, located in the Alatau District of Almaty city, Kazakhstan (Figure 1-1), is by far the larger plant with 8 coal fired power boilers, 7 steam turbines and related infrastructure and with total installed capacities of 510 MW and 1,411 Gcal/h. Currently, Ekibastuz coal is used as the main fuel at CHP-2, and fuel oil is used as a starting oil. Annual coal consumption is about 2.5 million tons.

The construction of the Almaty CHPP-2 named after A. Zhakutov began in 1974 with a design capacity of the first stage of 240 thousand kW, in order to increase the level of seismic safety, the station was buried 12 meters. For the first time in the country, boilers with a steam capacity of 420t/hour in seismic design were put into operation at the station.

In 1980-1983, three steam boilers of the BKZ type were put into operation-420-140- 7C and three steam turbines of the PT-80/100-130/13.

1.1.3 Planned development

In cooperation with the local design Institute (KazNIIEnerogprom), JSC "AIES" has reviewed various alternative options for the modernisation and fuel switch from coal to gas of the CHP-2 and are currently finalising the selection of the preferred solution from a shortlist of 3 different combinations of combined-cycle gas turbine units, open-cycle gas turbines with Heat Recovery Boilers. The largest option provides for a total capacity of 620 MW electricity and 508 Gcal/h heat. The other two options provide slightly smaller capacities depending on the model and supplier of the equipment.

The Project will be developed in phases with the first phase a 200 MWe unit. The construction is planned to be carried out in two stages: 45.5 months for the 1st stage and 20 months for 2nd stage. The total duration of modernization of Almaty CHP-2 will be 65.5 months during 2022-2026. The estimated average number of construction workers will be 629 people. The maximum number of employees at a time will be 726 people in the peak year 2025.

CHP-2 will be modernized within the existing sites, additional land acquisition is not envisaged. Modernization will be performed so that existing equipment could be operated in parallel and be mothballed afterwards. CHP-2 will operate 24 hours a day throughout the year. The power plant will provide heat for heating, ventilation and hot water supply during the heating period, and heat for hot water supply during the summer period.

Natural gas demand of the updated CHP-2 will be about 1,122.6 million Nm³/year.

To date the Project is on its initial stage of development, where analysis of alternatives has taken place and a pre-feasibility study with relevant pre-EIA (in line with legislation of the Republic of Kazakhstan) has been developed. Following the requirements of national legislation public hearings of the Project were conducted, where the Project was supported by Almaty citizens (details are provided in Section 5).

JSC "AIES" has committed to comply with best international techniques and practices, as well as with EBRD requirements. Therefore, any further Project developments (including engineering and construction works, environmental and social management during the construction and operation phases) will be aligned with relevant EBRD's PRs. The Lenders' requirements will also be cascaded to EPC contractor and sub-contractors' net and supply chain.

1.2 Current Status of the CHP-2 SPZ

Current Sanitary Protection Zone for CHP-2¹ was established in 2015 in accordance with the Sanitary and Epidemiological Expertize #435/05-33 following the plans of the 8th boiler commissioning in 2016.

Current CHP-2 SPZ covers the area of 1000 m from the border of the CHP-2 joint land plot (Figure 1-2), which is the minimum size for the SPZ of Hazardous Class I enterprises².

Sanitary and Epidemiological Conclusion¹ on current CHP-2 SPZ states that the Kokozek Creek flows to the west of the CHP-2 site, where dachas plots are located. No explanation is given in regard to the location of the residential buildings of those GPs within the SPZ, however, the Conclusion states that emissions of particle matter and sulphur dioxide are achieving the national standard (1 Maximum Permissible Concentration or MPC) at the distance of 400 m from the site border. The Conclusion itself doesn't refer to any specific regime of operating or land use within the CHP-2 SPZ, which means that the case falls under standard regulations of the RoK (as described in the Section 2).

1.3 Status of settled area located within the SPZ

Land plots with residential buildings located between the CHP-2 main site and ash dump #1, which are parts of the Energostroitel and Teploenergetik GPs (Almaty city), are registered in the state cadastral system as lands of settlement with design use – for gardening, personal subsidiary plot and private housing construction, well as those land plot of GP Bastau Nurka (Karasaysky District).

Such meetings have been held in May, 2022 with the heads of the Energostroitel and Teploenergetik GPs and several residents of the Bastau Nurka GP as no one in the settlement could confirm who was the head. A summary of the interview outcomes is presented in sections below for each GP.

Total number of residential buildings, inhabited houses (both permanently and temporary), land plots without any structures and number of businesses is presented in the table below based on the results of above mentioned interviews and provide for an overview of the residential area located near the Project site (Table 1-1).

Table 1-1: Characteristics of the Energostroitel, Teploenergetik and Bastau Nurka GPs

Assumption: the data on GPs in the table are preliminary, collected during interviews with heads of GPs. The data are subject to verification through official requests to municipal authorities.

SPZ is not registered or reflected at public cadaster map, as well the Conclusion on SPZ does not include exact coordinates. SPZ borders and number of plots within it is also subject for further verification.

Parametrs	Gardener's Partnership (GP)		
	Teploenergetik	Energostroitel	Bastau Nurka
Designated use of land plots	Lands of settlements with designed use for gardening, personal subsidiary plot and private housing construction		
Total number of residential buildings within the GP	184	109	100

¹ Sanitary epidemiological Conclusion N 435/05-23 dated 05.06.2015 issued by the Department of Consumers' Rights Protection of the City of Almaty (Medical Documentation Form N199/y approved by the Order of Minister of Healthcare of the Republic of Kazakhstan on December 20,2011 №902)

² Paragraph 56, Section 14, Annex 1 of the Sanitary Rules "Sanitary and epidemiological requirements for sanitary protection zones of objects that are sources of impact on the environment and human health", approved by the Order of the Acting Minister of Health of the Republic of Kazakhstan dated January 11, 2022 No. KR DSM-2.

Parameters	Gardener's Partnership (GP)		
	Teploenergetik	Energostroitel	Bastau Nurka
Number of land plots within current CHP-2 SPZ (1000 m)	Appr.160 (about 90% of total area of the GP)	109	100
Number of land plots within potentially reduced CHP-2 SPZ upon modernization (500 m) ³	Appr. 70-90 (about 40-50% of total area of the GP)	109	Appr. 50 (about 50% of total area of the GP)
Number of inhabited houses	184	54	10
Number of undeveloped land plots	100	50 to 60	187
Business structures	1	1	1
Trees, other structures	+	+	+
Privately owned landplots	No data	64	No data
Long term lease agreement	10	15	No data
Residence permit	No data	5	

There are representatives of large families, disabled people and single pensioners among the residents of all GPs, however, the accurate number of vulnerable people are subject to clarification.

³ SPZ size will be defined during the development of the Project Design Documentation. Provided estimation (500 m) is based on regulatory prescribed size for gas-fed thermal plants.

1.3.1.1 Energostroitel GP

Energostroitel GP is the closest settled area to the ash dump #1 and the main CHP-2 site, the distance is about 12 to 130 m, it is located to the east from ash-dump. It means that all land plots within the GP are located within the CHP-2 Sanitary Protection Zone, also partially it is located within Water Protection Zone of Kokozeck Creek. Land plots of Energostroitel GP belong to land category of settlements with purpose for gardening, personal subsidiary plot and private housing construction. There are 109 land plots in total:

- 64 land plots are privately owned and residents have residence permit (54 households live permanently all year around),
- 15 land plots are in long-term lease.

Regarding the rights of property, 31 member of GP has documents for gardening only. Since 2013, the Karasaysky District Akimat⁴ has banned the purchase of land plots due to the location of the plots in the water protection zone of Kokozeck Creek.

Utilities of the GP includes gas supply, electricity and water wells. There is one temporary trade structure, kiosk (grocery store) at the edge of Energostroitel GP. Energostroitel GP is an old build-up area with one- to two-store houses, structures and fruit gardens (Figure 1-3). There are no social facilities within the GP (e.g. schools or medical facilities).



Figure 1-3: Energostroitel GP, May, 2022

⁴ These territories have been transferred from the Karasaysky District administration to the Almaty city in 2014

1.3.1.2 Teploenergetik GP

Teploenergetik GP was established in 1984. Closest distance from ash dump to households is at least 280 m.

Land plots of the Teploenergetik GP keep referring to settlement lands with purpose for gardening, personal subsidiary plot and private housing construction. There are 184 land plots in total, most of land plots are private (the exact amount of private land plots is unknown, it requires documentary clarification). There are 10 land plots with long-term lease agreement of Karasaysky District Akimat.

Since 2013 year, Karasaysky District Akimat has suspended the issuance of permits for the purchase of land plots due to their location within water protection zone of the Kokozek Creek. Some of residents who have registered ownership rights to the plots, also have a residence permits and live all year round in the GP. There are no self-captured and undeveloped land plots in Teploenergetik GP.

About 70% of houses are equipped with gas, electricity is supplied to all houses, water supply is provided individually from artesian wells. Most of the plots are occupied with one- or two-store houses with structures, mature trees (Figure 1-4). There is one grocery store within the GP.

There are no social facilities within the GP (schools or medical treatment facilities). Children residing within the GP are attending schools in the nearest microdistrict of Almaty – Algabas. Transportation to school is provided by private transport. There is no public bus service that could provide transportation from the GP to the city.



Figure 1-4: Teploenergetik GP, May, 2022

1.3.1.3 Bastau Nurka GP

Bastau Nurka GP is located to the south west from ash dump # 1, the distance from households to the ash dump varies from 250 to 890 m.

Residential building in Bastau Nurka GP has started since 2013. In total 287 land plots have been allocated to GP development and registered in the cadaster, but only 50 to 60 houses are actually constructed and inhabited to date. Many plots are currently occupied by unfinished houses.

Land users have registered the ownership of the lands. There is no information regarding other types of property.

Utilities in the GP are presented by electricity supply and private water supply. Public roads within GP are not paved (Figure 1-5). There are no social infrastructure facilities (i.e. schools, medical treatment facilities) and shops. Within the GP there is a business represented by a painting workshop TOO “Fasad”.



Figure 1-5: Bastau Nurka GP, May, 2022

1.4 Potential impacts and scale of land acquisition

It is expected that the project of CHP 2 modernization with the transition to the use of gas will increase the capacity of the facility and improve the quality of atmospheric air not only in the nearest residential areas, but also within the Almaty city due to reduction of Sulphur dioxide emissions

Activities required for CHP-2 modernization will be carried out within land plots currently used for CHP-2 and ash dump area. According to the information available at the time of ESDD no additional land acquisition is expected for the Project implementation (however currently no information is available regarding associated facilities, e.g. construction material quarries and access roads).

Within the project, it is planned to re-cultivate the ash dump fully or partially, and therefore the sanitary protection zone (SPZ) aside the ash dump will be reduced. Nevertheless, within the sanitary protection zone, some households of the gardener's partnerships "Bastau Nurka", "Teploenergetik" and "Energostroitel" may potentially remain within the impact zone of CHP-2.

According to national regulations preliminary minimal SPZ size of modernized plant will be reduced to 500 m. At the same time the Project may provide its own calculations of SPZ during the development of the Project Design Documentation and confirm the reduction of the prescribed size of SPZ by monitoring measurements during one year of CHP operation. So there is further potential for reduction of SPZ size.

According to preliminary assessment in case of the reduction of SPZ to 500 m the following rough number of land plots will be located within the boundaries of the SPZ:

- about 40- 50% of land plots of Teploenergetik GP (appr. 70-90 land plots),
- about 40- 50% of land plots Bastau Nurka GP (app.50 land plots), and
- all (109 land plots) of Energostroitel GP.

During the subsequent development of the engineering design of the Project, land take/resettlement will be only required once SPZ are adopted, approved, and enforced and it will still cover some land plots in GPs.

When land take need is confirmed JSC AIES will carry out a social impact assessment and update the Resettlement Framework, or develop a new Resettlement Plan taking into account all applicable requirements set out in this document.

2. LEGAL FRAMEWORK

This RF 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 respective policies of Lenders (2014 Environmental and Social Policy and Performance Requirement 5 of EBRD).

2.1 Kazakhstan Legal Framework and Practices

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).

2.1.1 Hierarchy of Legal Acts in Kazakhstan

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.

Overview of applied national legal acts to the Project is provided below.

2.1.1.1 Kazakhstan Constitution

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.

2.1.1.2 The Land Code

The Land Code of the Republic of Kazakhstan (RK Code No. 442-II adopted on 20 June 2003, last amendment dated 07 March 2022) 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.

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).

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.

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.

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 is made, indicating size of the plot(s);
- Information on the whether the land plot can be divided or not;
- Other conditions.

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.

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.

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.

The Land Code provides for base rates of payment for the land plots and the cadastral value of land in order to determine the cost of the land. Basic rates of payment for the land plots when they are transferred to private property in the capital are established by joint decisions of the representative and executive bodies of the capital, depending on local conditions and peculiarities. The rates of payment for land use shall not be established at a level below the land tax rates.

Payment for selling the right to lease is differentiated from the cadastral (estimated) cost of a particular plot of land. Base rate of payment for land plots is calculated in accordance with the Decree of the Government of the Republic of Kazakhstan from September 2, 2003 № 890 "On Establishment of Base Rates for the Land Plots". However, according to the latest amendments of the abovementioned decree (The Decree of the Government of the Republic of Kazakhstan from October 10, 2011 № 11545), local government bodies of the capital, depending on local conditions and peculiarities must develop and approve the base rates for the land plots, except for lands used for agricultural purposes.

Cadastral (estimated) cost of a land plot is determined by specialized state-owned enterprises responsible for operation of the state land cadastre, in accordance with the base rates of payment for land plots transferred to private property, with application of corrective (increasing or decreasing) coefficients to account for inflation, land conditions and location.

According to Article 166 part 2 of Land Code, 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

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).

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

2.1.1.3 Labor Code

According to the Labor Code (№ 414-V, adopted on 23 November 2015, last amendment dated 30 December 2021), 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).

2.1.2 Legal requirements applicable to CHP-2 SPZ

Regulation on SPZs are provided by the several RoK legal acts, which impose restrictions on the use of the territory within the SPZ boundaries.

⁵Press-release from December 3, 2011 to the Decree of the Government of the Republic of Kazakhstan from October 10, 2011 № 1154 On introduction of changes and additions to the Decree of the Government of the Republic of Kazakhstan from September 2, 2003 № 890 "On establishment of base rates for the land plots, when they are transferred to private property, leased by the state or state land-user, as well as payment for selling the right to lease the land plots"; <http://www.auzr.kz/en/news-list/784--03-2011>

The Paragraph 2, Article 58 of the Law of the Republic of Kazakhstan No. 242 of July 16, 2001 “On the architectural, urban planning and construction activities in the Republic of Kazakhstan” as amended of December 27, 2021 states the following:

*In the sanitary protection zone, regardless of its parameters and affiliation, the **location (construction) of residential buildings**, educational organizations, health and recreation institutions, sports and recreation facilities, including the **location of gardening land plots**, as well as the production of agricultural products is prohibited.*

Establishment of the SPZ is regulated by the Sanitary Rules "Sanitary and epidemiological requirements for sanitary protection zones of objects that are sources of impact on the environment and human health", approved by the Order of the Acting Minister of Health of the Republic of Kazakhstan dated January 11, 2022 No. KR DSM-2. Under the Sanitary Rules there are several limitation for the use of territory within the SPZ borders, which include limitation on the location of residential buildings:

1. Sanitary rules provide for definition of the SPZ as follows (Paragraph 5):
*Sanitary protection zone is the territory separating special purpose zones, as well as industrial organizations and other industrial, communal and warehouse facilities in a locality **from nearby residential territories, buildings and structures of residential and civil purpose** in order to mitigate the impact of adverse factors on them.*
2. Paragraph 12 of the Rules states that:
*Facilities that are sources of impact on the environment and human health **are separated by SPZ from the territory of residential development**, landscape and recreational areas, recreation areas (zones), territories of resorts, sanatoriums, rest homes, stationary medical and preventive organizations, territories of horticultural associations and cottage development, **collective or individual dachas and gardening plots**.*
3. Paragraph 48 states:
*Within the boundaries of SPZ of facilities (including the territory of the object from which the SPZ is established), buildings and structures can be placed to serve the employees of the facility and to ensure its activities specified in paragraph 47 of these Sanitary Rules, **with the exception of:***
 - 1) newly constructed **residential buildings**, including individual residential buildings;...
 - 3) created and organized territories of **gardeners partnerships** and cottage development, collective or individual **dachas and gardening plots**;...
 - 5) facilities for the cultivation of agricultural crops **used as food**.
4. Paragraph 53 also states:
*The SPZ or any part of it **is not used** as a reserve territory of the object for the **expansion of the residential area**, the **location of collective or individual suburban and horticultural plots**.*

Summarizing provisions of national laws, listed above, no residential buildings shall be located within the CHP-2 SPZ.

Paragraph 6, Article 44 of the Land Code of the Republic of Kazakhstan No. 442 dated June 20, 2003 as amended on January 1, 2022 states the following:

*In the event that **residential buildings**, other buildings and structures, as well as engineering communications and green spaces are located on the territory selected for the placement of the construction facility, which are subject to demolition or transfer (including those that **fall into the SPZ** of industrial enterprises during the allocation of land), the applicant or his proxy provides the approval required for the land allocation by itself.*

This provision oblige JSC “AIES” to conduct relocation of residents located within the CHP-2 SPZ by itself.

2.1.2.2 Law of the Republic of Kazakhstan No. 242 of July 16, 2001 “On the architectural, urban planning and construction activities in the Republic of Kazakhstan” as amended of December 27, 2021

Sanitary protection zone - the territory separating special purpose zones, as well as industrial enterprises and other industrial, communal and warehouse facilities in a locality from nearby residential territories, buildings and structures of residential and civil purpose in order to mitigate the impact of adverse factors on them (Article 1).

In the sanitary protection zone, regardless of its parameters and affiliation, it is not allowed to place (construct) residential buildings, educational organizations, health and recreation institutions, sports and recreation facilities, including the placement of horticultural and horticultural land plots, as well as the production of agricultural products (Article 58).

The Paragraph 2, Article 58 states that in the sanitary protection zone, regardless of its parameters and affiliation, the location (construction) of residential buildings, educational organizations, health and recreation institutions, sports and recreation facilities, including the location of gardening land plots, as well as the production of agricultural products is prohibited.

2.1.2.3 Law on State Administration and Local Self-Government

The Law of the Republic of Kazakhstan on State Administration and Local Self-Government (№ 148-II adopted on 23 January 2001, last amendment dated 2 March 2022) in its 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;
- Regulates land relations in accordance with the land legislation of RoK;
- Organizes the construction, operation and maintenance of roads of the regional importance.

2.2 EBRD requirements

EBRD requirements in relation to land acquisition are presented in Performance Requirement 5 (Land Acquisition, Involuntary Resettlement and Economic Displacement) of the Environmental and Social Policy (2014).

The relevant requirements can be summarized as follows:

- to avoid or, at least minimize permanent or temporary project induced physical or economic displacement whenever feasible by exploring alternative project designs; where displacement is unavoidable, appropriate compensation, resettlement and livelihood restoration action plans should be developed and implemented;
- to mitigate adverse social and economic impacts from land acquisition or restrictions on affected persons' use of and access to land, physical assets or natural resources by:
 - providing compensation for loss of assets at replacement cost⁶, prior to taking possession of acquired assets; and
 - ensuring that compensation, resettlement and livelihood restoration activities are planned and implemented with appropriate disclosure of information, consultation, and the informed participation of those affected;
- to improve or, at a minimum, restore the livelihoods, income earning capacity and standards of living of displaced persons, including those who have no legally recognizable rights or claims to

⁶ This is usually calculated as the market value of the assets plus the transaction costs related to restoring such assets.

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 transition 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;
- to establish a grievance mechanism to receive and address in a timely fashion specific concerns about compensation and relocation that are raised by displaced persons, including a recourse mechanism designed to resolve disputes in an impartial manner.
- to monitor the land acquisition, resettlement and livelihood restoration process and to involve key stakeholders such as the affected communities.

The above list is only a summary of the main requirements and is qualified by reference to the full text of the applicable policy⁷.

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

There are a number of differences between the requirements of Kazakhstan legislation and the Lenders' requirements related to involuntary resettlement. In particular, Lenders' requirements regarding land acquisition, involuntary resettlement and economic displacement does 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' 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' requirements require compensation at full replacement costs.

Key differences between Lenders' requirements related to involuntary resettlement and RoK legislation are outlined in Table 2-1 below.

Table 2-1: Comparison of RoK land acquisition / resettlement practice / policy and Lenders' requirements related to land acquisition, involuntary resettlement and economic displacement

Kazakhstan Land acquisition Practice	Lenders' Resettlement Guidance and Good Practice
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 ⁸ .
Compensation for land and non-land assets is only explicitly provided for titled landowners or leaseholders, who purchased the right to land and leasing	PAPs without formal legal rights and claims are entitled to compensation for non-land assets (e.g. crop, tree and structure losses).

⁷ <http://www.ebrd.com/what-we-do/strategies-and-policies/approval-of-new-governance-policies.html>

⁸ (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 Land acquisition Practice	Lenders' Resettlement Guidance and Good Practice
from the State. Unregistered land user may have one additional year for land registration.	
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>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.
No provision required for assisting economically displaced persons other than compensation for affected assets and lost income from affected business (including future losses)	<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.
No requirement for conducting a census and socio-economic survey	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.
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.	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.
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.

2.4 Key compensation and Assistance principles

Key principles committed upon by JSC AIES in respect of compensation, resettlement and livelihood restoration, which shall be observed with in the development and implementation of Resettlement Framework, are:

- Alternative project design of SPZ within Modernization of CHP 2 will be explored to avoid or at least minimise the need for relocating households of gardener's partnerships otherwise it is necessary to develop mitigation measures for Resettlement Plan;

- In the development of RPs, persons who have no recognizable legal right or claim to the land they occupy will be recorded by the census; the date of the census shall be the cut-off date for eligibility for this category of affected people;
- In the development of RPs, a socio-economic survey of affected people/households will be implemented, to assess individual impacts, provide baseline information and design appropriate resettlement / livelihood restoration measures;
- Meaningful consultations will be carried out throughout the development and implementation of the Resettlement Plan(s);
- Compensation for all affected assets will be provided at full replacement cost;
- Compensation will be provided prior to accessing acquired land and assets;
- Persons who have no recognizable legal right or formal claim to the land they occupy will be offered a choice of options for adequate housing with security of tenure;
- In addition to compensation/replacement housing, affected persons will be provided with resettlement assistance and livelihood restoration assistance;
- Specific assistance will be provided to vulnerable groups identified through the socio-economic survey and monitoring;
- All compensation, resettlement and livelihood restoration assistance will be provided equally to men and women;
- A grievance mechanism will be implemented through which all affected people can submit their complaints and grievances in relation to compensation and resettlement and expect a prompt response;
- Monitoring and reporting of all compensation, resettlement and livelihood restoration activities will be regularly carried out.

2.5 Eligibility

In accordance with EBRD requirements, all affected people, including those with no legal right to the land they occupy at the time of the cut off date, are eligible for compensation for their affected assets (excluding land) and assistance to resettle and/or improve or restore their Meetings with heads of GPs located within CHP-2 SPZ and with some of GPs residents affected people/entities, have been carried out in May/June 2022 by ERM. Meetings were aimed at collecting information regarding potentially affected land plots, rather than consultations, notifications, information disclosure etc. There are three gardeners' partnerships registered within SPZ boundaries. One business organization and one store were surveyed within the SPZ (please see Section 1.2).

In case direct negative impact will be confirmed during the ESIA, all will be eligible for compensation and assistance as presented in the Entitlements Matrix (see Table 2-2 below).

2.6 Entitlements of Affected People / Entities

The table below (Table 2-2) provides a brief overview of the essential entitlements of people/entities potentially affected by the Project, in accordance with national legislation and EBRD's PR 5. Their detailed entitlements will be defined in the Resettlement Plan to be developed by JSC AIES when the necessary information on potential impacts becomes available.

Table 2-2: Entitlement matrix

Asset	Specifications	Affected Persons	Compensation Entitlements
Agricultural land	Lands for gardening, personal subsidiary farm, housing and communal services	Owners	<ul style="list-style-type: none"> ■ Land for land compensation with plots of equal value and size to the plots lost; it should be in reasonable distance from the site where land was taken from PAP or ■ Cash compensation for affected land plot at full replacement value without deduction for taxes, transaction, registration or transfer costs and other applicable payments. ■ In case if residual land plot becomes non-viable and won't be useable according its designated use, then entire land plots must be acquired. ■ Provide security of tenure over the replacement land.
		Renters long-term/ short term	<ul style="list-style-type: none"> ■ Land for land compensation with plots of equal value and size to the plots lost; it should be in reasonable distance from the site where land was taken from PAP or ■ If the land is not available, consider providing compensation reflecting terms of lease and impact; ■ Provide security of tenure over the replacement land.
		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.
Residential and commercial land	-	Owners	<ul style="list-style-type: none"> ■ Land for land compensation with plots of equal value and size to the plots lost; it should be in reasonable distance from the site where land was taken from PAP or ■ Cash compensation for affected land plot at full replacement value without deduction for taxes, transaction, registration or transfer costs and other applicable payments. ■ In case if residual land plot becomes non-viable and won't be useable according its designated use, then entire land plots must be acquired. ■ Provide security of tenure over the replacement land.
		Renters long-term/ short-term	<ul style="list-style-type: none"> ■ Land for land compensation with a plot comparable in value, size, and location to the lost plot. ■ If the land is not available, consider providing compensation reflecting terms of lease and impact;

Asset	Specifications	Affected Persons	Compensation Entitlements
			<ul style="list-style-type: none"> ■ Provide security of tenure over the replacement land.
		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). ■ If the government refuses to provide a replacement leased land, AIES provides one off allowance equal to 12 months salary plus assistance with registering the PAP with social programs. ■ Provide security of tenure over the replacement land
Structures	Residential houses and commercial buildings	Owners of permanent structures	<ul style="list-style-type: none"> ■ Cash compensation at the full replacement value for affected structures and other real assets at existing prices at the moment of acquisition with no deduction for depreciation or transaction costs. Compensation will include the value of affected connections to water supply or other public utilities. ■ 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. ■ Security of tenure provided over the replacement house/structure;
		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. ■ Security of tenure provided over the replacement house/structure;
		Informal users	<ul style="list-style-type: none"> ■ Cash compensation at the full replacement value for affected structures and other real assets at existing prices at the moment of acquisition with no deduction for depreciation or transaction costs.
	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; ■ Security of tenure provided over the site where the structures/kiosk will be moved to.
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.

Asset	Specifications	Affected Persons	Compensation Entitlements
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 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). ■ If temporary business loss, cash compensation for the period of income loss (not exceeding one year). ■ If permanent employment loss, 3 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
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"> ■ Signing of servitude agreement, specifying conditions of access to 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.
Vulnerable population groups	-	Households below the poverty line; female headed household; large families having 4 or more children below 18 years; HH	<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;

Asset	Specifications	Affected Persons	Compensation Entitlements
		with disabled members; and elderly with no family support	<ul style="list-style-type: none"> ■ Other support necessary to address vulnerabilities based on the vulnerability survey.
Severe impact	Severely impacted households lose 10% or more of their productive/income generating assets, such as agriculture / aquaculture landholding, and / or physically displaced from housing, and / or business owners losing their business	All severely affected households	<ul style="list-style-type: none"> ■ Assistance equivalent to net income for one year generated on impacted land plot/property (if no data on income is available, then calculation will be based on minimum wage for 12 months) or land swap (if available). ■ Enrolment in government social assistance program if not yet enrolled and applicable. ■ Priority in local employment for severely impacted PAPs.
Livelihood impacts		Affected persons	<ul style="list-style-type: none"> ■ Provide appropriate livelihood restoration support, based on the findings of the socio-economic surveys and livelihoods impacts assessment. Detailed entitlements to be provided in RP.

The entitlements provided in the matrix are further elaborated below:

- **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).
- **Buildings, and structures** 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.

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.

- **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.
- **Businesses.** If business is lost permanently, it will be compensated in amount equal to one-year net income (loss of profit). 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 Labor Code and the specific labor agreement/contract between the employer and employee. Losses that the owner incurred related to early termination of obligations to third parties, and expenses related to business development will also be considered.
- **Employees.** Workers whose employment will be disrupted, will be provided with indemnity for lost wages for the period of business interruption up to a maximum of 3 months, based on their registered monthly wages/salaries, or, if unavailable, official monthly minimum salary.
- **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.
- **Community structures and public utilities** will be fully replaced or rehabilitated to maintain their pre-project functions.
- **Vulnerable people.** Displaced households below the poverty line, female headed households, large families having 4 or more children below 18 years, households with disabled members, and elderly with no family support 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.

For unexpected adverse effects during the project implementation, the relevant gardener's partnerships / district / city of Almaty Akimats/heads will undertake measures in accordance with the objectives of

the Resettlement Plan of restoring the socio-economic and living conditions of the affected persons. JSC AIES will conduct census / socio-economic survey of PAPs and prepare the Resettlement Plan covering all applicable requirements consistent with the approved the RF.

In the case of cash compensation, payments will be delivered by JSC AIES 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 Almaty akimat.

3. SOCIO-ECONOMIC INFORMATION

3.1 Procedure for impact assessment

Information on the affected plots will be derived by superimposing the proposed SPZ boundaries on the land cadastral map to be provided by the specialized cadastral service (clarification needed). 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 on affected lands will be fully assessed once the SPZ Project is available boundaries has been marked on the ground. Affected users of gardener's partnerships will be identified through field visits by representatives of JSC AIES and representatives of local akimat.

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 heads of gardener's partnerships . On the basis of the impact assessment and consultation with PAPs, a Resettlement Plan will be prepared.

The impact assessment during detailed design will involve the following procedures:

- Developing the SPZ design Project by JSC AIES
- Registration of new SPZ boundaries in cadastral system;
- Marking of SPZ boundaries by JSC AIES with participation of Almaty city akimat/Karasay district akimat;
- Inventory and valuation of affected assets (land, structures, crops, trees, other improvements) by valuers commissioned by JSC AIES. A map that will indicate the location of affected structures inside of SPZ boundaries, as means of controlling which owners should be eligible for assistance during Resettlement Plan implementation;
- Census of all PAPs by JSC AIES taking into account their socio-economic characteristics, gender, ethnicity and demography;
- 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.

The inventory of affected assets will summarize the:

- number of structures that will be located within new SPZ and information on their ownership disaggregated by gender;
- the types of construction materials used in the affected structures; and
- other immovable assets like electricity connections and source of drinking water, etc.

The census / socio-economic surveys of PAPs by JSC AIES 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 Almaty city; (d) asset ownership such as land, crops and trees; (e) access to social services like schools, clinics, public markets and places of worship; (f) access to electricity connections and roads; and (g) access to common resources in the area.

The census will identify the:

- loss of potential incomes from small business operating within gardener's partnerships ;
- potential displacement of workers employed by affected business shops.

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 small

business shops. It will also identify vulnerable and non-vulnerable households. These impacts will be the basis for compensation and income restoration of the PAPs. The result of the survey will be complemented with available district-level secondary socio-economic information for the Project area. The sample outline of a Resettlement Plan is presented in Annex A.

3.2 Inventory and Valuation of Losses

The licensed independent valuator engaged to assess the current market value of lands and structures to be affected by the Project will conduct a detailed measurement survey of the affected assets. To establish a basis for compensation rates for affected lands and structures to ensure that 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 for the Project will be prepared.

The final amount of compensation will be agreed between the PAPs and representatives of AIES. All compensation payments, land transfers will be free of taxes and administrative costs. Costs related to Resettlement Plan preparation and implementation will be the responsibility of JSC AIES. JSC AIES is responsible for ensuring the payments are made on time.

The cost, timeline and other conditions of acquisition of land plot will be agreed with land plot owner. 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 at the time of termination of the contract, and losses due to early termination of their obligations to third parties.

The full replacement value of the land plot will be determined according to Lenders' requirements on involuntary resettlement, which requires replacement cost assessed at current market price and is therefore a higher principle than envisaged under RoK laws.

3.3 Institutional Responsibility

JSC AIES together with local akimats have the overall responsibility for the implementation of this RF and the development and implementation of Resettlement Plan.

To address the resettlement of any residents of the gardener's partnerships, JSC AIES will closely cooperate with the authority legally responsible (city of Almaty, or akimat of Karasay district or an authority delegated by the Republic of Kazakhstan), to ensure that, in addition to Kazakhstan legislation, EBRD requirements are also met. In case of withdrawal of land plots for state needs, the issuance of orders on alienation of land/ property, official notifications on the allotment / alienation of land plots is carried out by the local akimat or the relevant authorized body.

The resettlement of PAPs gardener's partnerships and the compensation for the businesses (will be determined later) will be addressed by JSC AIES directly.

3.4 Akimats

Day-to-day implementation of RF activities will be the responsibility of the Akimats. A focal points on RF issues within the district and city Akimats will be responsible to coordinate the implementation of the Resettlement Plan. District and city Akimats will be responsible to:

- Provide the list of PAPs to AIES and support with development of database of PAPs based on the results of the census;
- Maintain regular coordination with AIES and with relevant state agencies at the Almaty city (e.g. Almaty NPTsZem, Justice Department, etc.);
- Prepare and issue the decree(s) on land/property acquisition for state needs;
- Ensure notification of PAPs on upcoming land/property acquisition;

- Support AIES during census, socio-economic survey of the PAPs and valuation of the land / property to be taken;
- Participate in public consultations, disclosure the Resettlement Plan and the information brochures;
- Prepare documents for negotiation of compensation with the PAPs;
- Prepare documents for formalizing agreements with PAPs and processing of compensation payments;
- Collaborate with AIES to plan and manage Resettlement Plan implementation and the distribution of compensation;
- Follow up with expropriation cases;
- Facilitate conduct of field surveys, and re-registration of the remaining portions of the PAPs land plots;
- Participate in grievance redress process at local level;
- Assist in facilitating discussions and agreements among PAPs and other adjacent land users for land swapping and land reconsolidation;
- Assist PAPs who may wish to reclassify the remaining portions of their plots that are no longer viable for continued agricultural activities;
- Provide necessary data to the AIES for internal monitoring purposes;
- Provide necessary data to the External Resettlement Monitor.

3.5 AIES

Following EBRD PR 5 requirements, the Project company has to mitigate unavoidable adverse social and economic impacts from involuntary resettlement on affected persons. Within the framework of the national legislation, JSC AIES has the overall responsibility for Resettlement Plan preparation, implementation, financing, reporting and evaluation on behalf of Committee of the State Sanitary and Epidemiological Supervision of Kazakhstan.

Following the above the JSC AIES will be responsible for:

- Preparation of Resettlement Plan (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 Resettlement Plan and the information brochures, etc.) and submit them to Lenders for approval;
- Implementation of Resettlement Plan, including making decisions related to the land acquisition and compensation of affected people;
- Communication and coordination with direct government units and akimats involved in land acquisition, plot allocation and complaint handling/grievance resolution;
- Providing sufficient budget for compensation, support and resettlement activities;
- Ensuring compliance of land acquisition and resettlement activities with the RF and approved Resettlement Plan, as well as Lenders' policies,
- Ensuring paying appropriate compensation, as well as complete relocation or reconstruction of affected structures/ businesses before civil works start, and
- Carrying out monitoring and reporting over Resettlement Plan implementation (including internal monitoring and provision of data to External Resettlement Monitor to prepare compliance report).

As mentioned, JSC AIES is responsible for ensuring cross-agency coordination and liaison with relevant state agencies involved in implementation of all RF tasks, making high-level decisions, including participation in resolving PAPs grievances and facilitating court processes. With regard to grievance redress, JSC AIES will be responsible for establishing AIES grievance redress committee and provision of support for establishment on the grievance redress committee at city level. AIES 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/ Resettlement Plan completion report and its submission to the Lenders to allow for timely commencement of civil works.

3.6 Other agencies and Institutions

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

- Local Courts. The court system will be involved in RF process in case the agreement is not reached between respective Akimat / AIES 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 RoK. Meantime the trial process has the following steps: (i) Court of First Instance; (ii) Appeal Court; (iii) Cassation Court; and (iv) Supreme Court. In case of expropriation issues Akimat / AIES 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;
- Independent Valuers. These will be accredited / licensed private firms hired by AIES to evaluate the affected assets subject to acquisition / expropriation.

Lenders will review RF, RP documents prepared for CHP 2 modernisation Project to ensure compliance with their policy requirements.

3.7 Resettlement process

Resettlement Plan preparation will start at the design of SPZ, boundaries of SPZ will obtain approval from the sanitary and hygienic service. Resettlement Plan will specify the timeline for preparation, finalization, approval and implementation of the Resettlement Plan activities.

Table 3-1 below summarizes the roles of various entities in the preparation, review, implementation, evaluation and reporting of Resettlement Plan.

Table 3-1: Resettlement Plan (preparation, finalization and implementation process)

No.	Work Description	Responsible Agency/Unit
A. Resettlement Plan Preparation		
A1	Design of SPZ design project, obtaining approval of the SPZ boundaries from the sanitary and hygienic service	AIES
A2	Definition of area of impact and list of PAPs	Akimat
A3	Collection/verification of documents on affected assets and businesses within of SPZ boundaries	AIES, GP / district /city Akimats, 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 Resettlement Plan	
A7	Review/approval of final Resettlement Plan	Lenders, AIES
A8	Disclosure of Resettlement Plan	Lenders, AIES

B. Resettlement Plan Implementation		
B1	Issuing decree on land/property acquisition for project purposes	Akimats
B2	Processing of RF funds, including those needed for supplemental assistance and provision of renewed leases	AIES, Akimats
B3	Mobilization of independent Consultant	AIES
B4	Identification of different types of PAPs	AIES supported by independent licensed valuers and AIES
B5	Official notification on land acquisition	Akimat
B6	Issuance of new leases in alternative plots for leaseholders.	Akimat, AIES
B7	Registration of new plots, including new leases	Almaty Oblast Department of Justice / Almaty NPTsZem, AIES
B8	Expropriation cases	Akimat, AIES, GoK
B9	Monitoring reports on RP	AIES
B10	Preparation of the completion report / compliance report	External Resettlement Monitor with support from AIES, CoR, Akimat
B11	Review of compliance report	Lenders
B12	Post Resettlement Plan evaluation	External Resettlement Monitor

4. CONSULTATION, PARTICIPATION, AND DISCLOSURE

This section outlines the mechanisms that will be adopted for conducting meaningful consultation with affected persons and for enabling their informed participation in preparing, implementing, and monitoring a corrective action plan or a Resettlement Plan. It will outline institutional responsibilities and describe disclosure arrangements, such as the information to be disseminated and the method of dissemination.

4.1 Consultation and Participation

4.1.1 RF Disclosure

The Resettlement Framework is the part of the Project disclosure package along with the Gap Analysis Report, Environmental and Social Action Plan (ESAP), Stakeholder Engagement Plan (SEP) and Non-Technical Summary of the Project. The document will be disclosed in both electronic format at company's website and in printed formats in the Company's office.

Details on disclosure and consultations are provided in Stakeholder Engagement Plan, which is a living document and will be updated by the Project in line with its progress, stakeholders feedback and relevant changes affecting the Project.

Any comments from stakeholders and potentially affected persons will be registered, and when required, considered in the updated version of the RF, as well as will be considered during further project implementation, including development and implementation of Stakeholder Engagement Plan and Resettlement Plan.

4.1.2 Consultation and Participation

The Project will promote meaningful public and stakeholders' participation in consultations and focus groups.

At least one consultation with PAPs will be conducted once the SPZ boundaries is determined.

The consultation will present the scope of the SPZ Project, description of temporary and permanent impacts, entitlements of PAPs to compensation and assistance, grievance procedures, 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.

The key objectives of the consultations are to:

- Disclosure of the updated SPZ design project and related legal restrictions on the construction of the GP and the residence within the SPZ;
- Discuss mitigation measures provided in the RF and providing clarifications on eligibility of compensations;
- Disclose the cutoff date for the preparation of the Resettlement Plan;
- Identify and help address PAP's concerns related to the preparation and implementation of a Resettlement Plan;
- Determine the PAP's preferences for the type and delivery of compensation; and,
- Help avoid unnecessary and costly project implementation delays.

Gardener's partnerships / district / city of Almaty Akimats/Administrations shall be informed about update of CHP 2's SPZ design Project, as their assistance will be solicited for conducting the inventory of affected assets, the census / socio-economic survey of PAPs and the detailed measurement surveys.

4.1.3 Information Disclosure

Consultations with the project affected persons are not a required under the Land Code of the RoK. Nevertheless, the respective specialists of JSC AIES with support of heads of gardener's partnerships or representatives of district/Almaty akimats notify and consult with the proposed affected households about the project and about their land to be taken for the SPZ area.

JSC AIES will initiate the land acquisition process by requesting the respective Almaty/ Karasaysky district akimat, who forms a working commission for land acquisition comprising an architect, a cadastral official, and finance personnel and this commission is chaired by the deputy akimat.

4.1.4 Further Information Disclosure

A Resettlement Plan will be disclosed on the Company's website (in electronic format), as well as in hard copies in locations with comfortable access by local communities and PAPs (such locations will be further defined by the Project within the framework of Stakeholder Engagement process). The Resettlement Plan is also a subject for disclosure on the EBRD website.

The Resettlement Plan shall be available in Kazakh, Russian and English. A summary of the Resettlement Plan (in Kazakh and Russian) shall be distributed among the PAPs to provide additional information on the implementation arrangement, payment schedule, and assistance to specific groups and complaints resolution options.

4.1.5 Participation / Involvement of Women and Vulnerable Groups

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

During the Resettlement Plan preparation / finalization vulnerable groups will be identified during census / socio-economic survey and AIES 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.

During Resettlement Plan implementation, AIES will assign staff to:

- inform in advance the PAPs (including women-headed households and vulnerable groups) at least 3 months prior to acquisition and (if) further demolition of their structures;
- follow up with transfer of funds to the appropriate bank accounts;
- encourage any women members of the households to participate in the monitoring and evaluation of RAP;
- 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 and re-registration of the remaining land.

5. GRIEVANCE RESPONSE MECHANISM

This section describes mechanisms to receive and facilitate the resolution of affected persons' concerns and grievances.

Complaints consideration procedures for the project aim 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.

The stakeholder engagement plan (SEP) includes the overall description of the GRM established as part of CHP 2 Project. In the section below the grievance handling process in relation to land acquisition and resettlement is described in detail.

5.1 General Principles

EBRD requires that a grievance redress mechanism (GRM) is established and maintained. It should be designed to efficiently receive and facilitate the resolution of affected peoples' concerns and grievances about project levels social and environmental issues. The grievance redress mechanism should be scaled to the risks and impacts of the project. It should address affected people's concerns and complaints promptly, using an understandable and transparent process that is gender responsive, culturally appropriate, and readily accessible to all segments of the affected people.

The existing AIES GRM does not reflect a policy gap. JSC AIES has an established GRM based on corporate regulations and national law.

Overall responsibility for timely implementation of GRM lies with JSC AIES involved in managing and supervising the civil works and other activities under the Project implementation. Relevant district and community Akimats, who are mandated by law to perform grievance redress related tasks (Green Economy Department of Almaty Akimat), and mediators / non-governmental organizations (NGO), who are involved in facilitating amicable resolution of grievances are also included in GRM.

5.2 Levels and Procedure for Grievance Redress

Overall responsibility for timely implementation of GRM lies with Samruk Energy and JSC AIES involved in managing and supervising the civil works and other activities under the modernisation of CHP 2.

5.2.1 GRM: Almaty city level

This GRM envisages grievance resolution for the infrastructure projects implemented under the supervision of the department of green economy of Almaty city.

At the first stage, the resolution of grievance will be resent through GRC at city level through the following steps.

Grievance registration: complainants or concerned individuals can visit, call or send a letter or e-mail or fax to department of green economy of Almaty city and/or GRC Coordinator. Receipt of grievances lodged in person, via phone, through a letter or e-mail or fax will be acknowledged. GRC at the city 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.

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 city level. The GRC coordinator at city level:

- holds meetings on bi-monthly basis, however special ad hoc meetings can be arranged, as needed; and
- discusses the grievance case within ten working days and recommend its settlement to parties. GRC Coordinator at city 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.

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 city level. In case the grievance is not related to project activities or impacts generated due to the project implementation and cannot be considered under this GRM procedure, the feedback will be provided to the

complaining party specifying to which entity (community / district / oblast level Akimat, as relevant) it has been forwarded.

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

In case of anonymous complaints, the printed response will be posted at the information board of JSC AIES office, as well as at the information board of the relevant Akimat, so as the complaining party can approach and review the feedback. In addition, the grievance and response can be posted on GRM section of AIES's website.

5.2.2 GRM: AIES level

Following unsuccessful consideration of grievance by GRC at the city level, complaint resolution will be attempted at AIES level through following steps.

Grievance processing: If grievance cannot be resolved by the GRC at the city level, it will be forwarded for consideration by the GRC at AIES level, including all relevant documents. The AIES GRC 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 recommend its settlement to parties. AIES GRC Coordinator 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.

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 JSC AIES GRC, 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.

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 information boards of JSC AIES office and relevant community / district / city Akimats.

5.2.3 GRM Contact Details

GRC contact details (city level):

- Head of GRC: (to be appointed from city Akimat)
- Coordinator of GRC: (to be appointed from AIES)
- Members:
 - Representative of Department of green economy of Almaty city; (to be appointed)
 - Representative of Almaty city Akimat; (to be appointed)
 - Representative of Karasay district Akimat; (to be appointed)
 - Representative(s) of NGO. (to be appointed).

GRC contact details (JSC AIES level):

- Address: Almaty, Dostyk ave., 7.
- The helpline of the Ombudsman of JSC "AIES";
- JSC "AIES" telephone (+77272540331).
- Email: kancel@ales.kz.

6. MONITORING AND REPORTING

The corrective action plan or a Resettlement Plan implementation will be monitored by the Resettlement Officer of JSC AIES and the Supervision Consultant (SC), in conjunction with the District Akimat.

Specific monitoring benchmarks are:

- Information campaign and consultation with PAPs;
- Status of land acquisition and replacement land;
- Compensation for affected structures and other assets;
- Relocation of PAPs;
- Payments for loss of income;
- Selection and distribution of replacement land areas;
- Income restoration activities, if any.

Such information generated will be compiled into semi-annual monitoring reports and submitted to EBRD for their review and posting to the EBRD website. Relevant information from these will be disclosed to the PAPs.

External monitoring of RP implementation and GRM functioning will also be conducted annually by an independent expert with internationally recognized qualification and expertise. The report will be submitted to EBRD, as well as disclosed to the public.

Upon the completion of civil works, JSC ALES will prepare a Resettlement Plan implementation evaluation report that will assess land acquisition activities and impacts of the Project focusing on the restoration of impacted lands and conditions of PAPs especially those who were identified as vulnerable.

7. BUDGET AND FINANCING

JSC AIES 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 Resettlement Plan for CHP 2.

Resettlement Plan will include a budget section indicating:

- unit compensation rates for all affected items and allowances,
- methodology followed for the computation of unit compensation rates, and
- a cost table for all RAP-related expenses including administrative costs and contingencies.

JSC AIES, JSC Samruk Energy will ensure the timely allocation/transfer of funds needed to implement the Resettlement Plan. Allocations will be periodically reviewed based on the budget requirements indicated in the Resettlement Plan.

APPENDIX A 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 and ADB's 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 describe reporting procedures.

APPENDIX B GRIEVANCE FORM TEMPLATE

JSC AIES Reference No:		
Full Name	My first name	My last name
Note: please state if you prefer or request not to disclose your identity to the third parties without your consent	<input type="checkbox"/>	I request not to disclose my identity without my consent / I wish to raise my grievance confidentially
Contact Information	Address:	
Please mark how you wish to be contacted (mail, telephone, email).		
	Telephone: E-mail:	
Preferred Language for communication (<i>Please mark how you wish to be contacted</i>)	<input type="checkbox"/> Kazakh	<input type="checkbox"/> Russian <input type="checkbox"/> English
ID Number (<i>this is required by Kazakhstan law to be registered as an official grievance</i>)	ID Other	

Note: you do not have to give your passport details if you do not wish to do so. In the event a ID number is not provided, will still investigate, though unofficially.

Description of Incident or Grievance: What happened? Where did it happen? Who did it happen to? What is the result of the problem?

Date of Incident/Grievance		Date(Day/Month/ Year):
	<input type="checkbox"/>	One time incident/grievance (date)
	<input type="checkbox"/>	Happened more than once (how many times?)
	<input type="checkbox"/>	On-going (currently experiencing problem)

What would you like to see happen to resolve the problem?

<i>Signature:</i>		
<i>Date:</i>		

This form shall be returned to: JSC AIES

APPENDIX C GRIEVANCE LOG TEMPLATE

Grievance Log Template

Grievance ID	Information of the applicant				Person, responsible for grievance resolution				Grievance										
	Date of submission	Settlement	Name	Contacts	Name	Position	Department	Contacts	Date of appointment	Description of the grievance	Type of grievance	Chanel of submission	Investigation status	Results of investigation	Actions to be taken	Actions due date	Date of closure	Results of grievance closure	Feedback from the applicant
1			Telephone, email							The initial statements of the applicant, the documents provided, materials, photos, etc.	<ul style="list-style-type: none"> ■ Telephone, ■ Email, ■ Grievance box, ■ Other. 	<ul style="list-style-type: none"> ■ Registration of the appeal in the Grievance Log (date) ■ The appeal has been submitted to the responsible personnel (date) ■ Additional information about the essence of the complaint has been collected from the applicant and personnel related to grievance (date) ■ Measures to resolve the complaint have been determined (date) ■ The applicant has been informed about the planned measures (date) ■ Measures have been implemented (date) ■ The applicant has been informed about the measures taken and the closure of the complaint, applicant feedback has been received (date) ■ Closure of the complaint (date) ■ Other statuses (submission of the appeal, conflict resolution, additional measures, etc.) (date) 	Facts, evidence of the personnel involved, related documents, additional information from the applicant	Action plan to resolve the problem / complaint; responsible specialists / departments			Complaints resolved positively / partially / not resolved What is the reason for the decision in case of partial / no resolution of the complaint	If the applicant is satisfied / dissatisfied with the decision, files an appeal / goes to court, etc.	
2																			
3																			
4																			

