



Technical Assistance Consultant's Report

Project Number: 44140
Date: July 2014

TA 7566-REG: Strengthening and Use of Country Safeguard Systems

Subproject: Strengthening Community Consultation and Grievance Redress Mechanism in the Committee on Roads (Kazakhstan)

STOCKTAKING REPORT

Prepared by ADB Consultant Team

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Asian Development Bank

STOCKTAKING REPORT
STRENGTHENING AND USE OF COUNTRY SAFEGUARD SYSTEMS -
COMMUNITY CONSULTATION AND GRIEVANCE REDRESS MECHANISM
TA-7566-REG

Kazakhstan

1. INTRODUCTION

This report provides information on consultation and stocktaking activities carried out with respect to the assignment on Strengthening and Use of Country Safeguard Systems – Community Consultation and Grievance Redress Mechanism and has been prepared for submission to the Asian Development Bank (ADB) and Committee on Roads (CoR) of the Ministry of Transport and Communication (MoTC) of the Republic of Kazakhstan (RoK) in accordance with the Terms of Reference (ToR) dated February 13, 2014.

Within the framework of the assignment the team of consultants is expected to: (i) develop community consultation and grievance redress mechanism (GRM) guideline, and (ii) train specialists from CoR of the MoTC of the RoK.

The key activities implemented by the team consisting of international and local community consultation and grievance redress mechanism specialists during the reporting period, included review of available data, meetings and discussions with key state stakeholders and parties involved in preparation and implementation of projects, as well as consultations with international financial institutions implementing transport sector projects in Kazakhstan, civil society organizations, representatives of affected persons and other relevant stakeholders.

The stocktaking activities commenced in March 2014 and continued until May 2014, including meetings and consultations in Astana and Almaty, follow-up visits to all three project regions (South Kazakhstan, Zhambyl and Mangystau oblasts) for data collection and meeting with wide range of stakeholders, review of existing information and institutional framework, analysis of approaches to be applied for data collection, review and appropriate reporting.

The works are implemented by the team of the International Community Consultation and GRM Specialist (International Consultant) and Local Community Consultation and GRM Specialist (Local Consultant), who commenced their activities in March 2014 and are expecting to complete assignment in September 2014.

The overall purpose of this report is to provide details on stocktaking activities undertaken within the framework of the assignment (as per outline provided for Output 1 in the TOR). Initially it was expected to carry out three stocktaking workshops in three project areas (South Kazakhstan, Zhambyl and Mangystau oblasts), however, taking into account that some of the key stakeholders (including CoR, central office of Kazautozhol, PMCs management, etc.) are based in Astana, as well as considering large distances between the project sites (even within same oblast) it was reasonable to undertake stocktaking activities through a number of smaller scale meetings and discussion with large variety of stakeholders carried out in Almaty, Astana and three project areas.

This stocktaking report provide details on variety of organizations and parties met and consulted as a part of data collection process, details on issues revealed with respect to administrative and institutional setup, works arrangement, consultation and awareness, conclusions and recommendations for developing a more effective and systematic approach to community consultation and GRM, steps required to achieve the planned outcomes.

2. BACKGROUND

The Safeguard Policy Statement of the Asian Development Bank (ADB SPS) from 2009 specifies the conduct of meaningful consultation with affected people and stakeholders and the establishment of an effective grievance redress mechanism (GRM) as one of the key requirements for the projects. All ADB-financed projects are required to carry out meaningful consultation and establish a culturally appropriate and gender inclusive GRM to receive and facilitate resolution of the affected people's concerns and grievances, including those related to environmental, land acquisition and/or involuntary resettlement, and indigenous people. Similar requirements are included in the policies of other International Financial Institutions (IFIs), including the World Bank (WB) and the European Bank for Reconstruction and Development (EBRD) that are involved in financing of transport (particularly road infrastructure) projects in Kazakhstan and liaising with CoR of the MoTC.

In May of 2008 the Government of RoK (through CoR of the MoTC), WB, ADB and EBRD agreed to adopt a common Environmental Assessment and Review Framework (EARF) and Resettlement Policy Framework (RPF) for the rehabilitation of the CAREC 1 and 6 road corridors, as an effort to harmonize their approach to safeguards. The agreed common EARF and RPF required road infrastructure projects financed by these IFIs to ensure that affected persons (APs) and consulted and fully informed of the project impacts and their entitlements to compensation and rehabilitation assistance, as well as to establish an effective GRM to handle project related complaints. Prior to this, there was no previous practice on consultation and grievance redress in road projects, and consultations were usually limited to the conduct of official public hearings, while grievances / disputes were referred to the court.

Although the EARF and RPF specifically required conduct of meaningful consultation and the establishment of GRM, such were not effectively implemented as envisaged. In particular, the weaknesses included (i) lack of adequate resources and staffing at different stages of project development and implementation for both environment and social safeguards; (ii) difficulty of sustaining communication and consultations with local authorities along project's roads corridors; (iii) inadequate organizational set-up; (iv) lack of awareness of communities, civil society groups, consultants, contractors, CoR, Kazautozhol (including its regional branches) of roles, procedures and requirements for community consultation and GRM; (v) weak interaction between civil society groups and project implementers; and (vi) uneven implementation of community consultation and GRM in projects. These gaps delayed the identification and resolutions of issues. Some complaints that could have been resolved at rayon or oblast levels were in fact sent to CoR Astana for decision. In both WB and ADB financed sections, there were grievance cases that remained unresolved at the regional or CoR levels and reached the headquarter offices of donor organizations requiring intervention from IFIs for resolution.

On October 12, 2010, CoR issued order No 57 on establishment of a special working grievance redress panel to facilitate resolution of grievances. It also endorsed in the mid-2011 the creation of a Community Liaison Group (CLG) to improve community and civil society engagement in grievance redress and information exchange in projects covered under the ADB-financed MFF for CAREC Corridor 1 (Zhambyl Oblast Section). ADB organized a number of workshops on grievance redress with CoR, consultants and contractors to support the formation and operation of the CLG. The Guidelines on the Community Liaison Group were developed and endorsed in May of 2011.

Later, in July 2012, CoR also supported the formation of a national experts council to help monitor and identify grievances in the ongoing road projects in Corridors 1 and 6, including sections financed by the WB, EBRD and ADB. Further on, during ADB's interim review of the CAREC 1 Tranches 1, 2 and 3, the CoR of Zhambyl oblast requested ADB for a follow-up training on GRM for its staff and consultants. During informal discussions with representatives of ADB Resident Mission in Kazakhstan (KARM) held in October 2012, CoR

confirmed its interest in improving GRM capacity (including that of its administrative branches) to ensure efficient implementation of projects. In the letter sent to ADB on March 2013, CoR confirmed its agreement to the general approach, outputs and activities of the proposed assignment on Strengthening and Use of Country Safeguard Systems – Community Consultation and GRM. Community consultation and GRM issues were also emphasized in other two ADB-funded regional technical assistances (RETA) on safeguards. In particular, within the framework of the RETA 7548 - Improving the Implementation of Environmental Safeguards in Central and West Asia, which is focused on the technical aspects of preparing and implementing site-specific EMPs, the training on environmental management (including consultation and complaint registration related topics) was provided in 2013. RETA 7433 - Mainstreaming Land Acquisition and Resettlement Safeguards in the Central and West Asia Region involves the conduct of country assessment on land acquisition and resettlement, as well as capacity building and coaching of Implementing Agencies / Executing Agencies on land acquisition and resettlement issues (also covering topics of community consultation and grievance redress). However, while these regional technical assistances being focused on other major issues, they touch upon consultation and complaint resolution. The current assignment implemented under the RETA 7566 on Strengthening and Use of Country Safeguard Systems – Community Consultation and GRM complements two other RETAs in strengthening safeguards system in the country by helping to establish efficient consultation and GRM on involuntary resettlement, indigenous people and environmental safeguards for CoR projects in Zhambyl, South Kazakhstan and Mangystau oblasts, with a potential to be replicated for road sector projects all over the country (including locally and IFI funded ones).

In accordance with recommendations of ADB and in order to facilitate implementation of the assignment, an Order “On Establishment of a Working Group for Strengthening Community Consultation and Grievance Redress Mechanism in the Road Sector of Kazakhstan” was issued by the Chairman of CoR, MoTC. The order covered establishment of the Working Group on strengthening GRM in transport sector projects in Kazakhstan, specifying the members of the working group to be functioning until September 30, 2014 (Annex 1).

Experience points to the need for an effective GRM and community feedback system in national highway projects. Without community inputs/feedback, design of national highway projects frequently fails to consider the needs and concerns of communities traversed by these highways. Impacts ranging from loss of assets, restriction in mobility and access, as well as short-term and long-term environmental impacts are sometimes overlooked. Issues and complaints related to cattle crossings (including horses and camels in the west), use of borrow pits and quarries, access ramps, pedestrian crossings, damage to community facilities (e.g. irrigation canals, etc.), as well as safety emerge during project implementation. Moreover, balancing safety standards for highways, improving transport and local community needs requires constant communication with key national and local stakeholders and timely identification and action on emerging issues. In such situations community consultation and GRM play a crucial role.

Work undertaken as a part of this assignment included, inception and stocktaking activities held during the months of March – June 2014, meeting with the Working Group members, discussions with key state and non-governmental stakeholders, collecting data on experience of various project partners in undertaking consultation and GRM processes, discussions on most effective approaches and lessons learnt, identification of key issues hindering the efficient consultation and GRM implementation, review of documents and development and presentation of draft Guideline of Grievance Redress Mechanism on Environment and Social Safeguards for Road Sector Projects.

3. CONSULTATIONS AND STOCKTAKING

This section of the Stocktaking Report provides information on meetings and consultations carried out during the visits to Astana, Almaty and project regions (South Kazakhstan, Zhambyl and Mangystau oblasts) carried out by International / Local Community Consultation and GRM Specialists.

Key state stakeholders dealing with road projects include CoR of the MoTC (responsible for policy, and preparation and coordination of development of automobile roads sector) and Kazautozhol JSC (established in 2013 to take over some of the CoR functions and ultimately be responsible for roads operation and maintenance).

The works started with the meeting of Working Group / main stocktaking workshop in Astana aimed at discussing the project objectives, approaches, further plans. The presentation on Community Consultation and GRM for CoR Projects was delivered and discussion was initiated during the first meeting of Working Group¹ held on March 27, 2014 (Minutes and List of participants are presented in Annex 2). The consultations and stocktaking activities were carried out following the first meeting of the Working Group. The outcomes of the analysis, reviews and discussions conducted were summarized and presented during the second meeting of Working Group² held on July 10, 2014 (Minutes and List of participants are presented in Annex 3) along with the presentation of the draft Guideline of Grievance Redress Mechanism on Environment and Social Safeguards for Road Sector Projects.

The stakeholders met and consulted included the following parties:

- Committee of Roads;
- Kazautozhol (representatives of central office and regional branches in Almaty, Zhambyl, South Kazakhstan and Mangystau);
- Design Consultants;
- Project Management Consultants;
- Construction Supervision Consultants;
- Construction Contractors;
- International Financial Institutions (WB, EBRD, IsDB);
- International organizations and projects;
- State organizations (dealing with environmental and social issues at regional level);
- Local authorities (akims and staff of akimats at community, rayon, oblast levels);
- Civil society and non-governmental organizations;
- Professional mediators;
- People affected by projects in road sector;
- Other groups (veteran council, youth centers, lawyers involved in grievance resolution, mass-media representatives, etc.).

Detailed list of parties met is provided in the table below:

<i>Organization</i>	<i>Name</i>	<i>Date, place</i>
MoTC / CoR "Kazautozhol" JSC	D. Toktarov (MoTC / CoR) A. Karymbaeva (MoTC / CoR) E. Kalymov ("Kazautozhol" JSC) E. Omarov ("Kazautozhol" JSC, South Kazakhstan regional branch) D. Rakhimov ("Kazautozhol" JSC, Almaty regional branch) A. Tuganova ("Kazautozhol" JSC,	27 March 2014 Astana, ADB RM office

¹ The list of participants for the working group meeting was confirmed by the Deputy Chairman of MoTC CoR No 23-23-07/582 dated March 12, 2014.

² The list of participants for the working group meeting was confirmed by the Deputy Chairman of MoTC CoR No 23-23-07/1735 dated July 04, 2014.

<i>Organization</i>	<i>Name</i>	<i>Date, place</i>
	Zhambyl regional branch) Yu. Krivodanov (NGO Aarhus Committee)	
“Kazautozhol” JSC, South Kazakhstan oblast branch	E. Omarov (Deputy Director)	27 March 2014 Astana, ADB RM office
NGO: “Aarhus Committee”	Yu. Krivodanov (Head of the NGO)	27 March 2014 Astana, ADB RM office
World Bank, Country Office in Kazakhstan	A. Karakulova (Transport Operations Officer)	27 March 2014 Astana, WB Country office
PMC: “Zhol Sapa” Ltd.	K.Chakhun (Team leader)	28 March 2014 Astana, ADB RM office
PMC: “SAI Consulting Engineers Pvt.” Ltd.	P. Minhas (Team Leader) E. Savelieva (Community Consultation Specialist) B. Ibrayev (Environmental Specialist)	28 March 2014 Astana, ADB RM office
Design Organization: Astanadorproject Ltd.	A. Jumagulov (Director)	28 March 2014 Astana, ADB RM office
Design Organization: Engineering Centre Astana Ltd.	R. Ashkeev (Chief Design Engineer)	28 March 2014 Astana, ADB RM office
PMC: SAI Consulting Engineers Pvt. ltd	E. Savelieva (Community Consultation Specialist) B. Ibrayev (Environmental Specialist)	28 March 2014 Astana, ADB RM office
“Kazautozhol” JSC, Zhambyl oblast branch	A. Tugayeva (Deputy Director)	29 March 2014 Astana, ADB RM office
CSO: “Public Opinion” Research Institute	B. Rakisheva (Founder and Director)	31 March 2014 Astana, ADB RM office
EBRD Kazakhstan office	T. Yermekov (Operations Leader)	31 March 2014 Astana, EBRD office
NGO: Centre on Human Rights	M. Ashirov (Head of NGO) M. Bashimov (Member)	31 March 2014 Astana, ADB RM office
MoTC / CoR	A. Karymbayeva (Senior Expert of External Loans Department)	31 March 2014 Astana, ADB RM office
“Kazautozhol” JSC	N. Omirbayev (Head of Department on Development of Automobile Roads and Implementation of Investment Projects) M. Shunaeva (Deputy Head of Legal Department)	1 April 2014 “Kazautozhol” JSC office
UNDP	G. Tulesbayeva	1 April 2014 Astana, ADB RM office
PMC: SAI Consulting Engineers Pvt. ltd	E. Savelieva (Community Consultation Specialist)	1 April 2014 Astana, ADB RM office
Design Organization: Kazdorproject Ltd.	S. Sharipova (Chief Design Engineer)	2 April 2014 Almaty, ADB RM

<i>Organization</i>	<i>Name</i>	<i>Date, place</i>
		office
Design Organization: Kaz SRI and DI Dortrans Ltd.	R. Asmatullaev (Director) V. Chumatenko (Chief Design Engineer)	2 April 2014 Almaty, ADB RM office
NGO: ARGO	J. Asanova (Director)	2 April 2014 Almaty, ADB RM office
“Kazautozhol” JSC, Almaty oblast branch	D. Rakhimov (Deputy Director)	3 April 2014 Almaty, ADB RM office
IsDB Regional office	R. Eshonhujaev (Country Officer) A. Kazangapov (Transport Specialist)	3 April 2014 Almaty, ADB RM office
Construction Supervision Consultants, Construction Contractors	Z. Shaheen (Resident Engineer, SNC-Lavalin) A. Artyukhina (Environmental Specialist, SNC-Lavalin) S. Takhieva (Social Development Specialist, SNC-Lavalin) Z. Silveo (Acting Team Leader, DOHWA) S. Ergaliev (Assistant Resident Engineer, Kocks) S. Imbarova (Specialist on Social Issues, Kocks) A. Kisykova (Engineer-ecologist, KCC Engineering and Construction Co Ltd.) R. Mombekov (Environmental Specialist, KCC Engineering and Construction Co Ltd.)	4 April 2014 Kordai, Kocks office
“Kazautozhol” JSC, South Kazakhstan oblast branch	E. Omarov (Deputy Director of Kazautozhol regional branch)	7 April 2014 South-Kazakhstan Oblast, Shymkent
Akimat of Zhinishke	A. Toyshiev (Akim of Community Sharapkhana (Zhinishke))	7 April 2014 South-Kazakhstan Oblast, Zhinishke
Veteran Council of Sharapkhana	R. Kalmenov (Head of Veteran Council of the community Sharapkhana)	7 April 2014 South-Kazakhstan Oblast, Zhinishke
World Bank (headquarters)	L. Ibragimova (Social Development Specialist for Kazakhstan)	8 April 2014 Conference call
Akimat of Rabat	N. Aliev (Akim of Community Rabat)	8 April 2014 South-Kazakhstan Oblast, Rabat
NGO representatives	A. Rustambekova (Executive Director, NGO “Bereke”) G. Andabaeva (community engagement specialist, NGO “Bereke”)	8 April 2014 South-Kazakhstan Oblast, Shymkent
Akimat of Kazygurt	B. Mamaev (Deputy Akim of Kazygurt rayon) A. Donebaev (Head of Housing-Utilities Division of Akimat of Kazygurt rayon) S. Shondabaev (Chief Specialist of Housing-Utilities Division of Akimat of Kazygurt rayon)	9 April 2014 South-Kazakhstan Oblast, Kazygurt
“Kazautozhol” JSC,	E. Zhasybaev (Director of Kazautozhol)	10 April 2014

<i>Organization</i>	<i>Name</i>	<i>Date, place</i>
Zhambyl oblast branch	regional branch) B. Sheraliev (Lawyer of Director of Kazautozhol regional branch)	Zhambyl Oblast, Taraz
Akimat of Kasyk	A. Abdibaev (Akim of community Kasyk of Kordai rayon)	10 April 2014 Zhambyl Oblast, Kasyk
Akimat of Zhambyl area of Kordai rayon	D. Temir (Akim of Zhambyl area of Kordai rayon) E. Zheksembekov (Chief Specialist of Akimat of Zhambyl area of Kordai rayon)	10 April 2014 Zhambyl Oblast, Zhambyl
European Bank for Reconstruction and Development (headquarters)	E. Yildiz, Senior Environmental Advisor at EBRD	April 11, 2014 Conference call
Akim of Zhanaturmys	N. Zhamalbekov (Akim of community Zhanaturmys of Ryskulov rayon)	11 April 2014 Zhambyl Oblast, Zhanaturmys
Kocks representatives	Upali (Team leader, Kocks) S. Imbarova (Specialist on Social Issues, Kocks)	11 April 2014 Zhambyl Oblast, Taraz
NGO representative	S.Koshelekova (member, NGO Aarhus Committee)	12 April 2014 Zhambyl Oblast, Taraz
NGO representative	A.Zaurbekova (Head of NGO “Zhambyl Civil Alliance “NGO and Business”; Head of “Association of NGOs in Zhambyl Oblast)	12 April 2014 Zhambyl Oblast, Taraz
NGO representative	L.Safonova (Chief Editor of Oblast newspaper “Noviy Region”; head of NGO “Association of mass-media sector employees”, member of public council under Akim of taraz, Secretary of Council on Combating Conrruption in Zhambyl Oblast)	14 April 2014 Zhambyl Oblast, Taraz
“Kazautozhol” JSC, Zhambyl oblast branch	A. Tuganova (Deputy Director of Kazautozhol regional branch)	14 April 2014 Zhambyl Oblast, Taraz
SAI Consulting Engineers Pvt. Ltd.	M. Isakova (Community Consultation Specialist, SAI Consulting Engineers Pvt. Ltd.)	14 April 2014 Zhambyl Oblast, Taraz
Specialized Inter-rayon Economic Court in Zhambyl Oblast	N. Amanzholov (Head of Specialized Inter-rayon Economic Court in Zhambyl Oblast)	14 April 2014 Zhambyl Oblast, Taraz
Department of Nature Use of Akimat of Zhambyl Oblast	G. Saparbaeva (Head of Division of Ecological Expertize and Nature Use Regulation, Department of Nature Use of Akimat of Zhambyl Oblast)	15 April 2014 Zhambyl Oblast, Taraz
Representative of legal system, attorney	M. Atyshev (Attorney in Taraz involved in protecting the rights of citizens for cases related to land acquisition in Zhambyl Oblast)	15 April 2014 Zhambyl Oblast, Taraz
Ecology Department of Zhambyl Oblast of the Ministry of Environment Protection	D. Atauollauly (Deputy Director of Ecology Department of Zhambyl Oblast of the Ministry of Environment Protection – Chief State Environmental Inspector of	16 April 2014 Zhambyl Oblast, Taraz

<i>Organization</i>	<i>Name</i>	<i>Date, place</i>
	Zhambyl Oblast) and Pasechny Yu. (Head of Division, Ecology Department of Zhambul Oblast of the Ministry of Environment Protection)	
Akimat of Stepnoe of Kordai Rayon of Zhambyl Oblast	Spanov Zh. (Akim of rural settlement Stepnoe of Kordai Rayon of Zhambyl Oblast) and Karadzhanova B. (Chief Specialist of Akimat)	16 April 2014 Zhambyl Oblast, Taraz
Akimat of Akyrtoobe	Adilov Zh. (Chief Specialist of Akimat of rural settlement Akyrtoobe of Ryskulov Rayon of Zhambyl Oblast)	17 April 2014 Zhambyl Oblast, Akyrtobe
Akimat of Akyrtoobe	Zhailybaev M. (Akim of rural settlement Algabas of Ryskulov Rayon of Zhambyl Oblast)	17 April 2014 Zhambyl Oblast, Algabas
Civil society representative	Omarov I. (Representative of "Youth centre" of rural settlement Karakystak of Ryskulov Rayon of Zhambyl Oblast)	17 April 2014 Zhambyl Oblast, Karakystak
Aspara rural settlement	Anaruly S. (Chief Specialist of rural settlement Aspara of Merke Rayon of Zhambyl Oblast)	18 April 2014 Zhambyl Oblast, Aspara
SNC-Lavalin	Artyukhina L. (Specialist on Environmental Issues of CSC «SNC-Lavallin»), Tazhieva S. (Specialist of Social Issues of CSC «SNC-Lavallin»)	18 April 2014 Zhambyl Oblast, Aspara
Representative of legal system, judge	Kozhantaeva S. (Judge of specialised inter-rayon economic court of Zhambyl Oblast)	19 April 2014 Zhambyl Oblast, Taraz
Representative of affected persons	Varzhakidze U. (informal head of a group of 27 entrepreneurs of Kainar village of Merke Rayon of hambyl Oblast)	19 April 2014 Zhambyl Oblast, Kainar
Aisha-bibi rural settlement	Kurmankulova A. (Chief Specialist of the rural settlement of Aisha-bibi of Zhambyl rayon of Zhambyl Oblast)	21 April 2014, Zhambyl Oblast, Aisha-bibi
Akimat of Zhambyl oblast	Seitbekov S. (Deputy Head of Department of Labour and Social Programs of Zhambyl Oblast Akimat), Bykybaev E. (Deputy Head of Department of Labour and Social Programs of Zhambyl Oblast Akimat)	21 April 2014, Zhambyl Oblast, Taraz
Akimat of Zhambyl oblast	Sadyrbaev B (Akim of Zhambyl rural settlement of Zhambyl Rayon of Zhambyl Oblast), Ainabekov Zh. (Deputy Akim of Zhambyl rural settlement of Zhambyl Rayon of Zhambyl Oblast)	21 April 2014, Zhambyl Oblast, Taraz
SNC-Lavalin	Dzhurmaganbetov K. (Acting Manager of SNC-Lavallin), Artyukhina L. (Specialist on Environmental Issues of SNC-Lavalin)	22 April 2014, Zhambyl Oblast, Kordai
Dohwa	Daniyarov K. (Civil Engineer of CSC «Dohwa»), Ospanov A. (Engineer of construction sections of CSC «Dohwa»)	23 April 2014, Zhambyl Oblast, Merke
Kocks	De Leon L.G. (International Engineer on	23 April 2014,

<i>Organization</i>	<i>Name</i>	<i>Date, place</i>
	Volumes of CSC «Kocks») and Turganova N. (Local Engineer on Volumes of CSC «Kocks»)	Zhambyl Oblast, Taraz
Kocks	Sapuyay S. (International Environmental Specialist of CSC «Kocks») and Abrashev A. (Local Environmental Specialist of CSC «Kocks»)	23 April 2014, Zhambyl Oblast, Taraz
KCC Engineering	Mombekov R. (Local Environmental Specialist of CSC «KCC Engineering»).	23 April 2014, Zhambyl Oblast, Taraz
Civil society representative	Aidosov S. (Director of Sociological Resource Centre)	24 April 2014, South-Kazakhstan Oblast, Shymkent
Civil society representative	Isaliev B. (Representative of NGO)	24 April 2014, South-Kazakhstan Oblast, Shymkent
Civil society representative	Zyablova T. (Professional Mediator, Head of the Mediation Centre «Consensus»)	25 April 2014, South-Kazakhstan Oblast, Shymkent
Civil society representative	Hasanova Sh. (Vice-president of the Public Association «Legal Centre for Women Initiatives «Sana Sezim») and Khamiulina L. (Laywer of the Public Association «Legal Centre for Women Initiatives «Sana Sezim»)	25 April 2014, South-Kazakhstan Oblast, Shymkent
Todini – Impregilo - Akkord	Tokarev K. (Local Manager of Construction Contractor «Todini – Impregilo - Akkord») and Bekbauov N. (Local Engineer of Construction Contractor «Todini – Impregilo - Akkord»)	25 April 2014, South-Kazakhstan Oblast, Shymkent
Dohwa	An Ben Rak (Team Leader, Dohwa Engineering Co. Ltd.), A. Bidaykekov (Specialist on Social Issues, Dohwa Engineering Co. Ltd.),	29 April 2014, Mangystau Oblast, Shetpe
Akimat of Mangystau Rayon	A. Dalabaev (acting Chief of Staff and Head of the Organizational – General Department of Akimat of Mangystau Rayon of Mangystau Oblast)	29 April 2014, Mangystau Oblast, Shetpe
Land Relations Department of Mangystau Rayon	E. Kozhaev (Head of Land Relations Department of Mangystau Rayon of Mangystau Oblast)	29 April 2014, Mangystau Oblast, Shetpe
Akimat of Shetpe	Zh. Berishbaev (Deputy Akim of Rural Settlement Shetpe)	29 April 2014, Mangystau Oblast, Shetpe
Akimat of Karakia Rayon	A. Taubaev (Chief of Staff of the Akimat of Karakia Rayon of Mangystau Oblast)	30 April 2014, Mangystau Oblast, Kuryk
Land Relations Division of Karakian Rayon	A. Tolegenov (Head of Land Relations Division of Karakian Rayon of Mangystau Oblast)	30 April 2014, Mangystau Oblast, Kuryk
Akimat of Munaily	N. Tazhibayev (Deputy Akim of Munaily Rayon of Mangystau Oblast), N. Zholbaev (Deputy Akim of Munaily Rayon of Mangystau Oblast)	30 April 2014, Mangystau Oblast, Munaily
Akimat of Batyr	T. Kairov (Akim of Rural Settlement Batyr)	30 April 2014,

<i>Organization</i>	<i>Name</i>	<i>Date, place</i>
	of Munaily Rayon of Mangystau Oblast)	Mangystau Oblast, Munaily
Akimat of Kyzyltobe	A. Arystanov (Akim of Rural Settlement Kyzyltobe of Munaily Rayon of Mangystau Oblast)	30 April 2014, Mangystau Oblast, Munaily
Civil society representative	G. Berzhanova (Director of «Senim» Centre of Social Partnership and Mediation)	2 May 2014, Mangystau Oblast, Aktau
Civil society representative	N. Rafikova (President of «Mangystau Public Association on Consumers Rights Protection»)	2 May 2014, Mangystau Oblast, Aktau
Alsim-Alarko	M. Daroga (Head of Construction Contractor «Alsim-Alarko»)	3 May 2014, Mangystau Oblast, Aktau
Department of Ecology of Mangystau Oblast	A. Almaganbetov (Head of Department on State Control Inspection of the Department of Ecology of Mangystau Oblast of the Ministry of Environmental Protection of the Republic of Kazakhstan)	4 May 2014, Mangystau Oblast, Aktau
Akimat of Mangystau Oblast	O. Togzhanov (Deputy Head of Department on Regulation of Nature Use of the Akimat of Mangystau Oblast)	4 May 2014, Mangystau Oblast, Aktau
“Zhol Sapa” Ltd.	K. Osin (Local Specialist on Public Relations / Community Liaison, “Zhol Sapa” Ltd.	5 May 2014, Mangystau Oblast, Aktau
Akimat of Zhetybai	A. Nugmanov (Akim of Rural Settlement Zhetybai of Karakian Rayon of Mangystau Oblast)	5 May 2014, Mangystau Oblast, Zhetybai
Akimat of Munaishy	S. Toretaev (Akim of Rural Settlement Munaishy of Karakian Rayon of Mangystau Oblast)	5 May 2014, Mangystau Oblast, Munaishy
“Kazautozhol” JSC, Mangystau oblast branch	I. Sarbalaev (Deputy Director Kazautozhol regional branch) G. Duseмбаev (Head of Division on Operation and Traffic Safety Kazautozhol regional branch)	6 May 2014, Mangystau Oblast, Aktau
“Zhol Sapa” Ltd.	G. Papashvili (Deputy Team Leader, “Zhol Sapa” Ltd.) M. Malgazhdarov (Deputy Team Leader, “Zhol Sapa” Ltd.	7 May 2014, Mangystau Oblast, Aktau
Civil society representative	Z. Zikrina (Director of NGO Center on Sustainable Industry and Consumption)	13 May 2014, Almaty, ADB RM office
Civil society representative	A. Kobeeva (Director of Civil Fund “Information-Resource Center”)	14 May 2014, Almaty, ADB RM office
MoTC / CoR	A. Karymbayeva (Senior Expert of External Loans Department)	29 May 2014, Astana, ADB RM office
“Kazautozhol” JSC	Saule Nurtazina (Senior Expert of the Division on Implementation of Investment and External Loans of the Department on Development of Automobile Roads Sector and Implementation of Investment	29 May 2014, Astana, ADB RM office

<i>Organization</i>	<i>Name</i>	<i>Date, place</i>
	Projects and External Loans of the "Kazautozhol" JSC)	

Discussions with stakeholders pointed on the following key reasons for grievances:

- No GRM available at project preparation and design (including resettlement planning and environmental assessment) stage;
- Inadequate consideration of impacts (economic, social, environmental, etc.);
- Weak documentation on GRM procedures and consultation;
- Improper organization of works;
- Inadequate supervision;
- Insufficient disclosure and consultation;
- Absence or lack of monitoring;
- Deficient mechanism for feedback provision.

Despite the Guidelines on were developed, reviewed, endorsed for ADB-funded sections of CAREC Corridor 1 road in Zhambyl Oblast, they were never enacted and followed during the project implementation. Factors contributing to failure of proposed mechanism included:

- Lack of awareness on the proposed mechanism;
- Lack of control to ensure the guidelines are followed;
- Incompatible institutional setup;
- Inefficient works arrangement;
- Lack of capacity and specialized staff (including state entities, akimats, CCs, CSCs, etc.);
- Lack of consultation and participation activities;
- Remoteness of project areas;
- Lack of willingness to resolve the grievance (no responsibility if grievance is not resolved);
- Routine practice to solve the issue as it comes, instead of preventive thinking.

Main issues revealed as a result of stocktaking activities are presented below grouped by institutional, administrative, work arrangement, consultation and awareness.

Issues related to institutional setup and administrative arrangements include:

- Various entities are responsible for preparation and implementation of road sector projects, and maintenance of road infrastructure (relationship and information flow with respect to GRM is unclear);
- No dedicated staff is available to address safeguard issues. Usually review of documents, follow up with implementation, monitoring, etc. are tasked to the specialists without safeguard background to be dealt along with other key duties;
- Frequent staff turnover leads to limited institutional memory and limit the benefits of the previous capacity building activities;
- Geographic distance related issues (CoR has no regional representation, while despite Kazautozhol is represented regionally, however formally have only one safeguard specialist based in Astana. CoR and Kazautozhol representatives dealing with safeguard documents have no or minimum travel to regions);
- Implementation of safeguard related activities is highly dependent on external consultants during design, implementation and monitoring stages (almost all the safeguard related works are done by hired consultants, often international);
- Responsibilities for monitoring functions in terms of safeguards and particularly GRM are not well defined (roles are unclear, delays are often, lack of tracking, absence of centralized approach);
- Reporting system is deficient (common formats for documents / reports are absent, no centralized mechanism and depository of documents / reports is available, Insufficient follow up with submission timeline is observed (delays are often); reports

are not considered as a monitoring tool helping to follow up with progress, summarize lessons learned and improve performance);

- Due to absence of one commonly applied procedure and insufficient clarity in distribution of roles and responsibilities of parties involved in grievance resolution, as well as lack of involvement of lower levels of the grievance redress process, many grievance cases are not resolved efficiently and in the lowest possible level, and are pushed to the upper levels for consideration;
- Court process is often considered by the state stakeholders as the “safe” way forward.

Issues related to works arrangements include:

- Design consultants are based in cities and have limited availability at field during designing process, in the meantime timeline for design preparation is often very short to allow for extensive consultations;
- Large time gap between approval of designs and commencement of construction works (up to 3-6 years) - this complicates implementation of civil works, as the situation on-site significantly changes with the time, and such changes are not reflected in design package, including environmental and social documents;
- Project implementation arrangements in some cases are non-efficient from the perspective of timeline for engagement of key players – CCs are mobilized and commence the works while CSCs are not involved yet, and PMCs are contracted even after the CSCs;
- CCs significantly lack appropriate staff to deal with environmental and social issues (especially social safeguard staff);
- CSCs faces difficulties in finding appropriate staff to deal with environmental and social issues;
- PMCs usually include environmental and social safeguard specialists (both short-term international and long-term / full-time local), however their input is limited (as key personnel is mostly located in Astana and visit respective road sections from time to time only);
- Various parties apply various mechanisms for recording the grievance cases and documenting the progress of its resolution;
- No common formats for recording the grievance and providing the information on its status and process of resolution are available at key entities involved in road sector projects;
- No centralized database is maintained at CoR or Kazautozhol JSC;
- A simple format of database is available at one of the PMCs, however it does not reflect complete information on all the grievances, as those resolved on spot are not recorded by CCs and CSCs and incorporated into the reporting to PMC.

Issues related to consultations and awareness include:

- Lack of attention to consultation and participation issues during all stages of project preparation and implementation;
- Consultations during design stage usually involve only formal meetings often held at rayon and oblast level Akimats (formal documentation);
- Public hearings at design stage are often limited to ones required within the scope of EIA process and are formalized through protocol;
- In majority of cases design companies hire consultants to develop safeguard documents (including relevant consultation requirements);
- Consultations during implementation stage are minimal.

The outcomes of the discussions, analysis and reviews of available document were summarized and presented in details during the second meeting of Working Group held on July 10, 2014

4. COOPERATION WITH MOTC / COR AND KAZAUTOZHOL JSC

Efficient cooperation has been established with CoR and Kazautozhol staff during the reporting period. The main counterpart and key contact point at CoR for this assignment is Ms. A. Karymbayeva, Chief Expert, Division of Investment Projects Preparation, CoR of the MoTC. Collaboration with CoR of the MoTC as of now included organization and coordination of first meeting of the Working Group, serving as a liaison point in communication between team of consultants and project stakeholders, as well as provision of information relevant for implementation of this assignment and overall support of the consultants' works.

At Kazautozhol JSC Ms. S. Nurtazina, Senior Expert of the Division on Implementation of Investment and External Loans of the Department on Development of Automobile Roads Sector and Implementation of Investment Projects and External Loans of the Kazautozhol JSC was recently nominated to be responsible for dealing with environmental and social safeguards and will be extensively involved in activities of this assignment.

Collaboration with the CoR and Kazautozhol JSC included and will continue to include consultations, review of reports and draft documents related to GRM, including GRM Guideline and training plan, support in provision of information and feedback to consultants. Representatives of the CoR and Kazautozhol JSC will also take part training.

This Stocktaking Report, as well as draft GRM Guideline will be shared with CoR and members of the Working Group to obtain their feedback and comments. The comments provided by stakeholders will be considered while finalizing the GRM Guideline. Further on, the planning and timeline for activities to be implemented under the Output 2 of the ToR will be agreed with CoR and Working Group, including preparation of training plan and materials, design and implementation of trainings, preparation of training report, preparation and distribution of GRM handouts.

Support from CoR and Kazautozhol will be sought during launching of grievance redress mechanism as well as dissemination of the information on grievance redress approaches through information leaflets, brochures and project related meetings and public consultations.

Involvement of CoR in process of launching of the GRM will include the following steps:

- Endorsement of the GRM Guideline by CoR;
- Establishment of the GRCs at regional and central levels;
- Nominating GRC members and GRC coordinators at regional and central levels;
- Provision of information to relevant stakeholders, local authorities, akims of communities located in project areas on availability of GRM Guideline and establishment of GRCs;
- Publication of information on the GRM and its details, including contact information of GRCs on official web sites of CoR and Kazautozhol.

5. CONCLUSIONS AND RECOMMENDATIONS

Inception and stocktaking activities, as well as issues uncovered, lessons learnt, conclusions and recommendations were presented in details during the second meeting of the Working Group held on July 10, 2014.

Lessons learnt, conclusions and recommendations on major issues observed with respect to community consultation and GRM processes are the followings:

- Despite the Guidelines on CLG were developed and endorsed (for ADB-funded sections of CAREC Corridor 1 road in Zhambyl Oblast), based on the feedback collected from relevant stakeholders, it appears that the document was not in fact enacted and followed during implementation of projects;
- Various approaches in considering and resolving grievances are applied by different organizations and IFIs. Some of the IFIs do not have safeguard specialists in their resident missions (this is true for both WB and EBRD), and the issues are either resolved by project officers / bankers or submitted to the safeguard specialists at headquarter offices for consideration and intervention, as needed;
- Consultations during design stage usually involve only formal meetings often held at rayon and oblast level Akimats, and even though the designs solutions are agreed with local authorities, involvement of community level Akims and project beneficiaries (local population) is largely insufficient and sometimes even absent. In addition, design consultants are based in large cities (mostly Almaty, Astana and Karaganda) and have limited presence (visit the sites from time to time) and availability for consultation and community involvement at the project areas located in Zhambyl, South Kazakhstan and Mangystau oblasts. Furthermore, environmental and social safeguard documents developed as a part of design are usually prepared by external consultants and companies hired by design consultants and not by their immediate staff (in many cases these consultants/companies visit project areas only few times during design preparation, and are not available for clarifications and updates after the designs are completed);
- In many cases there is a large time gap between approval of designs and commencement of construction works (up to 3-6 years), which complicates implementation of civil works, as the situation on-site significantly changes with the time, while these changes are not reflected in design package, including environmental and social documents;
- Frequent changes of local authorities / Akims lead to the lack of institutional memory and often result in requesting design changes during the implementation stage (especially in cases, when solutions agreed with previous authorities are not supported by their successors). Changes also happen as a result of rather formal involvement of Akimats during design stage mostly constituting of a paperwork and one-two meetings. In many cases, Akimats, in their turn, do not fully fulfill their role of serving as the bridge with local population, involving and sharing the information with them;
- Project implementation arrangements in some cases are non-efficient from the perspective of timeline for engagement of key players – CCs are mobilized and commence the works while CSCs are not involved yet, and in some cases PMCs are contracted even after the CSCs, when the works are already ongoing and it is difficult to modify and rearrange the established setup (including that for communication, consultation, grievance redress and appropriate reporting);
- CSCs and CCs often lack appropriate staff to deal with environmental and social issues (both due to rather objective reason of limited professional and specialized human resources available and due to subjective reason of paying less attention to community engagement and consultation). PMCs usually include environmental and social safeguard specialists (both short-term international and long-term / full-time local) in their teams, who are ready to provide support and train CSCs and CCs safeguard related staff, however their input is limited (as key personnel is mostly located in Astana and visit respective road sections from time to time only);

- Due to absence of one commonly applied procedure and insufficient clarity in distribution of roles and responsibilities of parties involved in grievance resolution, as well as lack of involvement of lower levels of the grievance redress process (and even lack of willingness to be involved and make a decision), many grievance cases are not resolved efficiently and in the lowest possible level, and are pushed to the upper levels for consideration. Court process is often considered by the state stakeholders as the “safe” way of having the issues resolved;
- Various parties apply various mechanisms for recording the grievance cases and documenting the progress of its resolution. No centralized database is maintained at CoR or Kazautozhol JSC. A simple format of database is available at one of the PMCs, however it does not reflect complete information on all the grievances, as those resolved on spot are not recorded by CCs and CSCs and incorporated into the reporting submitted to PMC. Moreover, no common formats for recording the grievance and providing the information on its status and process of resolution are available at key entities involved in road sector projects.

ANNEX 1.

UNOFFICIAL ENGLISH TRANSLATION OF THE ORDER “ON ESTABLISHMENT OF A WORKING GROUP FOR STRENGTHENING COMMUNITY CONSULTATION AND GRIEVANCE REDRESS MECHANISM IN THE ROAD SECTOR OF KAZAKHSTAN” ISSUED BY THE CHAIRMAN OF COR, MOTC.

17.01.2014

No 3

**Order of the Chairman, Committee of Roads,
Ministry of Transport and Communications
“On establishment of a Working Group for Strengthening Community Consultation
and Grievance Redress Mechanism in the Road Sector of Kazakhstan”**

In accordance with recommendations of the Asian Development Bank for strengthening a Grievance Redress Mechanism under transport sector projects in Kazakhstan,

I ORDER:

1) To establish a Working Group on strengthening grievance redress mechanism in transport sector projects in Kazakhstan (the Working Group) composed of the following representatives:

Mr. Satjan Aitenovich ABLALIEV, Deputy Chairman, Committee of Roads, Ministry of Transport and Communications of Kazakhstan (Chair of the Working Group);

Mr. Serik Seitzhanovich KERIMKULOV, Deputy Director, Almaty oblast branch of JSC “KazAvtoZhol”;

Ms. Aizhan Kalkenovna TUGANOVA, Deputy Director, Zhambyl oblast branch of JSC “KazAvtoZhol”;

Mr. Kazhimurat Borashevich SUYEBAYEV, Director, Mangistau oblast branch of JSC “KazAvtoZhol”;

Mr. Erbol Baktiyaruly OMAROV, Deputy Director, South Kazakhstan oblast branch of JSC “KazAvtoZhol”;

Ms. Alla Vladimirovna SUBBOTINA; Deputy Director, Legal Entities Union “Civil Alliance of Kazakhstan”;

Ms. Assel Karymbayeva, Chief Expert, Division of Investment Projects Preparation, Committee of Roads, Ministry of Transport and Communications of Kazakhstan.

2) The Working Group will function until 30 September 2014.

3) The control for implementation of this Order is imposed on Mr. S. A. Ablaliev, Deputy Chairman, Committee of Roads Ministry of Transport and Communications.

4) This Order becomes effective from the date of its signing, to be distributed to all concerned.

Z. Saginov, Chairman

ANNEX 2.**MINUTES OF THE WORKING GROUP FIRST MEETING****MINUTES****of the Working Group Session under TA-7566 REG: Strengthening and Use of Country Safeguard Systems - Community Consultation and Grievance Redress Mechanism for CoR projects**

**Astana city
meeting room of the Resident Mission
office of the Asian Development Bank**

**10:00am
March 27, 2014**

Participants: members of the Committee of Roads (CoR) of the Ministry of Transport and Communications (MoTC) of the Republic of Kazakhstan and JSC "Kazautozhol" and their regional branches, employees and consultants of the Asian Development Bank, representative of civil society organization (list of participants is provided in the appendix).

Representative of the Asian Development Bank, Chakehova A., introduced the employees and consultants of the Asian Development Bank to all participants of the meeting.

Head of Department on External Loans of the Committee of Roads of MoTC, Toktarov D., introduced the staff of the CoR MoTC RK, and JSC "Kazautozhol", and then presented the main goals and objectives of the project, as well as emphasized that the special working group was established in the CoR MoTC RK for this project, and noted its main goals and objectives.

Senior Social Development Specialist of the Department of Central and West Asia of the Asian Development Bank, Ruwani Jayewardene, informed that the Asian Development Bank is financing several projects in the Republic of Kazakhstan, including projects in the road sector, and emphasized that the main objective of this technical assistance is to develop a mechanism for resolution of grievances, which will be applied for projects financed by the Asian Development Bank, and thereafter for projects funded by other International Financial Institutions and the Government of the Republic of Kazakhstan.

International consultant of Asian Development Bank for this project, Simonyan A. provided detailed presentation on the «Community Consultation and Grievance Redress Mechanism for CoR MoTC RK Projects», including requirements of ADB policies, main reasons for grievances, crucial issues of grievance investigation, objectives, prerequisites, steps and features of efficient grievance redress mechanism, considerations to be taken into account when developing the grievance redress mechanism, as well as the next steps and expected results of the assistance, etc.

Following the presentation, a discussion on the project, including organizational issues related to further works, was carried out. During discussion, the following suggestions were made and questions asked:

1. Tuganova A.
(Zhambyl Oblast Branch of the JSC «Kazautozhol»)

During survey and design works carried out by design organizations for automobile roads, more public consultations are needed to be conducted throughout design stage to agree on design solutions and further on possibly avoid misunderstandings and complaints made by the public and other interested parties and individuals.

The time frame for grievance investigation and resolution should be reconsidered to make sure that it is feasible. The optimal time frame sufficient for implementation of all procedures related to consideration and resolution of grievances should be mentioned in the Land Acquisition and Resettlement Plans and information brochures.

It is also recommended to consider increase in the timing of approvals of survey and design works of design organizations with all relevant governmental bodies.

Furthermore, it should be noted, that during the implementation of projects a shortage of qualified and competent personnel in the regional branches is observed, as well as there is a problem of staff turnover.

2. Omarov E. (South-Kazakhstan Oblast Branch of the JSC «Kazautozhol»)

It is needed to develop an optimal time frame for registration of earth borrow pits by contractors during designing of the road.

3. Krivodanov Yu. – Aarhus Committee

Question: Who will implement this grievance redress mechanism? Which funds will be used, and who will be the responsible entity, as well as on the basis of which normative legal acts?

Answer: The Ministry of Transport and Communication RK should be overall responsible for implementation of the grievance redress mechanism.

4. Krivodanov Yu. – Aarhus Committee

Attract and engage local authorities (akimats), Ministry of Regional Development, Ministry of Environment, Ministry of Labour and Social Protection in this project on "Grievance Redress Mechanism" to ensure efficient implementation of this mechanism.

5. Kalymov E. – JSC «Kazautozhol»

During the public consultations provide more detailed description of the resettlement policy of International Financial Institutions, as well as the methodology for calculating the cost for real estate and land.

At the end of the meeting the representatives of Asian Development Bank informed the participants about upcoming activities and series of meetings and discussions to be held in the project areas, and requested the staff of the Committee of Roads of MoTC RK and JSC "Kazautozhol" to assist ADB consultants in organizing and conducting meetings with all state entities (local akimats) design organizations, construction contractors, construction supervision consultants, project management consultants and other interested stakeholders.

Minutes were taken by K. Serdaliev

**Head of External Loans Department
Committee of Roads of the
Ministry of Transport and
Communications of the Republic of Kazakhstan**

Toktarov D.

**Consultant of the
Asian Development Bank**

Simonyan A.

Appendix

List of participants of the working group meeting

№	Occupation	Name, Surname
1	Committee of Roads, MoTC RK	Toktarov D.
2	Committee of Roads, MoTC RK	Karymbaeva A.
3	JSC "Kazautozhol"	Kalymov E.
4	JSC "Kazautozhol", South Kazakhstan regional branch	Omarov E.
5	JSC "Kazautozhol", Almaty regional branch	Rakhimov D.
6	JSC "Kazautozhol", Zhambyl regional branch	Tuganova A.
4	Aarhus Committee	Krivodanov Yu.
8	ADB	Jayewardene R.
9	ADB	Chakenova A.
10	Consultant, ADB	Simonyan A.
11	Consultant, ADB	Serdaliev K.

ANNEX 3.**MINUTES OF THE WORKING GROUP SECOND MEETING****MINUTES****of the Working Group Meeting under TA-7566 REG: Strengthening and Use of Country Safeguard Systems - Community Consultation and Grievance Redress Mechanism for CoR projects**

**Astana city
meeting room of the Resident Mission
office of the Asian Development Bank**

**10:00am
July 10, 2014**

Participants: Members of the Committee of Roads (CoR) of the Ministry of Transport and Communications (MoTC) of the Republic of Kazakhstan (RoK) and JSC "Kazautozhol" and their regional branches, representatives and consultants of the Asian Development Bank (list of participants is provided in the appendix).

Principal Social Development Specialist of the Department of Central and West Asia of the Asian Development Bank, Jayewardene R. opened the meeting of the Working Group, requested the participants to introduce themselves and noted that the meeting was called to present the works carried out to date by the consultants of the Asian Development Bank within the framework of this technical assistance, discuss the progress and make decisions with respect to further activities. The most effective approach is to take timely measures to prevent grievance.

During the first session, the international consultant of Asian Development Bank for this project, Simonyan A. provided a detailed presentation on the results of the work completed to date, meetings and consultations with stakeholders (state and non-governmental organizations and population) in project areas of the Republic of Kazakhstan (South Kazakhstan, Zhambyl and Mangystau oblasts), review of information provided on reasons for grievance and measures undertaken to resolve grievances, steps of grievance consideration by appropriate authorized parties, analysis of registered grievances.

Following the presentation, a discussion on the results of implemented works was held. During the discussion, the following suggestions were made and questions asked:

Kalymov E. - JSC "Kazautozhol"

Suggestion: The loan agreements signed with International Financial Institutions should provide detailed requirements on compliance with the safeguard policies and other appropriate safeguard mechanisms, including the mechanism for grievance redress.

Comment: Representative of the Asian Development Bank Jayewardene R. noted that loan agreements are documents developed by lawyers and have standardized contents, which is not subject to significant changes, however, by reference to ADB's Safeguard Policy Statement (SPS 2009), and the applicable safeguard documents, grievance management is covered. It should also be noted that in order to ensure compliance with the provisions of the loan agreements, it is necessary to ensure that

parties involved in the project implementation are well aware of the safeguard requirements specified in the agreements and pay sufficient attention to their proper implementation.

Suggestion: It would be desirable to increase the duration of involvement of local (national) consultants dealing with environmental and social issues specified in the contracts with International Financial Institutions. This in particular refers to the staff involved by Construction Contractors, Construction Supervision Consultants (CSC) and Project Management Consultants (PMC), since these specialists are responsible for preventing grievances, resolving issues, registering, analysing and monitoring grievance redress process, etc.

Comment: The contracts with Construction Contractors, CSCs and PMCs envisage availability of both local (national) and international consultants on environmental and social issues, in particular, in most cases, local specialists are engaged on full-time basis and international specialists are visiting the project sites periodically. At the same time, it should be noted that some of the Construction Contractors and CSCs mentioned about the lack of qualified local professionals available to be involved in projects implementation.

Tuganova A. - Zhambyl Regional Branch of the JSC "Kazautozhol"

Suggestion: In the course of design and survey works on highways, design companies need to carry out more intensive public consultations starting from design stage, in order to agree on the design solutions and minimize possible complaints, as well as avoid misunderstandings from the public and other interested stakeholders. Moreover, during the project implementation it is desirable to carry out further public consultations in communities located along the project road.

Comment: It should be noted that based on the information obtained during discussions with stakeholders, public consultations are held mainly at the stage of preparation of design documentation and are often limited to agreeing the design solutions with local authorities and recording of minutes of public consultations conducted as a part of the Environmental Impact Assessment procedure. During the project implementation stage, consultations with public are literally non-existent. From the standpoint of ensuring compliance with safeguard measures it is necessary to carry out comprehensive public consultations in the project areas, and not only during the design preparation stage, but also during the project implementation stage.

During the second session of the Working Group meeting the international consultant of Asian Development Bank for this project, Simonyan A. provided detailed presentation on the proposed Guideline on Grievance Redress Mechanism, types of grievances, levels and timeline for grievance considerations, process for registration, sorting, documenting of grievance, as well as monitoring and reporting.

Kalymov R. - Almaty Regional Branch of the JSC "Kazautozhol"

Suggestion: It is necessary to carry out public consultations with the obligatory participation of akims of the respective rayons (rural settlements) to

prevent the filing of complaints and requests for changes in design solutions.

Comment: Involvement of akimats during design stage is often of formal nature and aimed at agreeing of design documentation. However, to ensure the efficiency of works and minimize the risk of complaints, representatives of akimats should be closely involved in discussion and coordination of design solutions at the stage of design preparation and then, in the course of construction works they should serve as a link between the parties involved in the project implementation and the community.

Toktarov D. – CoR MoTC RoK

Question: What actions are expected to be taken if a complaint is submitted to the wrong address, or if it is not related to the project?

Answer: Answer: In case the complaint is not related to the project activities (impacts caused as a result of project implementation), or is directed to the wrong address, the complaint will be forwarded to the organization that has the authority to resolve the issue and appropriate notice will be provided to the complaining party.

Question: If the complaint is not resolved at the regional level, what will be next?

Answer: The complaint not resolved at the regional level will be forwarded to the central level for consideration and resolution.

Karymbaeva A. – CoR MoTC RoK

Question: The proposed mechanism for the grievance redress requires issuing of a confirmation on receipt and registration of the complaint within 3 days. What is the purpose for providing such a measure?

Answer: This procedure is required to assure the complaining party that his/her grievance was received and recorded, and that appropriate steps are taken towards its resolution. Moreover, such an approach would allow to clearly document the date of receipt of the grievance and begin counting the period of time allotted for its consideration, as well as will also help to improve the overall efficiency of the process of grievance redress.

Tuganova A. - Zhambyl Regional Branch of the JSC "Kazautozhol"

Question: Is it possible to adopt common formats for documents on registration of grievances, grievance database to be used for different projects implemented in the road sector?

Answer: The proposed draft Guideline on Grievance Redress Mechanism includes a number of annexes containing formats for documents on grievance registration, minutes of grievance consideration on regional / central levels, grievance redress monitoring. Moreover, it is envisaged to develop a common format for grievance database.

Suebaev K. - Mangystau Regional Branch of JSC "Kazautozhol"

Question: Proposed draft Guideline on Grievance Redress Mechanism establishes a separate procedure for registration of grievances in the logbook, according to the legislation of RoK, all complaints filed in writing are recorded in the general logbook of incoming mail, thus it turns out that a written grievance will be registered twice. Is it possible to avoid duplication of registration of grievances filed in writing?

Answer: Registration of grievances in the separate logbook would allow to distinguish the complaints related to the project from other incoming correspondence, keep a record of complaints received and steps taken to resolve them, provision of information to the complaining party. Registration number in the logbook will allow identifying the grievance complaint in the database and various documents developed during grievance consideration (minutes of meetings of Grievance Redress Committees, grievance redress monitoring form, etc.).

Further, the next steps to be undertaken within the framework of this technical assistance were discussed. At the end of the meeting, the representatives of the Asian Development Bank, CoR MoTC RoK and JSC "Kazautozhol" agreed that consultants of the Asian Development Bank will submit the draft Guideline on Grievance Redress Mechanism to CoR MoTC RoK for review and comments. CoR MoTC RoK will coordinate the review of the document with JSC "Kazautozhol" and its regional branches, and within ten days will provide their observations and comments on the draft Guideline to consultants in order to develop the final version. The final version of the Guideline on Grievance Redress Mechanism will be presented to CoR MoTC RoK for approval, following which the appropriate Grievance Redress Committees will be established and training will be carried out in project areas.

Minutes were taken by K. Serdaliev

**Head of External Loans Department of the
Committee of Roads of the
Ministry of Transport and
Communications of the Republic of Kazakhstan**

Toktarov D.

**Consultant of the
Asian Development Bank**

Simonyan A.

Appendix

List of participants of the working group meeting

№	Occupation	Name, Surname
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2	Committee of Roads, MoTC RK	Karymbaeva A.
3	JSC "Kazautozhol"	Kalymov E.
4	JSC "Kazautozhol", South Kazakhstan regional branch	Kenzhaev L.
5	JSC "Kazautozhol", Almaty regional branch	Kalymov R.
6	JSC "Kazautozhol", Zhambyl regional branch	Tuganova A.
7	JSC "Kazautozhol", Mangystau regional branch	Suebaev K.
8	ADB	Jayewardene R.
9	ADB	Dzhumabaev N.
10	ADB	Chakenova A.
11	Consultant, ADB	Halimova N.
12	Consultant, ADB	Khassan Zh.
13	Consultant, ADB	Simonyan A.
14	Consultant, ADB	Serdaliev K.