

SOUTH-WEST CORRIDOR ROAD PROJECT

REQUEST NUMBER: 2014/04

Problem-solving Initiative Monitoring Report II – March 2018

The Project Complaint Mechanism (PCM) is the independent accountability mechanism of the EBRD. PCM provides an opportunity for an independent review of complaints from one or more individual(s) or organisation(s) concerning an EBRD project, which allegedly has caused, or is likely to cause harm. PCM may address Complaints through two functions: Compliance Review, which seeks to determine whether or not the EBRD has complied with its Environmental and Social Policy and/or the project-specific provisions of the Public Information Policy; and Problem-solving, which has the objective of restoring a dialogue between the Complainant and the Client to resolve the issue(s) underlying a Complaint without attributing blame or fault. Affected Parties can request one or both of these functions.

For more information about PCM, contact us or visit www.ebrd.com.

Contact information

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How to submit a Complaint to the PCM

Complaints about the environmental and social performance of the EBRD can be submitted by email, telephone or in writing at the above address, or via the online form at:

<http://www.ebrd.com/work-with-us/project-finance/project-complaint-mechanism/submit-a-complaint.html>

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NOTE: Unless otherwise defined, capitalised terms used in this Problem-solving Initiative Monitoring Report refer to terms as defined in the PCM Rules of Procedure.

Executive summary

This is the second Problem-solving Initiative Monitoring Report of the Project Complaint Mechanism (PCM) regarding the Complaint received from the non-governmental organisation Blago in October 2014, raising concerns connected with the section of the South-West Corridor Road Project financed by the European Bank for Reconstruction and Development (EBRD). The Complaint requested that both a Problem-solving Initiative (PSI) and a Compliance Review (CR) be undertaken by the PCM. The Eligibility Assessment Report for a Problem-solving Initiative, released in September 2015, concluded that the Complaint was eligible under the PCM's Rules of Procedure (PCM RPs). On 20 October 2015, the President of the Bank accepted the recommendation of the Eligibility Assessors for a PSI and PCM Expert Susan Wildau was appointed to undertake the assignment.

The PCM Expert conducted the PSI, including in-country meetings between Parties from 17-29 July 2016. The PSI succeeded in opening dialogue between residents, local and district authorities, local police, and the Client.¹

During this second monitoring period, the PCM Officer reviewed the updates provided by the Parties involved in the Problem-solving Initiative.

The PCM Officer took note of the actions undertaken by the Parties to fulfil the commitments outlined in the Problem-solving Completion Report, and in August 2017 considered Actions 1, 2, 3, 5, 8, 9 and 10 completed. The PCM Officer continued to monitor implementation of Actions 4, 6 and 7 and considers all Actions now complete.

¹ The Complaint, Eligibility Assessment Report for Problem-solving and Problem-solving Completion Report are available on the [PCM Register](#).

1. Introduction

This Problem-solving Initiative Monitoring Report is prepared pursuant to paragraph 39 of the PCM Rules of Procedure.

According to the PCM Rules of Procedure, the PCM Officer monitors the implementation of agreements reached during a Problem-solving Initiative. The PCM Officer submits draft Problem-solving Initiative Monitoring Reports to the Relevant Parties who are given reasonable opportunity to comment on such Reports. If the PCM Officer receives comments from the Relevant Parties, the PCM Officer has five business days from the day the last comments are received to finalise the Report, and sends the final Report to the President and to the Board. Within five business days thereafter, the Problem-solving Initiative Monitoring Report is publicly released and posted on the PCM website. The PCM Officer will issue Problem-solving Initiative Monitoring Reports at least biannually or until the PCM Officer determines that monitoring is no longer needed.

This is the second Problem-solving Initiative Monitoring Report in respect of the South-West Corridor Road Project in Kazakhstan, which covers the period August 2017-January 2018.

2. Context

The PCM received a Complaint from the national non-governmental organisation Blago on October 2014, raising concerns regarding the section of the South-West Corridor Road Project financed by the EBRD. The Complaint requested that both a Problem-solving Initiative and a Compliance Review to be undertaken by the PCM.

The Eligibility Assessment Report for a Problem-solving Initiative, released in September 2015, concluded that the complaint was eligible under the PCM's Rules of Procedure. On 20 October 2015, the President of the Bank accepted the recommendation of the Eligibility Assessors for a PSI and PCM Expert Susan T. Wildau was appointed to undertake the assignment.

The PCM Expert conducted the PSI, including meetings with Parties from 17-29 July 2016 in Aktobe region, Kazakhstan. Discussions took place in the villages located along the EBRD financed section of the South-West Corridor Road project, including Kuraily, Saryzhar (Khlebodarovka), Kensakhara, Sarzhansai², Martuk and Zhaisan. The meetings resulted in constructive engagement among residents, local and district authorities, local police, and representatives from KazAvtoZhol and the Administrative Police Directorate. The meetings allowed for authorities to provide respectful answers to residents' questions and concerns about everything from speed limits to snow removal, and offered detailed explanations in common sense language about jersey barriers and other technical matters. In some cases, agreements were reached. The meetings increased understanding and knowledge of the issues, concerns and constraints on all sides, informed by the dialogue, by the education and information exchange sessions involving the authorities, and the site visits to the road, which allowed the authorities and concerned residents to view the problems first-hand. Also, as part of the PSI a road safety capacity-building workshop drew attention to road safety risks and introduced important prevention techniques. More specifically,

- The dialogue provided an occasion for the Parties to sit together and exchange views on issues of mutual concern, in a positive environment, without attributing fault or blame;
- Residents appreciated the opportunity to have an informed conversation with authorities from the Police and Kazavtozhol in their own villages³;
- Communities increased their awareness of some measures they could take independently to improve road safety;
- The PSI contributed to EBRD's bank-wide priority on road safety and complimented wider initiatives aimed at addressing structural sources of road safety problems in Kazakhstan.

Despite a number of positive achievements directly related to the PSI and beyond, the dialogue process did not successfully resolve all the issues identified in the Complaint. The incomplete outcome was due, in part, to various constraints confronting the Client, some of which were budget related, while others involved limitations embedded in the technical road safety and design standards and norms, whereby certain remedies were prohibited.

In November 2016, the PCM Expert concluded that "no further progress towards resolution of the dispute was possible" and considered the Problem-solving Initiative completed, in accordance

² Sarzhansai villagers joined the meeting in Kensakhara as the settlements are close to each other and the local Akim (Mayor) is responsible for both communities.

³ Approximately 123 residents and 33 children from the six villages along the South-West Corridor Road Project attended the village meetings conducted during the PCM Expert's mission from 17-29 July 2016.

with the PCM Rules. The PCM Expert further identified the need for follow-up monitoring and reporting by the PCM Officer.

The final Problem-solving Completion Report was submitted to Relevant Parties for information, as well as to the EBRD President and the Board of Directors and was subsequently released on the PCM register on 5 December 2016.

3. Current monitoring period

The PCM Officer received an implementation update on agreements reached during the Problem-solving Initiative on the South-West Corridor Road Project from the Bank Management and the Client for the period August 2017 - January 2018. The PCM Officer also reviewed additional documents provided by the Bank and the Client in support of the fulfilment of commitments made during the PSI.

The PCM Officer submitted the draft Problem-solving Initiative Monitoring Report to the Relevant Parties who were given the opportunity to comment on the Report.

4. PCM observations

In light of information received to date, and in accordance with the scope of the PCM Officer's monitoring role, the PCM Officer has made a number of observations regarding implementation of the agreements reached during the Problem-solving Initiative.

The issues raised during the Problem-solving Initiative and the agreements reached by the Parties are outlined separately for each community, along with updates on implementation provided by the Bank and the Client. The PCM Officer's comments are also noted.

Saryzhar (Khlebodarovka)

1. Issue raised during the Problem-solving Initiative	Agreement reached during the Problem-solving Initiative
No safe animal crossing provided for in new part of village. Consequently, livestock have to travel approximately 5 km one way to access the underpass for safe cattle crossing.	KazAvtoZhol, in consultation with the Administrative Police Directorate, decided to accept the request for "Cattle crossing" signs, specifying the area and the period of time to which it will apply, subject to the local authority complying with some mandatory requirements: sign location and timing for cattle crossing the highway.
Implementation update provided by the Client in August 2017	The Client reported that after a more in-depth analysis of this issue and a site visit involving representatives from the Administrative Police Department, it was decided that the section of the road where the local residents asked for the installation of "Cattle crossing" signs is located parallel to the railway, where there is not enough space for moving animals. In accordance with local norms on roads safety, moving cattle through the railway is strictly prohibited. In this regard, it was decided that it is unsafe to install such signs in the designed location.
PCM comments	PCM considered this Action closed in August 2017.

Kensakhara and Sarzhansai

2. Issue raised during the Problem-solving Initiative	Agreement reached during the Problem-solving Initiative
Pedestrian crossings in Kensakhara are inadequate – no signage on the pedestrian crossing and no lighting along the Kensakhara section of the road, including at the pedestrian crossing.	KazAvtoZhol, acting jointly with the Administrative Police Directorate, agreed to consider providing additional traffic and pedestrian safety features; namely, whether new "Pedestrian crossing" signs should be installed or existing ones replaced with signs that feature a larger reflecting surface. Additional "Pedestrian crossing" warning signs have been placed 150-300 m ahead of the crossing. If additional funds are made available, authorities will consider whether cat's eyes should be installed in pedestrian zones and rumble strips provided at their approaches.
Implementation update provided by the Client in August 2017	The Client reported that "Pedestrian crossing" signs have been installed and provided photos as evidence.
PCM comments	PCM considered this Action closed in August 2017.

3. Issue raised during the Problem-solving Initiative

Agreement reached during the Problem-solving Initiative

Residents raised a concerns regarding why the speed limit of 60 km/h, sign-posted in blue at the entrance to the village, is not enforced by police, noting that drivers frequently travel at 100 km/h.

The Police and KazAvtoZhol agreed to reduce the speed limit further, to 80 km/h and install new speed limit signs accordingly, in response to resident concerns expressed in the PSI meeting.

Implementation update provided by the Client in August 2017

The Client reported that the signs have been installed.

PCM comments

PCM considered this Action closed in August 2017.

4. Issue raised during the Problem-solving Initiative

Agreement reached during the Problem-solving Initiative

Near the dairy farm, the road has subsided where the farm is building a water supply line. Residents request that those that caused the subsidence to repair the road.

KazAvtoZhol filed a claim against the subcontractor that carried out the work on the water supply line. KazAvtoZhol agreed that if the claim is successful, the recovered funds will be used to hire a construction company to repair the road.

Implementation update provided by the Client in February 2018

As a result of the trial, the relevant amount of funds for road repair is recovered from the subcontractor responsible of the deformation of the pavement. A copy of the court decision was forwarded to KazAvtoZhol for further action. The road damage has now been repaired by the Kazahavtodor. The relevant evidentiary documents were provided to the PCM.

PCM comments

PCM considers this Action closed during this monitoring period.

Martuk

5. Issue raised during the Problem-solving Initiative

Agreement reached during the Problem-solving Initiative

Cattle crossing issues: lack of an underpass for cattle; cattle crossings are narrow in both directions; underground passage floods and animal cross highway in a dangerous location. Citizens request to widen underpasses or place cattle crossing sign on road in a suitable location.

It was decided that an adequate route still existed for cattle to access the fields, but that the area should be monitored in case additional measures were required (e.g., bringing in sand/dirt to ensure the walk to the fields did not require cattle to climb up slopes that were unduly hazardous).

Implementation update provided by the Client in August 2017

The Client reported that the slopes, formed during the flood period along the dry land are cut off. An assignment was given to the road master responsible for this section of the road to systematically carry out this work with the involvement of road machinery. The Client provided photos as evidence for the road maintenance activities undertaken.

PCM comments

PCM considered this Action closed in August 2017.

6. Issue raised during the Problem-solving Initiative

Agreement reached during the Problem-solving Initiative

A need for repairs to the old roads

Old roads do not fall within its responsibility of KazAvtoZhol maintenance services. KazAvtoZhol sent a letter to the Akimat for the Martuk District

with a proposal to amend the Regulation, thereby transferring some approach roads to residential areas from the local authority to Region maintenance services.

Implementation update provided by the Client in February 2018

The Client reported that the Mayor of Martuk District issued a decision by which old sections of roads were transferred from the republican to communal ownership. A copy of the decision was provided to the PCM.

PCM comments

PCM takes note of the additional clarifications on this Action and considers it closed during this monitoring period.

Kuraily

7. Issue raised during the Problem-solving Initiative

Agreement reached during the Problem-solving Initiative

Issues related to bus stop: guardrails prevent people from crossing the road and catching cars. Residents asked to remove a part of the guard rails and provide a bus stop to enable passengers to get on and off buses.

KazAvtoZhol suggested that the residents of the rural district submit an official request to the Aktobe Region Passenger Transport and Highways Administration, which is responsible for bus service related matters for this section of the road.

Implementation update provided by the Client in February 2018

The residents of the rural district submitted an official request to the Aktobe Region Passenger Transport and Highways Administration asking for the dismantling of a part of the road fence. The response received stated that this section of the road was transferred to the communal ownership and was not any more under the responsibility of the KazAvtoZhol.

PCM comments

PCM takes note of the additional clarifications on this Action and considers it closed during this monitoring period.

8. Issue raised during the Problem-solving Initiative

Agreement reached during the Problem-solving Initiative

Pedestrian crossing obstructed by Jersey barriers which make it difficult for villagers to cross the road.

Without compromising road safety, KazAvtoZhol agreed to remove the concrete blocks from the pedestrian zones and replace them with smaller ones that will allow safe passage of prams while still preventing vehicles from making U-turns.

Implementation update provided by the Client in August 2017

The blocks have been removed.

PCM comments

PCM considered this Action closed in August 2017.

9. Issue raised during the Problem-solving Initiative

Agreement reached during the Problem-solving Initiative

Speed limit concerns near four pedestrian crossings. Citizens suggested installing speed limit signs near each crossing and a sign at the entrance of the village indicating "You are entering a residential area".

KazAvtoZhol, acting jointly with the Administrative Police Directorate, agreed to provide additional traffic and pedestrian safety features as follows: They will consider whether new "Pedestrian

crossing” signs should be installed or existing ones replaced with signs that feature a larger reflecting surface. If additional funds are provided, they will consider whether cat’s eyes should be installed in pedestrian zones and rumble strips provided at their approaches.

Implementation update provided by the Client in August 2017

The Client reports that “Pedestrian crossing” signs have been installed and provided photo as evidence.

PCM comments

PCM considered this Action closed in August 2017.

Zhaisan

10. Issue raised during the Problem-solving Initiative	Agreement reached during the Problem-solving Initiative
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Improving safety for children, as they stand by the roadside waiting for the cattle to come home. Citizens asked for “Careful, children” signs to be installed and to place images of children by pedestrian crossings, as well as billboards displaying traffic safety information and larger high-visibility “Pedestrian crossing” signs.

Jointly with the Police, KazAvtoZhol will consider providing billboards that display traffic safety information and replacing “Pedestrian crossing” signs in the near future. KazAvtoZhol urged the community to take steps immediately to prevent further risk. The agency pointed out that since the children stand by the roadside to see the cattle coming home, the local authority, local police and the village community must ensure that cattle cross the road in designated places, allow the cattle to be driven safely through the underpass.

Implementation update provided by the Client in August 2017

The recommendations remain in force. In view of the fact that this issue is regulated by the roads safety legislation, these activities have been carried on at the designing stage of the road. It was decided that there is no need to install billboards.

PCM comments

PCM considered this Action closed in August 2017.

5. Conclusions and next steps

Actions 1, 2, 3, 5, 8, 9 and 10 were completed during the first monitoring period. In respect of this second monitoring report, Bank Management reported on efforts undertaken by the Bank and the Client in relation to the completion of the remaining Actions (4, 6 and 7) and the PCM considers them now closed. Accordingly, this Complaint does not require any further monitoring by the PCM.