

**MANAGEMENT RESPONSE TO  
REQUEST FOR INSPECTION PANEL REVIEW OF THE  
REPUBLIC OF KAZAKHSTAN: SOUTH WEST ROADS  
WESTERN EUROPE – WESTERN CHINA INTERNATIONAL TRANSIT  
CORRIDOR PROJECT (CAREC-1B & 6B) (P099270)**

Management has reviewed the Request for Inspection of the Republic of Kazakhstan: South West Roads Western Europe – Western China International Transit Corridor Project (CAREC-1b & 6b) (P099270), received by the Inspection Panel on December 24, 2020 and registered on February 11, 2021 (RQ20/04). Management has prepared the following response.

**March 15, 2021**

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## **ABBREVIATIONS AND ACRONYMS**

CFR	Committee for Roads
ECMWF	European Centre for Medium-Range Weather Forecasts
EIA	Environmental Impact Assessment
ERA5	5th Generation Reanalysis of the ECMWF
ESF	Environmental and Social Framework
ESIA	Environmental and Social Impact Assessment
GRM	Grievance redress mechanism
Ha	Hectare
IBRD	International Bank for Reconstruction and Development
IDA	International Development Association
IDF	Institutional Development Fund
INT	Integrity Vice Presidency
IPN	Inspection Panel
Km	Kilometer
M	Meter
ESPUR	Expert Council for Transparency and Sustainable Development
NGO	Nongovernmental organization
OMG	Public Monitoring Group
OP/BP	Operational Policy/Bank Procedure
PM	Picket marker
RAP	Resettlement Action Plan
TF	Trust Fund
TMP	Traffic Management Plan
WE-WC	Western Europe–Western China

### **Currency Unit**

Kazakhstani Tenge (KZT)  
(as of March 15, 2021)

1 US\$ = 418.39 KZT

1 KZT = US\$ 0.0024

## EXECUTIVE SUMMARY

### *The Project*

- i. The Republic of Kazakhstan: South West Roads Western Europe – Western China International Transit Corridor Project (CAREC-1b & 6b) (P099270) is supported by a US\$2.125 billion investment project finance loan, first approved in 2009. The Project objectives are to improve transport efficiency along road sections in the Kyzylorda, South Kazakhstan and Almaty Oblasts; improve road management; and increase traffic safety in Kazakhstan. The Project to date has helped to build or upgrade 1,130 kms of priority roads in Kazakhstan and supported critical road sector reforms. It has generated benefits for transit, trade, and services between major economic centers, along the road, and in adjacent towns and cities.
- ii. The Request for Inspection pertains to lot 1 of the upgrading of the Shymkent–Zhambyl Oblast border section along the existing Almaty – Shymkent highway (A2). The current A2 runs through *Shakpak Baba* village where it is used for local traffic as well as long-distance through traffic. The Project supports the construction of a new Bypass Road, including a tunnel, which will eventually become the new routing of the A2 and divert through traffic around Shakpak Baba. The current section of the A2 that runs through Shakpak Baba will remain in function as the Village Road, serving local traffic.

### *The Request*

- iii. The Request alleges that (a) the construction of the road has affected the community's supply of natural spring water; (b) poor maintenance of a drainage pipe under the Village Road and a drainage channel caused a flood that damaged several households in April 2017, for which no compensation was paid; (c) community household plots do not receive irrigation water as a result of Project construction activities; (d) prolonged construction activity that involves the tunnel is causing an increase in road accidents, including vehicle collisions with pedestrians; (e) a culvert under the Project's Bypass Road that is used as a crossing point by cattle is partially blocked with debris; and (f) there are deficiencies related to stakeholder engagement, including consultation and disclosure of information.

### *Management's response*

- iv. ***In Management's view, this Request is inappropriate, in that it tries to link a number of adverse impacts experienced by the Shakpak Baba community to the Project, without establishing any evidence or even plausibility of such linkages.*** Management has carefully reviewed the issues raised in the Request and concluded that they do not pertain to the Project and cannot be supported by facts.

It is also not clear why issues that are now presented in the Request as very serious were not raised in 2017, when they are alleged to have occurred.

- v. The Bank and the Committee for Roads responded immediately and appropriately when the issues raised in the Request were first communicated to the Bank on September 30, 2020. The Bank reviewed the issues and requested a formal response from the implementing agency and also arranged for a mission to meet with the Requesters' Representative, the local community, the implementing agency and the Contractor on site, which occurred on November 13, 2020. During the meeting, the Committee for Roads confirmed arrangements for actions to address the concerns, which were the Committee's responsibility, although not related to the Project. The Committee for Roads also requested residents to provide details with regard to the flood damage claims, for review and identification of the responsible party. To date no such submissions have been received by the Committee for Roads. However, a Request for Inspection was filed on December 24, 2020.
- vi. ***A Bank team visited the Project site again in February 2021 and engaged with community members, including the 13 residents of the eight properties that were flooded in 2017. Management notes that the affected residents were unaware of the list of concerns raised in the Request for Inspection on their behalf.*** They explained that they had submitted compensation claims to the local government regarding the damages from the 2017 flood. However, they said that they did not further pursue these claims until the Requesters' Representative contacted them in 2020 regarding their concerns. Individuals who told the Bank team that they had signed the Request for Inspection explained that they were under the impression that this was to pursue the flood compensation matter, but were not aware or supportive of the fact that other issues in the Request were raised on their behalf. While the Request raises the flooding damage for all eight households, at least two owners of these affected properties told the Bank team that they had no complaints and no intention to pursue a formal complaint, while one owner even stated that their house had not suffered any damages at all from the 2017 flood.
- vii. ***Management's review of the allegations raised in the Request demonstrates that they lack basis, and that the cited adverse impacts are either unrelated to the Project or not present:***
  - The community's supply of natural spring water was ***disrupted due to maintenance works*** on the village's irrigation canals carried out by the local water authority during spring-summer 2020;
  - Community wells, which allegedly were clogged, were found to be ***clear and functional***;
  - The drainage pipe under the Village Road and the drainage channel, which allegedly caused the flooding, ***were not installed by the Project*** and are unrelated to the road design supported by the Project;

- The flood that affected several households in April 2017 was a ***nation-wide flooding*** event. Rainfall in Shakpak Baba represented a one-in-44 years event that caused similar flooding and damages in the region and across the country;
  - The official police records for Shakpak Baba show that there is ***no increase in road accidents***, including those involving pedestrians, since before the Project's construction of the new Bypass Road started;
  - The box culvert under the Bypass Road is ***not blocked with debris*** and is passable for cattle;
  - An overview of consultations and disclosure of Project-related documents does not support the alleged shortcomings.
- viii. ***Management remains concerned about the legitimacy and integrity of this Request and has shared these concerns and supporting evidence with the Panel.***

## I. INTRODUCTION

1. On February 11, 2021, the Inspection Panel registered a Request for Inspection, IPN Request RQ 20/04 (hereafter referred to as “the Request”), concerning the Republic of Kazakhstan: South West Roads Project Western Europe – Western China International Transit Corridor (CAREC-1b&6b) (P099270) (hereafter referred to as “the Project”), financed by the International Bank for Reconstruction and Development (“the Bank”).

2. ***Structure of the Text.*** The document contains the following sections: Section II presents the Request; Section III presents the Project background; and Section IV provides Management’s response. Annex 1 presents the Requesters’ claims, together with Management’s detailed responses, in table format. Annexes 2, 3 and 4 include photographs, figures and a map.

## II. THE REQUEST

3. The Request for Inspection was submitted by a representative (referred to below as the “Requesters’ Representative”) on behalf of four residents of the village of Shakpak Baba, Tyulkubas district, Turkestan Oblast,<sup>1</sup> Republic of Kazakhstan (hereafter referred to as the “Requesters”). The Requesters have asked for confidentiality.

4. The Request alleges that (a) the construction of the road has affected the community’s supply of natural spring water; (b) poor maintenance of a drainage pipe under the Village Road and a drainage channel caused a flood that damaged several households in April 2017 for which no compensation was paid; (c) community household plots do not receive irrigation water as a result of Project construction activities; (d) prolonged construction activity that involves a tunnel is causing an increase in road accidents, including vehicle collisions with pedestrians; (e) a culvert under the Project’s Bypass Road that is used as a crossing point by cattle is partially blocked with debris; and (f) there are deficiencies related to stakeholder engagement, including consultation and disclosure of information.

5. The Notice of Registration included the Request (with names redacted) and a sample statement of an affected person sent to the Chairman of the Committee for Roads of Kazakhstan. The Request makes note of 19 attachments, none of which were included with the Notice of Registration. These include:

- (a) Conclusion of Republican State Expertise (RSE) “Gosexpertiza” regarding the tunnel, dated October 20, 2014;

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<sup>1</sup> Formerly South Kazakhstan Oblast, renamed to Turkistan Oblast on June 19, 2018.

- (b) Nine statements from individuals, names redacted, dated between September 6, 2020 and November 28, 2020;
  - (c) Public Monitoring Group (OMG) letter, dated September 12, 2020;
  - (d) Letter with name and date redacted;
  - (e) Letter to the Committee for Roads dated November 16, 2020; cover letter dated December 1, 2020;
  - (f) Two letters, names redacted, dated September 30 and December 9, 2020;
  - (g) Response of Akimat to redacted name, dated May 4, 2017;
  - (h) Response from Shymkent Kazdorproekt LLP, dated September 14, 2020; and
  - (i) Response of the Committee for Roads, dated December 14, 2020.
6. No further materials were received by Management.



### III. PROJECT BACKGROUND

#### South West Roads Project Western Europe – Western China International Transit Corridor

7. **Project Objectives.** The Project objectives are to improve transport efficiency along road sections in the Kyzylorda, South Kazakhstan<sup>2</sup> and Almaty Oblasts; improve road management; and increase traffic safety in Kazakhstan.

8. **Project Components.** The original Project was comprised of five components. It was restructured three times to, inter alia, reallocate Project savings to finance additional activities, change the Project development objectives and extend the closing date. The first restructuring in 2012 included an additional 80-km Shymkent–Zhambyl Oblast border road section along the Western Europe–Western China (WE-WC) corridor under Component 2. The Shakpak Baba Bypass Road related to the Request was included during the 2012 restructuring under Component 2. The second restructuring in 2015 added an 85-km road section along the Center–South corridor within Almaty Oblast under a new Component 6 and costs to the other components were adjusted. In 2017, an additional 96-km road section was added to Component 6 along the WE-WC corridor within Almaty Oblast along with activities to further improve road safety, roadside services, and road maintenance and operation. The current components are as follows:

- Component 1: Upgrade and reconstruction of road sections along the WE-WC corridor within Kyzylorda Oblast (excluding the bypass to Kyzylorda) (US\$1,085 million).
- Component 2: Upgrade and reconstruction of road sections within South Kazakhstan Oblast, including the bypass to Kyzylorda (US\$700 million).
- Component 3: Project Management Consultants (US\$8.2 million).
- Component 4: Institutional Development, Road Safety, Road Services and Road Asset Management System (US\$4 million).
- Component 5: Supervision of civil works (US\$55.5 million).
- Component 6: Upgrade and reconstruction of road sections within Almaty Oblast (US\$272 million).

9. The Request for Inspection pertains to lot 1 of the upgrading of the Shymkent–Zhambyl Oblast border section along the existing Almaty – Shymkent highway (A2). The current A2 runs through Shakpak Baba village, where it is used for local traffic as well as the long-distance through traffic. The Project supports the construction of a new **Bypass Road**, including a tunnel, which will eventually become the new routing of the A2 and divert through traffic around Shakpak Baba. The current section of the A2 that runs through

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<sup>2</sup> Renamed to Turkestan Oblast on June 19, 2018.

Shakpak Baba is referred to here as the ***Village Road***, which will continue to function as such when the A2 bypass is completed.

10. ***Project Status.*** The Project is on track to achieve its objectives. As of today, 1,130 kms of the WC-WE transit corridor have been completed under the Project and opened to traffic, closing critical connectivity gaps between major cities and to the borders with Russia and Uzbekistan. The investments are already generating benefits for transit, trade, and services between economic centers, along the road, and in adjacent towns and cities. In addition, the Project supported important institutional reforms in the road sector by separating policy-making and operational functions, which led to creation of a new national operator of the road network, establishment of a quality center for road asset management and road safety, and enhanced competition in the road construction industry.

11. Disbursements are US\$1.904 billion (90 percent) to date. Component 1 civil works on a 760-km stretch of road (14 lots) in Kyzylorda Oblast have been completed. Out of 10 lots under Component 2, only a 39-km section of the Khorgos-Almaty-Shymkent-Uzbekistan border corridor, which included the Shakpak Baba Bypass Road and the 800-meter twin-barrel tunnel, remains to be completed. Progress on six road sections in Almaty Oblast (total 180 km) under four contracts (Component 6) is mixed: three contracts are under execution and one contract was terminated in April 2020 due to non-performance and is in the rebidding stage. The current closing date is December 31, 2021.

### **Enhancing Demand-Side Governance of Road Administration Project**

12. The Request for Inspection cites the US\$305,000 Institutional Development Fund (IDF) grant that supported the ***Enhancing Demand-Side Governance of Road Administration Project***. (TF014526). The objective of this project was to enhance the participatory performance monitoring and evaluation of the Kazakhstan Road Administration (Ministry of Transport and Communications)<sup>3</sup> by building capacity to effectively engage civil society organizations and local communities in the implementation of transport projects. Through this activity, the Bank and the Government of Kazakhstan sought to reinforce third-party monitoring and strengthen stakeholder consultation under the World Bank road engagements in Kazakhstan, including those financed by the Project. However, the grant has been suspended and cancelled due to integrity concerns. The planned activities did not take place.

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<sup>3</sup> Current name is *Ministry of Industry and Infrastructural Development (MIID)*

#### IV. MANAGEMENT'S RESPONSE

13. The Requesters' claims, accompanied by Management's detailed responses, are provided in Annex 1.

14. ***In Management's view this is an inappropriate Request, in that it tries to link a number of adverse impacts experienced by the Shakpak Baba community to the Project, without establishing any evidence or even plausibility of such linkages. Management has carefully reviewed the issues raised in the Request and concluded that they do not pertain to the Project and cannot be supported by facts.*** It is not clear why issues that are presented in the Request as very serious were not raised, either in writing or during missions to the village, when they are alleged to have occurred, in 2017.

15. ***The Bank and the Committee for Roads responded immediately and appropriately when the issues raised in the Request were first communicated to the Bank by the Requesters' Representative on September 30, 2020.*** The Bank immediately reviewed the issues and requested responses from the implementing agency and also arranged for a mission to meet with the Requesters' Representative, the local community, the implementing agency and Contractor on site, which occurred on November 13, 2020. During the meeting, the Committee for Roads confirmed arrangements for actions to address some concerns immediately, which – although not related to the Project – were the Committee's responsibility. The Committee for Roads committed to expand the culvert capacity under the Village Road, pave the drainage channel, and fix the concrete pipe irrigation channel as soon as the Village Road can be closed to traffic to carry out these works.<sup>4</sup> The Committee for Roads also requested residents to provide details with regard to the flood damage claims, for review and identification of the responsible party. To date no such submissions were received by the Committee for Roads. However, a Request for Inspection was filed on December 24, 2020.

16. ***A Bank team visited the Project site again in February 2021 and engaged with community members, including the 13 residents of the eight properties that were flooded in 2017. Management notes that the affected residents were unaware of the list of concerns raised in the Request for Inspection on their behalf.*** They explained that they had submitted compensation claims to the local government regarding the damages from the 2017 flood. However, they said that they did not further pursue these claims until the Requesters' Representative approached them in 2020 to ask about potential issues that could be raised with the Bank. Individuals who told the Bank team that they had signed the Request for Inspection explained that they were under the impression that this was to pursue the flood compensation matter, but were not aware or supportive of the fact that other issues in the Request were raised on their behalf. While the Request raises the flooding damage for all eight households, at least two owners of these affected properties told the Bank team that they had no complaints and no intention to pursue a formal

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<sup>4</sup> To avoid major traffic disruptions, the Village Road (through which the A2 highway is currently routed) can only be closed for works once the new Bypass Road is open for traffic.

complaint, while one owner even stated that their house had not suffered any damages at all from the 2017 flood.

17. ***The Bank team advised the community members that the Bank mission's goal was to obtain a better understanding of the issues raised, so that they could be reviewed and addressed and invited them to raise issues of concern.*** Community members, including the households noted above, were open and vocal in the meetings the mission held. They openly and forcefully voiced criticism directly at local government representatives who were present in some meetings. There were no signs of intimidation or fear of retaliation, as claimed in the Request. Community members openly expressed their concerns, including complaints about what they saw as failings of the local government.

18. ***Management has carefully reviewed Project implementation arrangements to ensure that they continue to meet Bank policy requirements.*** Moreover, the Bank has requested the Borrower to actively look into the community complaints raised both in the letter received by the Bank on September 30, 2020, and the Request. While unrelated to the Project, these allegations have been taken very seriously by the Borrower and were treated as such, even before the Request for Inspection was filed. It is noteworthy that the Project's engagement with the local community has been constant since 2014 and that the Borrower has been taking into account villagers' concerns regularly, which led to design adjustments and even included issues that were not part of the scope of the Project.

19. ***Management's review of the matter demonstrates that the allegations raised in the Request lack basis, and that the cited adverse impacts are either unrelated to the Project or not present.***

- The community's supply of natural spring water was ***disrupted due to maintenance works*** on the village's irrigation canals carried out by the local water authority during spring-summer 2020;
- Community wells, which allegedly were clogged, were found to be ***clear and functional***;
- The drainage pipe under the Village Road and the drainage channel, which allegedly caused the flooding, ***were not installed by the Project*** and are unrelated to the road design supported by the Project;
- The flood that affected several households in April 2017 was a ***nation-wide flooding event***. Rainfall in Shakpak Baba represented a one-in-44 years event that caused similar flooding and damages in the region and across the country;
- The official police records for Shakpak Baba show that there is ***no increase in road accidents***, including those involving pedestrians, since before the Project's construction of the new Bypass Road started;
- The box culvert under the Bypass Road is ***not blocked with debris*** and is passable for cattle;

- An overview of *consultations and disclosure* of Project-related documents does not support the alleged shortcomings.

**20. *In addition, Management has concerns about the legitimacy and integrity of this Request and has shared these concerns and supporting evidence with the Panel.***

21. Management's responses to the issues raised by the Request are provided in more detail below.

22. ***The Request specifically conflates a number of water-related issues affecting Shakpak Baba village that are not related to the Project. The pertaining allegations raised in the Request also contradict each other.*** These alleged impacts pertain to the following: (a) surface water runoffs that caused the 2017 flooding; (b) clogged groundwater wells; (c) surface water from nearby streams which is channeled to the village for irrigation; and (d) surface water from snowmelt from the Karatau Mountains that is collected in the village's drainage ditch. Management specifically notes that the Request appears to raise the allegation that the Project has resulted in *too much* water being drained to the village and leading to the flooding, while at the same time alleging that the Project has altered the surface drainage with the result that *too little* water for irrigation reaches the village. The paragraphs below explain how both allegations are incorrect.

### **2017 Flooding in Shakpak Baba Village**

23. ***The April 2017 flooding cited in the Request is not related to the Project.*** In April 2017, heavy rainfall and snowmelt caused severe flooding in several regions of Kazakhstan. The country's *Committee for Emergency Situations* reported that more than 7,000 people had to be evacuated, and at least 70 people had to be rescued from floodwaters. Around 1,500 homes were damaged. Several villages and cities in the *Tyulkubas* district were affected by local flooding, including Shakpak Baba and other nearby villages, as well as neighborhoods of Shymkent city, all of which is publicly documented.

24. ***Management has reviewed the matter and concluded that the flooding in Shakpak Baba village was due to the magnitude of the April 2017 rainfall coupled with increased snowmelt. The size of the village drainage infrastructure was not equipped to deal with the magnitude of the water influx of this prolonged, heavy, once-in-44 years rainfall event.*** Due to the local topography and inadequacy of the village's drainage infrastructure, rainwater was trapped at the village's lowest point and caused flooding. Management commissioned a technical review of the issue by an independent hydrologist. The technical review confirmed Management's own assessment.

25. ***April 2017 precipitation volumes.*** There was repeated heavy rainfall in April 2017 that exceeded the average rainfall for the period by 22 percent.<sup>5</sup> Rainfall in Shakpak Baba totaled 53.76 mm over four days, April 10-13, 2017, with rainfall earlier in the month and after these dates as well. The hourly data also shows the highest hourly intensities (3.68

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<sup>5</sup> Kazakhstan Annual Climate Monitoring Bulletin: 2017. Astana, published in 2018, <https://www.kazhydromet.kz/ru/klimat/ezhegodnyy-byulleten-monitoringa-sostoyaniya-i-izmeneniya-klimata-kazahstana>

mm/hr) of the month were late on the day of April 12, 2017, when the flooding is reported.<sup>6</sup> A precipitation analysis of ERA5<sup>7</sup> climate data for the village location shows that the event in April 2017 was a significant one in terms of rainfall volume, particularly on April 12. This, coupled with the preceding rainfall and snowmelt runoff from the nearby mountains, would have saturated the catchments and further increased runoff. Using various scientific analyses of the data from the European Centre for Medium-Range Weather Forecasts (ECMWF) 5th Generation Reanalysis (ERA5), Intensity-Duration-Frequency curves were back-fitted to estimate that this type of event would occur only once in 44 years.<sup>8</sup>



*Photo 1: April 2017 Flooding of properties in Shakpak Baba*

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<sup>6</sup> Technical Assessment for road project in Kazakhstan: A2 Culvert Drainage Investigation, Shakpak Baba village, Kazakhstan. Feb 2021(a). Dr. Mark Trigg, BEng MSc CEng CEnv MCIWEM, Associate Professor of Water Risk, School of Civil Engineering, University of Leeds, United Kingdom.

<sup>7</sup> The European Centre for Medium-Range Weather Forecasts (ECMWF) 5th Generation Reanalysis (ERA5) is a composite gridded output provided by ECMWF for the globe, using a careful combination of rain gauge data, satellite measurements, and climate models to interpolate where there is no data available.

<sup>8</sup> Technical Assessment for road project in Kazakhstan: Flood Mitigation Options for A2 Culvert, Shakpak Baba village, Kazakhstan. Feb 2021(b). Dr. Mark Trigg, BEng MSc CEng CEnv MCIWEM, Associate Professor of Water Risk, School of Civil Engineering, University of Leeds, United Kingdom.



Photo 2: April 2017 Flooding of properties in Shakpak Baba

26. ***Drainage analysis of the terrain also shows that the new Bypass Road in April 2017 increased the area of the catchment draining only by a small degree, around 12 percent in the worst case.***<sup>9</sup> This is not a significant increase in drainage area and would only result in very small increases in flow to the Village Road culverts. Small changes in drainage areas are expected with road schemes in general, and this is particularly modest in reality. In addition, this change was only temporary, as construction was still ongoing at the time. To date (February 2021) all planned culverts are in place in the Bypass Road and therefore the Village Road's culvert catchments are more or less as before construction. The analysis of the rainfall shows that the flooding would have happened regardless of the moderate change in drainage area due to the Bypass Road and the April 2017 event would have caused flooding at the Village Road's culvert in any case.

27. ***Village Road culvert: There are 12 culverts in total under the Village Road. There is no evidence that the culvert cited in the Request was clogged at the time of the flood in 2017, as is alleged.*** Properties on both sides of the Village Road were flooded, which means that the water could not escape downstream of the culvert either. Another culvert is located in the area of flooded houses, less than 100 m away from the culvert in question. The combined capacity of both culverts of about 2.5 m<sup>3</sup>/s was still not sufficient to absorb the large volumes of water caused by extreme rainfall in April 2017, with or without the new Bypass Road.<sup>10</sup> It is not possible that the flooding shown in Photo 1 above is caused by a single clogged road culvert.

<sup>9</sup> Trigg, Technical Assessment, 2021(a).

<sup>10</sup> Trigg, Technical Assessment, 2021(b).





*Photos 3 - 6: April 2017 Flooding impacts in the Turkestan region  
(photos do not include Shakpak Baba Village)*

28. At the request of the Committee for Roads, the Contractor had cleaned the culvert in March 2017 before the flood occurred. The photographs of the culvert shared by the Requesters' Representative in his complaint letter of September 30, 2020, also do not show that the culvert was clogged (see Annex 4) and do not match the situation in 2017.

29. ***Much of the Request pertains to the village's drainage infrastructure, which is not part of the Project.*** While the Contractor was tasked to maintain and repair the Village Road surface and culverts under it, cleaning adjacent village infrastructure, including the drainage ditch, was not part of the Project nor the contract. Immediately after the flood in April 2017 as a mitigation measure against future floods, the local government dug a wider drainage ditch through Shakpak Baba village as well as four km downstream connecting to the river. While the cleaning and maintenance of this drainage ditch was the responsibility of the local government, the Contractor cleaned it following the request of local residents made during the Bank's visit in November 2020.

30. ***The Committee for Roads was responsive to the request of the local residents and committed already in 2017 to implement a number of flood mitigation measures, which are not related to the Project.*** This included expanding the capacity of the culvert under the Village Road and lining the drainage ditch that cuts across the village. These works are planned to be done after completion of the bypass, when the traffic will be diverted to the new Bypass Road, making it possible to temporarily close the Village Road for the above works. The culverts/cattle underpasses on the Bypass Road will be cleaned regularly, as part of normal operations and maintenance. The Committee for Roads has also committed



to ensure that the Village Road will be properly maintained by the responsible entity, including the adjacent drainage infrastructure.

31. ***Project Bypass Road box culvert: The Request erroneously alleges that the box culvert (also serving as cattle underpass) of the Project Bypass Road was also clogged by debris.*** Given the box culvert's dimension (4 m x 2.5 m), it is highly unlikely that it was blocked to the extent that it could not fulfill its intended function. Moreover, had the box culvert indeed been clogged, as the Request alleges, the water would have been blocked there and would not have been able to travel downstream to the village where the flooding occurred. The photographs submitted by the Requesters' Representative to the Bank on September 30, 2020 (see Annex 4) confirm that the box culvert is fully functional and not blocked, and show the presence of a small amount of mud on the culvert floor, most likely introduced by water flow and cattle. Nevertheless, the Contractor at the instruction of the Committee for Roads, cleaned the small amounts of mud from the box culvert floor in October 2020 (photo 5 of Annex 2). The Request, however, alleges that this box culvert / cattle underpass is still clogged.

### **Compensation Claims by Flooded Households**

32. ***Some residents requested compensation for flooding damage to their properties from the local government (Akimat of Tyulkubas district) on April 17, 2017.*** The Akimat visited and assessed the damages on April 24, 2017, and in a written response dated May 4, 2017, advised the residents that the damages to temporary and non-residential household structures caused by the flood were not eligible for compensation, in accordance with national civil protection legislation. Article 58 of the Law of the Republic of Kazakhstan on "Civil Protection," dated April 11, 2014 (No. 188-V 3PK), states that "*Not eligible for compensation are: 1) temporary structures, household and other structures that do not belong to real estate in accordance with the legislation of the Republic of Kazakhstan on architectural, urban planning and construction activities, as well as illegally constructed structures and 2) valuable clothing, luxury items or made of precious metals, items of artistic value.*" Consequently, on July 15, 2017, the Akimat paid compensation to the owner of a house that qualified as a residence and where the water infiltrated the house and damaged the floor. According to the Akimat, and as confirmed by the owner, the compensation was provided for the replacement of the floor inside the house.

33. Residents whose application for compensation was rejected by the Akimat did not approach the Committee for Roads, the Bank, or the Project grievance redress mechanism (GRM) or otherwise raise the matter, until August 2020.

### **Water Supply**

34. ***Water Wells: None of the community members (including the residents of the flooded properties) met by the team on February 22 and 24, 2021 was aware of current issues with, or complaints about, clogged wells.*** Houses have piped and safe drinking water, but also retain a groundwater well, which residents use as a backup for occasional service interruptions and household needs (cattle and gardening). The Bank team was shown the wells of several houses by their residents. The wells were clean and in good

working condition. The depths ranged from 12 to 17 meters. Other residents demonstrated how they used water pumps to extract water from the wells.

35. One resident indicated that the well on their property was indeed clogged after the 2017 flood but that it had been cleaned out afterwards and was functional since then. There were no concerns raised by residents about the current state of the wells.



*Photos 7-8: Wells on two different properties that were flooded in 2017*

36. ***Availability of Spring Water: The Request erroneously claims that Project works have had an impact on the availability of spring water used by residents to water their gardens.*** Management confirmed with the local water authority that there are no groundwater springs on the northern side of the valley (where the Bypass Road runs) that are used by the village. The only spring used by the village is sourced from the other side of the valley and feeds into one of the village's two irrigation canals. Therefore, there is no impact from the road or tunnel construction on groundwater springs used by the village.

37. ***Two irrigation canals feed water to the gardens of the houses on the north side of the village.*** Water is shared between the properties supplied by these canals. The canals are managed by the local water authority and the water flow is regulated by national legislation. Neither irrigation canal sources water from within the area of influence of the new Bypass Road system. The western canal comes from a separate catchment, away from

and upstream of the new road. The “Ozernyi” spring water, which originates in the Talas-Alatau mountains to the south, feeds the 5.5 km long eastern canal. <sup>11</sup>

38. ***During May-June 2020, the local water authority carried out major repair works on this system, which led to a temporary suspension in supply of irrigation water to the village.*** The repair works included mechanical clean-up, installation of hydraulic facilities (4 locks regulating water level alongside the irrigation canal). However, this year the water will be supplied as usual once the season starts. The repair works were not a part of the Project.



*Photo 9: Irrigation canal control point feeding to Shakpak Baba village*

39. ***Concrete Pipe to Supply Irrigation Water: There is no connection between the cited concrete irrigation pipe and the Project. This pipe was installed in 2017 by the local government. It is not part of the Project, nor was it supported by the Project or installed by the Project Contractor.*** Most houses in Shakpak Baba village have gardens and access to the irrigation canal to water them. Three houses had complained in 2017 to the local government that the water coming from the irrigation canal had decreased and was insufficient. In response, the local government installed a reinforced concrete pipe to help direct the water from the irrigation system to these gardens. Management is not in a position to opine on the quality or functionality of this irrigation pipe.

<sup>11</sup> Chapter 66, para. 1 and chapter 72 of the Water Code of the Republic of Kazakhstan (a Special Permit for Water Use issued by the “Aral-Syrdarya Basin Inspection for the Regulation of the Use and Protection of Water Resources” of the Committee for Water Resources of the MEGPR RK (dated valid from 11.01.2018 to 11.01.2023)).





*Photos 10-11: Irrigation pipe (not part of the Project)*

40. ***Availability of Seasonal Snowmelt Water (“natural springs”): The Request’s allegation that the “ecological balance” of snowmelt water is “damaged” due to the road construction is not accurate.*** The “natural spring water” cited in the Request is understood to refer to *seasonal snowmelt water* coming down from the Karatau mountains. Some residents (who have limited access to the irrigation canals) reportedly use this snowmelt to water their gardens. The snowmelt runoffs occur from April to June and vary depending on annual precipitation, the snowpack and other hydrometeorological conditions.

41. ***The Project road construction does not affect the flow of this snowmelt water as six culverts under the Shapak Baba Bypass Road between km 595 and km 601 upstream of the village allow the water to flow under the Bypass Road downhill to the village.***<sup>12</sup> The slope of the terrain allows the natural flow of the snowmelt water from the mountains, when it is sufficient, to be directed through the culverts on the new road and to the village.

42. ***Water shortages have occurred in all regions of Kazakhstan, particularly in the southern and western regions of the country over the last several years.*** Neighboring countries have also been experiencing similar water shortages. Over the last three years, Kazakhstan has entered a cycle of “water shortage,” which may continue until 2030. The

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<sup>12</sup> In addition to the two referenced box culverts at PMs 333 and 344 (4m x 2.5m each), under the Shapak Baba village bypass (between km 595 and 601), there is an additional box culvert (4m x 2.5 m) at PM 323 and three pipe culverts (1.5 m diameter) at PM 320, PM 324, and PM 349.

volume of the “total river runoff: per year is 90 or 100 cubic km, of which 50.8 cubic km is local runoff, the rest coming from transboundary rivers. The total volume in 2019 amounted to 83 cubic kilometers, 20 percent less than the annual average and 40 percent less than the 2016–2017 average.<sup>13</sup>

43. ***Due to the impact of climate change, Central Asian countries, including Kazakhstan, experience less snowfall (but more rainfall) in winter and consequently less water from snowmelt in spring.*** Scientific research for the period 1941–2011 shows increasing trends in air temperature in Kazakhstan for all seasons, and a decreasing trend of days with the minimum daily temperature below freezing point (0 C).<sup>14</sup> This is a global impact that is unrelated to local developments.

### Road Accidents and Traffic Volume

44. ***Road Accidents: The Request’s allegation that Project delays have led to increased road accidents is not accurate. The accident and fatality figures presented in the Request are not consistent with the official police records for Shapak Baba village.*** There are no indications or evidence that accidents have increased during the Project period. To the contrary, since the start of the Project works, according to official records, accidents have been reduced, while the number of pedestrians involved in accidents has remained the same. The source of the figures presented in the Request is not clear.

45. ***According to local official police records, the number of accidents on the Village Road (running for about 6km within Shapak Baba village, between kms 595 and 601) has not increased over the period of 2012-2020 and the number of fatalities has in fact decreased (see Table 1 below).***

<i>Year</i>	<i>Accidents</i>	<i>Fatalities</i>	<i>Injured</i>	<i>Pedestrians involved</i>
2012	7	9	7	1
2013	9	2	18	3
2014	8	2	19	2
2015	6	4	4	4
2016	2	1	1	2
2017	10	0	14	3
2018	8	2	7	3
2019	4	1	7	1
2020	5	1	7	0

Table 1: Road Accidents inside Shapak Baba Village limits (source: Traffic Police)

46. ***Hence, there is no basis to claim that the Project works have led to an increase in road accidents or fatalities on the Village Road.*** A major safety risk on the Village Road is the unregulated location of roadside traders. To address this issue, the regional office of the national roads agency (KazAvtoZhol) has been communicating with the

<sup>13</sup> Statement by the Ministry of Ecology, Geology and Natural Resources, April 7, 2020.

<sup>14</sup> Salnikov, V., Turulina, G., Polyakova, S., Petrova, Y. and Skakova, A. (2014). “Climate change in Kazakhstan during the past 70 years.” *Quaternary International*.

Akimat to remove informal traders from the roadside due to road safety risks and provide them with safe space for trading.

47. **Traffic Management.** The Contractor has a Traffic Management Plan (TMP) in place.<sup>15</sup> In Management's view, the Contractor has taken necessary measures to ensure proper traffic safety management in relation to Project construction, including the junctions between the new Bypass Road and the Village Road. The Project engineer and the local police regularly monitor these measures. Road signs, barriers, road markings and signal posts are updated and replaced as necessary.



*Photo 12: Speed reduction signs at entry from the four-lane completed section to two-lane Village Road*



*Photo 13: Speed reduction signs at entry at the junction approach before exit to the village*

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<sup>15</sup> <https://europe-china.kz/en/fininst>



Photo 14: Entry from the four-lane completed section to two-lane Village Road



Photo 15: Exit from the two-lane Village Road to the four-lane completed section

48. ***Traffic Volumes:*** *There is equally no indication or evidence that the traffic volume has increased as a result of the completion of the upgraded road sections before and after Shakpak Baba village. This road is and was the only road connection available for traffic between Almaty and Shymkent. There is no alternative east-west road connection at least 200 kms around Shakpak Baba from which traffic could be drawn or re-routed to the upgraded Project road, and which otherwise would not have passed through Shakpak Baba.*

49. ***Management notes that the delay in Project implementation has indeed resulted in a delay in diverting road traffic away from the village, which is one of the intended Project benefits. Such delay, however, does not constitute an adverse impact resulting from the Project when compared to the pre-project situation, as required by the Inspection Panel Resolution.***<sup>16</sup> The works on the construction of the twin-barrel tunnel have been delayed for several reasons: a change in contractor (as a result of the previous

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<sup>16</sup> Paragraph 39, Resolution No. IBRD 2020-0004 and Resolution No. IDA 2020-0003 The World Bank Inspection Panel September 8, 2020. “For assessing material adverse effect, the without-project situation should be used as the base case for comparison, taking into account what baseline information may be available. Non-accomplishments and unfulfilled expectations that do not generate a material deterioration compared to the without-project situation will not be considered as a material adverse effect for this purpose.”

contractor's bankruptcy), technical complications in the tunnel works, and the restrictions resulting from the COVID-19 pandemic. Management currently expects the tunnel to be completed by the end of 2021.

## Consultations and Disclosure

50. **Disclosure.** The ESIA for the Project was prepared and disclosed by the Borrower and the Bank on June 24, 2008. A site-specific ESIA for the Shymkent – Zhambyl region border (Section 1 593-632km and Section 2 632-674km) was prepared and submitted to the Bank by the Borrower on June 4, 2012. That document was disclosed by the Borrower, but does not appear to have been disclosed by the Bank.

51. Due to changes in the Project's website (caused by the renaming of the lead ministry and its internet domain), the earlier disclosed ESIA became inaccessible online. Management requested that the Borrower re-disclose the ESIA, which it did on February 6, 2021. The Bank also disclosed the 2012 site-specific ESIA on the Bank's website on March 2, 2021. Additionally, an EMP prepared in 2018 for the new Contractor completing the tunnel was re-disclosed by the Borrower on March 2, 2021 and by the Bank on March 3, 2021.

52. A supplementary ESIA to cover the design revision from a deep cut to an 800-meter tunnel was prepared in January 2014 and approved by the State Expertise of the Government of Kazakhstan on October 20, 2014. A Resettlement Action Plan (RAP) for the A2 "Khorgos-Almaty-Shymkent-Uzbekistan border corridor (593-632km)" was prepared and disclosed by the Borrower on March 17, 2014 and by the Bank on March 18, 2014.

53. **Consultations.** Frequent consultations were carried out for the WE–WC road corridor projects by the Public Monitoring Group (OMG) hired by the Bank through the IDF grant as well as through a Memorandum of Understanding with the Committee for Roads, Project Management Consultant and a group of NGOs.

<i>Consultation Purpose</i>	<i>Date</i>	<i>Participants</i>
Public consultations on the proposed design of the section, selection of alternatives, Environmental and Social Impact Assessment (ESIA) report, land acquisition and resettlement procedures.	January 15-17, 2009; May 13, 2010; October 27, 2010.	Kyzylorda city – 98 people, Turkestan city – 47 people, Shieli village – 125 people, Zhanakorgan village – 117 people, Temirlan village - 83 people.
Public consultations on the project design decisions (road characteristics, bridges, underpasses for animals and farm traffic, fencing etc.), land acquisition, and resettlement procedures.	July 29, 2010	In total 76 people, including: Local residents, Representatives of local authorities and NGO, Representative of Committee for Roads, Representative of local Committee for Roads.
Public consultations on the project design and preparation of	February 18, 2011; June 30, 2012.	In total 420 people, including: Residents of Tyulkubas and Sairam districts,



<i>Consultation Purpose</i>	<i>Date</i>	<i>Participants</i>
the RAP for A2 “Korgos- Almaty-Shymkent-Uzbekistan border corridor (593-632km)”.		Local government representatives for Tyulkubas and Sairam districts, Representative of local Committee for Roads, Representative of design engineer.
RAP of Temirlan by-pass, project design and environmental impact.	June 30, 2009; February 11, 2010; February 18-19, 2010; January 16, 2011; March 28, 2011.	In total 921 people, including: Project affected people and residents, representatives of local authorities and NGO, Representative of Committee for Roads, Representative of local Committee for Roads.
ESIA for Shymkent – Zhambyl region border (Section 1 593- 632km and Section 2 632-674).	April 19, 2011	Residents of Tyulkubas and Sairam district villages (66 people), Local government representatives for Tyulkubas and Sairam districts, Representative of local Committee for Roads, Representative of design engineer.
Meetings with Tyulkubas district residents in South Kazakhstan oblast.	August 6-8, 2012	Residents of 8 settlements (28 people total): Shakpak Baba, Momysuly, Sarykemer, Nurlykent, Aysha Bibi, Kostobe, Myrzatay.
Meetings with Aktobe oblast residents.	April 24-28, 2013	Residents of 6 settlements in Aktobe oblast (127 people total): Zhaisan, Martuk, Kensakhara, Sarzhansay, Khlebodarovka and Kuraily.
Meetings with Tyulkubas district residents.	September 17-25, 2014	Supervision engineer, Representatives of local government for Tyulkubas district, Residents of following 10 villages (185 people total): Zhaskeshu, Shukyrbulak, Kabanbay, Tausagyz, Dauan, Bakybek, Akbiik, Shakpak Baba, and Sjabagly.

Table 2. Overview of consultations

### Alleged “Copyright infringement”

54. *The Request raises a “copyright infringement” allegation, which Management understands to be a legal dispute between the engineering bureau “Shymkent Kazdorproekt” and the Committee for Roads regarding the engineering bureau’s claim to have the right to carry out architectural supervision of the tunnel design.* The original design of the road section was prepared by a different engineering bureau, *SK Engineering*, which was hired by the Committee for Roads to carry out the design supervision. During Project implementation an 800-m tunnel (for which “Shymkent Kazdorproekt” prepared the design) was added to the road design. However, the arrangement for design supervision remained between the Committee for Roads and *SK Engineering*. “Shymkent Kazdorproekt” is now claiming to be hired for design supervision for the tunnel, as the author of the tunnel design. The Committee for Roads, however, claims that it has no contractual relationship with “Shymkent Kazdorproekt” which was hired by the contractor at the time.

55. ***Management notes that this legal dispute is not a matter of compliance with Bank Policy, nor does it cause or could any adverse impacts on the community or the environment, or the quality of the road and tunnel construction.*** The Bank also does not have any role in this legal dispute.

## **Conclusion**

56. ***In Management's view, the Bank has followed the policies and procedures applicable to the matters raised by the Request. As a result, Management believes that the Requesters' rights or interests have not been, nor will they be, directly and adversely affected by a failure of the Bank to implement its policies and procedures.*** In Management's view, this Request is misleading, in that it tries to link a number of the unrelated, yet adverse impacts experienced by the Shakpak Baba community to the Project, while ignoring the evident sources of these impacts. Management has carefully reviewed the issues raised in the Request and concluded that they do not pertain to the Project and cannot be supported by facts.

**ANNEX 1.**  
**CLAIMS AND RESPONSES**

No.	Claim	Response
1.	<p>1. We are living in the village Shakpak Baba, Tyulkubas district, Turkistan oblast, the Republic of Kazakhstan. Our addresses are attached. The statements confirming the authority of our representative are attached.</p> <p>2. We have suffered and may suffer more harm as a result of shortcomings and oversights by the World Bank regarding the project reconstruction of the highway A-2 “Khorgos-Almaty-Shymkent-border of the Republic of Kazakhstan” sector of the road “Shymkent - border of the Jambyl Region kilometers 593-632” in the Republic of Kazakhstan, Turkestan oblast, Tyulkubas district, village of Shakpak Baba (project: “South-West Roads: Western Europe-Western China International Transit Corridor (CAREC IB&amp;6B” Identification number P099270).</p> <p>3. In 2014, within the framework of the project “Modernization of the road industry management system considering the citizens views” (World Bank Institutional Development Fund grant under Agreement No. TF014526 awarded to the Public Association “Blago”), there were two projects monitored. The first project “Western Europe-Western China” and “Astana Temirtau”. And the second project “Reconstruction of A-2 highway “Khorgos-Almaty-Shymkent-border of the Republic of Uzbekistan”, sector “Shymkent - border of Jambyl Oblast, km 593-632”. The following violations were identified during the monitoring:</p> <p>(i) At picket marker 344 a reinforced concrete conduit with a diameter of 1.5 meters needs to be installed.</p>	<p><b><i>In Management’s view the issues raised in the Request do not pertain to the Project and cannot be supported by facts. It is also not clear why issues that are now presented in the Request as very serious were not raised in 2017, when they are alleged to have occurred.</i></b></p> <p>The Request raises concerns about a flood in April 2017; Management notes that this coincides with flooding that took place nationwide<sup>17</sup> and is not therefore specifically Project related.</p> <p>Management wishes to clarify that the Bank’s Environmental and Social Framework (ESF) does not apply to the Project, as the Request appears to assume. The Project is governed by the Bank’s safeguard policies in place at the time the Project was approved (OP/BP 4.01 and others).</p> <p>Shakpak Baba village is located near the site of ongoing construction of a twin-barrel tunnel and a Bypass Road around the village that is part of a 39-km section of road being rehabilitated along the Shymkent-Zhambyl Oblast border. The current road is part of the Almaty-Shymkent-Tashkent corridor and passes directly through the village (referred to herein as “Village Road”). Once completed, the bypass will divert the traffic around the village, a change that has been highly welcomed by its inhabitants.</p> <p>The “violations” referred to in the NGO (“Blago”) Public Association’s monitoring report of 2014 are not violations, but rather suggestions for construction adjustments that were made by the monitoring group. Many of these suggestions were adopted and integrated in the road design. They do not constitute Bank policy violations as presented.</p> <p>Please see Item 2 below for details regarding the specific actions.</p> <p>The NGO “Blago” received a grant of US\$305,000 from the World Bank’s Institutional Development Fund that supported the Enhancing Demand-Side Governance of Road Administration Project, the objective of which was to enhance the participatory performance monitoring and evaluation of the Kazakhstan Road Administration (Ministry of Transport and Communications)<sup>18</sup> by building capacity to effectively engage civil society organizations and local communities in the implementation of transport projects (TF 014526). The grant covered the period of December 31,</p>

<sup>17</sup> <https://floodlist.com/asia/kazakhstan-snowmelt-floods-april-2017>

<sup>18</sup> Current name is Ministry of Industry and Infrastructural Development.

No.	Claim	Response
	<p>(ii) At picket marker 333 raise the level of the 4 x 2.5-meter pipe (cattle crossing).</p> <p>(iii) Cut a soil ditch along the passageway from the creek at picket point 333 to the pipe under the main street of the village (the existing Almaty-Shymkent highway) and clean this pipe. In the future, cleaning should be carried out by the DEP YuKO branch of NC “Kazavtozhol” JSC.</p> <p>All the violations mentioned [below] in paragraph 3 (a), (b), (c), (d), (e), (f) of this complaint directly contravene the World Bank’s “Environmental and Social Standard” 4: Ensuring World Bank’s Community Health and Safety”.</p>	<p>2013–December 31, 2016, but it was suspended by Suspension Notice on May 28, 2015 and cancelled on July 31, 2015 due to integrity concerns. The planned activities did not take place.</p>
2.	<p>The field monitoring report on 06.09.2020 shows:</p> <p><b>a.</b> The pipe on picket 344 was not installed until 2019.</p> <p><b>b.</b> The cattle crossing at picket 333 is installed. However, the exit on the south side is partly blocked with gravel from the pavement which has attributed to accumulating water and mud inside the cattle crossing.</p> <p><b>c.</b> The ditch from picket marker 333 to the pipe under the main street of Boranbay Bagysbekov in Shakpak Baba village has been dug. But the sides of the ditch are crumbling, covered with dense vegetation, and the channel is clogged. The drainpipe under the main street of the village is also clogged.</p> <p>On April 12, 2017 these violations resulted in flooding of houses No. REDACTED on Boranbay Bagysbekov Sheet with rainwater. The material damage was not compensated to any of the owners, except for residents of the house REDACTED who was reimbursed partly for the material damage in the amount of REDACTED KZT.</p>	<p><b><i>Much of the Request pertains to the village’s drainage infrastructure, which is not part of the Project. While the Contractor was tasked to maintain and repair the Village Road surface and culverts under it, cleaning adjacent village infrastructure, including the drainage ditch, was not part of the Project nor the contract. There is also no evidence that the culvert under the Village Road was clogged at the time of the flood in 2017. The Request’s general assumption that drainage infrastructure was clogged in 2017 and led to the flooding is not plausible or credible.</i></b></p> <p>Responses in detail:</p> <p>(i) At picket marker (PM) 344 on the Bypass Road, a box culvert measuring 4mx2.5m was installed by the Contractor in May 2019. It was not part of the original design, as according to drainage mapping there was little catchment area associated with this culvert. However, it was built at the request of the local government of Tyulkubas district and the local residents to largely function as a cattle pass. Since the contract with the previous contractor was terminated (due to contractor bankruptcy), the construction of the culvert was undertaken by the new Contractor, who was engaged on the Project in January 2018. The design and construction for this box culvert were initiated by the new Contractor in May 2018. This section of the road was already completed and had to be demolished to install the culvert,</p>

No.	Claim	Response
	<p>The issue of floods recurring in the event of heavy rains or melting snow to the households on the sides of the ditch at picket 333 has not been resolved.</p>	<p>which took some time; the work was completed in May 2019.</p> <p>(ii) At PM 333 on the Bypass Road, the originally designed surface water drainage culvert (2mx2m) was replaced with a 4mx2.5m box culvert in 2015 (constructed between September 2014 and July 2015) at the request of local residents and local government so that it could also act as a cattle pass. The existence in the original design plan of a culvert at this location indicates that the road designers were aware of the need for drainage of surface water there.</p> <p>After the September 2020 complaint was received from Requesters' Representative (see Item 8 below), at the instruction of the Committee for Roads, the Contractor cleaned the cattle pass at PM 333 in October 2020 and cleared it of gravel and mud. However, to Management's knowledge, at no point has the cattle pass been clogged or unable to allow water to drain or cattle to pass.</p> <p>Actions (i) and (ii) were undertaken by the Contractor at the request of the residents, and as per instruction of the Committee for Roads.</p> <p>(iii) The drainage channel (a dirt ditch) between PM 333 and a pipe culvert under the Village Road was dug in April 2017 by the local government (Akimat), not by the Contractor. The channel was previously a narrow and shallow ditch but was widened and deepened by the local government after the 2017 flood as a mitigation measure against future floods. The Bank team was informed that the cleaning and maintenance of the drainage channel and other infrastructure in the village were the responsibility of the local government (Akimat of Tyulkubas district). However, the Contractor cleaned the pipe culvert under the Village Road in November 2020 (following the Bank team's visit). In response to residents' requests, the Contractor extended the pipe culvert's length by 1.5m and cleaned the drainage channel in November 2020. (Annex 2, photos A1-3).</p> <p>The Bank team, together with the Committee for Roads, visited the sites in November 2020 following receipt of the September 2020 letter of complaint and noted that both culverts at PMs 344 and 333 were functional and clean.</p> <p>In April 2017, heavy rainfall and snowmelt caused severe flooding in seven regions of Kazakhstan, including the Shymkent area. The country's Committee for Emergency Situations reported that more than 7,000 people had to be</p>

No.	Claim	Response
		<p>evacuated, and at least 70 people had to be rescued from the floodwaters. Around 1,500 homes were damaged.</p> <p>The local government also confirmed that the rainfall that year was very heavy and flooded villages in Tyulkubas district and nearby areas. According to the Kazakhstan Annual Climate Monitoring Bulletin: 2017 (Astana, 2018), although monthly rainfall averaged over the entire country was mainly below the norm, rainfall exceeded the norms by 22 percent in April 2017.</p> <p>Management's review is based on a technical analysis by an independent hydrologist (associate professor at Leeds University). Drainage analysis of the terrain also shows that the new Bypass Road in April 2017 increased only by a small degree the area of the catchment draining, around 12 percent in the worst case. This is not a significant increase in drainage area and would only result in very small increases in flow to the Village Road culverts. Small changes in drainage areas are expected with road schemes in general, and this is particularly modest in reality. In addition, this change was only temporary, as construction was still ongoing at the time. To date (February 2021) all planned culverts are in place in the Bypass Road and therefore the Village Road's culvert catchments are more or less as before construction. The analysis of the rainfall shows that the flooding would have happened regardless of the moderate change in drainage area due to the Bypass Road and the April 2017 event would have caused flooding at the Village Road's culvert in any case.</p> <p>A precipitation analysis based on the European Centre for Medium-Range Weather Forecasts 5<sup>th</sup> Generation Reanalysis (ERA5)<sup>19</sup> of climate data for the location shows that a large rainfall event occurred on April 12, 2017 and that preceding rainfall and snowmelt runoff from the nearby mountains would have saturated the catchments and further increased runoff. Rainfall totalled 53.76 mm over 4 days (April 10-13, 2017), and it rained both before and after these dates as well. The hourly data also shows the highest hourly intensities of the month were late on April 12 (3.68 mm/hr) when the flooding was reported.<sup>20</sup> A small steep catchment such as the location of the Request would have a relatively rapid response time to high intensity rainfall, making it particularly sensitive in this case and even more so with the wet</p>

<sup>19</sup> ERA5 is a composite gridded output provided by ECMWF for the globe, and it uses a careful combination of rain gauge data, satellite measurements and climate models to interpolate where there is no data available

<sup>20</sup> Technical Assessment for road project in Kazakhstan: A2 Culvert Drainage Investigation, Shapak Baba village, Kazakhstan. Feb 2021(a). Dr. Mark Trigg, BEng MSc CEng CEnv MCIWEM, Associate Professor of Water Risk, School of Civil Engineering, University of Leeds, UK.

No.	Claim	Response
		<p>antecedent conditions. Using various scientific analyses of the ERA5 data, including retrofitted Intensity-Duration-Frequency curves, it was estimated that this type of event would occur only once in 44 years.<sup>21</sup></p> <p><b><i>It is not plausible that clogging of a culvert under the Village Road could have been responsible for the flooding, as the Request claims.</i></b> There are 12 culverts in total under the Village Road. There is no evidence that the culvert cited in the Request was clogged at the time of the flood in 2017, as is alleged. Properties on both sides of the Village Road were flooded, which means that the water could not escape downstream of the culvert either. Another culvert is located in the area of flooded houses, less than 100 m away from the culvert in question. The combined capacity of both culverts of about 2.5 m<sup>3</sup>/s was still not sufficient to absorb the large volumes of water caused by extreme rainfall in April 2017, with or without the new Bypass Road.<sup>22</sup></p> <p>Moreover, there is no evidence that the culvert actually was clogged at the time of the flood. At the request of the Committee for Roads, the Contractor had cleaned the culvert in March 2017, which was before the April 2017 flood. The photographs of the culvert shared by the Requesters' Representative in his complaint letter of September 30, 2020, also do not show that the culvert was clogged and do not match the situation in April 2017.</p> <p>Some residents requested compensation for flooding damage to their properties from the local government (Akimat of Tyulkubas district) on April 17, 2017. In response, the Akimat of Tyulkubas district visited the village and conducted an assessment of damages on April 24, 2017 and in a written response (dated May 4, 2017) advised the residents that the damages to temporary and non-residential household structures caused by the flood were not eligible for compensation, in accordance with Article 58 of the Law of the Republic of Kazakhstan on "Civil Protection," dated April 11, 2014 No. 188-V 3PK, which states that "<i>Not eligible for compensation are: 1) temporary structures, household and other structures that do not belong to real estate in accordance with the legislation of the Republic of Kazakhstan on architectural, urban planning and construction activities, as well as illegally constructed structures and 2) valuable clothing, luxury items or made of precious metals, items of artistic value.</i>" The Akimat of</p>

<sup>21</sup> Technical Assessment for road project in Kazakhstan: Flood Mitigation Options for A2 Culvert, Shakpak Baba village, Kazakhstan. Feb 2021. Dr. Mark Trigg, BEng MSc CEng CEnv MCIWEM, Associate Professor of Water Risk, School of Civil Engineering, University of Leeds, UK.

<sup>22</sup> Trigg, Technical Assessment, 2021(a).

No.	Claim	Response
		<p>Tyulkubas district paid compensation to the owner of a house that qualified as a residence and where water infiltrated the house and damaged the floor. The resident had submitted videos showing water inside the house and damages to the floor; the compensation amount was KZT 127,807 (about US\$318 equivalent at the time). According to the Akimat, and as confirmed by the owner, the compensation was provided for the replacement of the floor inside the house, on July 15, 2017.</p> <p>Residents whose application for compensation was rejected by the Akimat did not approach the Committee for Roads, the Bank, or the Project grievance redress mechanism (GRM) or otherwise raise the matter, until August 2020.</p> <p>After the floods in 2017, the Committee for Roads agreed to have the Contractor carry out the following works to help address future flooding risks in Shakpak Baba village:</p> <ul style="list-style-type: none"> <li>• Expanding the capacity of the culvert under the Village Road; and</li> <li>• Lining the drainage ditch that cuts across the village.</li> </ul> <p>These works are planned to be done after completion of the new Bypass Road, when the traffic will be diverted there, making it possible to temporarily close the Village Road for completion of the above works.</p> <p>Going forward, the culverts/cattle underpasses on the Project road will be cleaned regularly, as part of normal operations and maintenance. The Committee for Roads has also committed to ensure that what will become the “old” Village Road is properly maintained by the responsible entity, including the adjacent drainage infrastructure.</p>
3.	<p><b>d.</b> At the edge of the land parcels of even-numbered houses in the village, there is a reinforced concrete pipe intended for the irrigation water. However, this facility is non-functional. The land parcels do not receive the irrigation water, and most of residents have lost the opportunity to replenish their livelihood with their own vegetable products. Some residents used to water their gardens and orchards from open wells using electric motors. However, after the flood in 2017, the wells became clogged.</p>	<p><b>Concrete pipe.</b> The reinforced concrete pipe at the edge of land parcels of some houses alleged as non-functional in the Request was installed by the local government (Akimat of Tyulkubas region) in 2017 to help direct the water from the irrigation system to these houses (photos 10-11). The pipe is linked to one of the irrigation canals from which these houses receive their water.</p> <p><b>Irrigation canals.</b> Two irrigation canals feed water to the gardens of the houses on the north side of the village. Water is shared between the properties supplied by these canals. The canals are managed by the local water authority, KAZSUSHAR. Neither irrigation canal sources water from within the area of influence of the new Bypass Road system. The western canal comes from a separate catchment, away from and upstream of the new road. The “Ozernyi” spring water, which originates in the Talas-Alatau mountains to the</p>



No.	Claim	Response
		<p>south, feeds the 5.5 km long eastern canal, which is separate from the groundwater system on the opposite side of the valley from the village.<sup>23</sup> A total of 260 land parcels (16,832 ha) in Tyulkubas district receive irrigation water through the canals from the ‘Ozernyi’ spring. The water flow, which is regulated by national legislation, is 200 liters per second.</p> <p>This irrigation system was not affected by the construction works of the road or the tunnel.</p> <p>During May-June 2020, the local water authority carried out major repair works on this system, which led to a temporary suspension in supply of irrigation water to the village. The repair works included mechanical clean-up, installation of hydraulic facilities (4 locks regulating water level alongside the irrigation canal). However, this year the water will be supplied as usual once the season starts. The repair works were not a part of the Project.</p> <p><b>Wells.</b> During its visit on February 22, 2021, the Bank team checked the allegedly clogged wells and was told by Shakpak Baba residents that they did not have any complaints in this regard. Every house has piped and safe drinking water, but also retains a groundwater well, which residents use as a backup for occasional service interruptions, and household needs (cattle and gardening). Wells appeared clean and functional. Residents noted that the water levels in the wells have decreased significantly and are now about 12-17 m deep, although they could not say exactly when this occurred. Some well owners stressed that the last time they observed a high-water level was in the early 2000s. Over the last 6-10 years, the wells have not been used as actively as before due to the lower water volume.</p> <p>The decrease in the water levels in wells is a result of the overall reduction in water supply in the region and not related to the Project. The water shortage has affected all regions of Kazakhstan, particularly the southern and western regions of the country in recent years. Neighboring countries have also been experiencing similar water shortages. Over the last three years, Kazakhstan has entered a cycle of “water shortage,” which may continue until 2030. The volume of the “total river runoff: per year is 90 or 100 cubic km, of which 50.8 cubic km is local runoff, the rest coming from transboundary rivers. The total volume in 2019 amounted to 83 cubic</p>

<sup>23</sup> Chapter 66, para. 1 and chapter 72 of the Water Code of the Republic of Kazakhstan (a Special Permit for Water Use issued by the “Aral-Syrdarya Basin Inspection for the Regulation of the Use and Protection of Water Resources” of the Committee for Water Resources of the MEGPR RK (dated valid from 11.01.2018 to 11.01.2023)).

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		kilometers, 20 percent less than the annual average and 40 percent less than the 2016–2017 average. <sup>24</sup>
4.	<p>e. Due to the construction of the unfinished road section, the ecological balance of natural spring water supply from the Karatau Mountains to the land parcels of even-numbered houses became damaged.</p>	<p><b><i>Availability of seasonal snowmelt water (“natural springs”).</i></b>  The “natural spring water” cited in the Request likely refers to seasonal snowmelt water coming down from the Karatau mountains. Some residents (who have limited access to the irrigation canals) reportedly use this snowmelt to water their gardens from April till June when runoffs occur, and which vary depending on annual precipitation, snow pack and other hydrometeorological conditions.</p> <p>The Project road construction does not affect the flow of this snowmelt water as six culverts under the Shakpak Baba Bypass Road between km 595 and km 601 upstream of the village allow the water to flow downhill and to the village.<sup>25</sup> The slope of the terrain allows the natural flow of the snowmelt water from the mountains, when it is sufficient, to be directed to the culverts on the new road and to the village.</p> <p>According to a representative from KAZSUSHAR, the state authority that manages irrigation water supply for the district, Shakpak Baba village has not benefited from the snowmelt water from the Karatau mountains over the last several years as a result of natural processes, including the recent droughts in South Kazakhstan (now Turkestan) Oblast that have led to reductions in groundwater levels, snowmelt, rainwater runoff and soil moisture. The spring snowmelt water runoffs that have occurred are thus captured by arable agricultural lands at the foot of the mountains and do not extend further under drought conditions. See also Item 3, above on general water shortages.</p> <p>The representative of KAZSUSHAR also noted that the supply of water to Shakpak Baba village residents for garden irrigation is sufficient and is being drawn from 11 watercourses, mainly the Arys, Zhabagaly, and Balykty rivers.</p>
5.	<p>f. The protracted construction of the double track tunnel at “Shakpak Baba” disregards the meaning and purpose of the project itself for the residents of Shakpak Baba village, since the main street of the village remains as the Shymkent-Almaty highway. This has led to tragic consequences - as a result</p>	<p><b><i>Management notes that while the delay in Project implementation has resulted in a delay in diverting road traffic away from the village via the bypass, this does not constitute an adverse impact when compared to the pre-project situation.</i></b></p> <p>The works on the construction of the twin-barrel tunnel have been delayed for several reasons: a change in contractor (as a result of the previous contractor’s bankruptcy); technical</p>

<sup>24</sup> Statement by the Ministry of Ecology, Geology and Natural Resources, April 7, 2020.

<sup>25</sup> In addition to the two referenced box culverts at PMs 333 and 344 (4m x 2.5m each), under the Shakpak Baba village bypass (between km 595 and 601), there is an additional box culvert (4m x 2.5 m) at PM 323 and three pipe culverts (1.5 m diameter) at PM 320, PM 324, and PM 349.

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	<p>of road accidents such as pedestrians getting struck/run over by vehicles and collisions with turning vehicles:</p> <ul style="list-style-type: none"> <li>- In 2017 seven people died and 91 were injured;</li> <li>- In 2018 11 people died and 103 were injured;</li> <li>- In 2019 6 people died and 103 were injured.</li> </ul>	<p>complications in the tunnel works; and the restrictions resulting from the COVID-19 pandemic. Prior to the Project, Shakpak Baba village had only one road, used by the village as well as through traffic. The Village Road is still in use and will continue to be until the new Bypass Road is constructed and through traffic is diverted away from the village. The Contractor has a proper TMP in place and has taken necessary measures to ensure proper traffic safety management in relation to Project construction, including the junctions between the Bypass Road and the Village Road. The Project engineer and the local police regularly monitor these measures. Road signs, barriers, road markings and signal posts are updated / replaced as necessary.</p> <p><b><i>The accident figures presented in the Request are not consistent with the official police records for Shakpak Baba village. There are no indications or evidence that accidents have increased during the project period. To the contrary, according to official records they have been reduced.</i></b></p> <p>Management has reviewed the accidents and fatalities listed in the Request. The source of these figures is not clear. While they are presented as pertaining to the 39-km section of the Almaty-Shymkent highway that passes through Shakpak Baba village (between km 593 to 632), they may in fact reflect figures for the <u>entire</u> 700 km stretch of the Almaty-Shymkent highway.</p> <p>According to local official police records, the number of accidents on the Village Road (running for about 6km within Shakpak Baba village, between km 595 and 601) have not increased over the period of 2012-2020 and the number of fatalities has in fact decreased (see Table 1 in main text). Hence, there is no basis to claim that the Project works have led to an increase in road accidents or fatalities on the Village Road.</p> <p>However, one of the major safety risks on the Village Road is the unregulated location of roadside traders. To address this issue, the regional office of the national roads agency, KazAvtoZhol, has been communicating with the Akimat to remove informal traders from the roadside due to road safety risks and provide them with safe space for trading.</p>
6.	<p>g. The contractor that built the tunnel project responded to our request and notified us about the gross violation of the Republic of Kazakhstan law, in particular the Law of the Republic of Kazakhstan “About architectural, urban planning and construction activities in the Republic of Kazakhstan”, as well as</p>	<p><b><i>Management notes that this legal dispute is not a matter of compliance with Bank policy nor does it result in any adverse impacts on the community or the environment.</i></b></p> <p>Management understands that this pertains to a legal dispute between the engineering bureau “Shymkent Kazdorproekt” regarding its claim to have the right to carry out architectural supervision of the tunnel design. The original design of the</p>

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	<p>“Regulations on designer supervision of developers of projects for the construction of enterprises, buildings and structures and their overhaul” SNiP RK 1.03-03-2010.</p> <p>- The designer of the double track tunnel, “Shymkent Kazdorproekt” LLP, was suspended for unknown reasons from executing the work. In addition, “Shymkent Kazdorproekt” LLP, being the sole owner of the design and budget for the tunnel in the Republic of Kazakhstan on the basis of Conclusion No. 01-0646/14 dated October 20, 2014 of the National State Enterprise “Gosexpertiza”, has neither transferred nor delegated these rights to anyone. This is in spite the written complain of the design team to the Construction Supervision Consultant “TEMELSU” in association with “CONSULT LTD” to prohibit the use of the construction design. However, the Consultant continues to do the construction works on the site. Thus, the copyright holder’s rights to their design and construction documents have been infringed upon. The legislation of the Republic of Kazakhstan has been violated in terms of copyrights for the design of the construction works.</p> <p>The violation mentioned in the subparagraph (g) of paragraph 3 of this complaint contravenes the “Conditions of Contract for the Design, Construction and Handover of Turnkey Facilities” of the International Federation of Consulting Engineers (FIDIC).</p>	<p>road section was prepared by a different engineering bureau, <i>SK Engineering</i>, which was hired by the Committee for Roads to carry out the design supervision. During Project implementation an 800-m tunnel (for which “Shymkent Kazdorproekt” prepared the design) was added to the road design. However, the arrangement for design supervision remained between the Committee for Roads and <i>SK Engineering</i>. “Shymkent Kazdorproekt” is now claiming to be hired for design supervision for the tunnel, as the author of the tunnel design. The Committee for Roads, however, claims that it has no contractual relationship with “Shymkent Kazdorproekt” which was hired by the contractor at the time.</p> <p>The tunnel design was reviewed by Kazakhstan’s <i>Gosexpertiza</i> process and was found to meet the required technical standards. The EIA and EIA update were approved by the State Expertise before construction works for the tunnel began.</p>
7.	<p>All organizations that have not responded to our request have violated the World Bank Environmental and Social Standard 10: Stakeholder Engagement and information disclosure”.</p>	<p><b><i>It is not accurate that relevant Project agencies have not responded.</i></b></p> <p>The Bank responded on October 14, 2020 to the letter of complaint received on September 30, 2020. The Bank team met the complainants and the community in person on November 13, 2020. The Bank further responded on December 8, 2020 to inquiries from the complainant that were received on November 15, 2020. The Committee for</p>

No.	Claim	Response
		<p>Roads also met the complainant and the community on November 13, 2020, together with the Bank team, and responded with a letter on December 14, 2020. See Item 8 below for more detail.</p> <p>As noted earlier, this Project is governed by the Bank's OP/BP safeguard policies; the ESF, including the cited <i>Environmental and Social Standard 10</i>, does not apply.</p>
8.	<p>We contacted the World Bank staff on September 12, 2020 by sending our letter to the World Bank Resident Representative in Kazakhstan. We addressed similar letters on September 12, 2020 to all project stakeholders: The Client (Committee for Roads), the Construction Supervision Consultant ("TEMELSU" in association with "CONSULT LTD"), "SK Engineering" LLP, and the construction company "EVRASKON" OJSC.</p> <p>On November 13, 2020, a meeting was held between residents of Shapkap Baba village and residents' representative with representatives of the World Bank and representatives of the Client, PMC [KUP] and the construction company.</p> <p>On November 16 and December 1, 2020, we contacted the Client and received a reply only (i) on the issue of compensation for material damage to the residents of Shapkap Baba village and (ii) on the issue of eliminating the threat of flooding due to the heavy rains or snow melt to the households located on the sides of the ditch at picket 333. But both replies are UNSATISFACTORY to us.</p> <p>We received a response from the REDACTED on December 9, 2020. The content of the response (verbatim): <i>We have sent both your letters to the Committee for Roads asking for detailed answers and clarifications and to solve the issues you raised. Please let us know whether you have received a written reply from the Committee and</i></p>	<p>The Bank office in Kazakhstan received a letter of complaint sent to the Bank's email address on September 30, 2020. The Project team responded to the Requesters' Representative on October 14, 2020, informing that the Bank team and the implementing agency (Committee for Roads) would visit the site and meet with the residents in November 2020, to jointly review and discuss the issues. The Bank team, together with the implementing agency, and the teams of the Contractor and Engineer, went to the site to meet with the Requesters' Representative and residents on November 13, 2020. The team obtained authorization on an exceptional basis to travel during COVID-19 for this purpose. During this visit, it was agreed with the residents that the Committee for Roads would take various actions to address their concerns. The Contractor (upon instruction from the Committee for Roads) cleaned the cattle passes and the Village Road culvert immediately. On November 15, 2020, the Requesters' Representative wrote to the Bank team that he "agrees that the problems of Shapkap Baba residents could be resolved at the level of the Committee for Roads," but that the "issue of violation of copyright for supervision services by the design author requires legal investigation." On December 8, 2020, the Bank team responded that it had advised the Committee for Roads of the Representative's concerns and requested that it prepare a reply. The Committee for Roads responded in detail to the complaint letter, providing clarifications and the status of remedial actions for each issue. This response was sent to the village residents, with a copy to the Requesters' Representative, on December 14, 2020.</p>

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	<p><i>whether your concerns have been resolved”.</i></p> <p>However, the Committee for Roads has not given us answers. We notified about REDACTED about the same day (09.12.2020) with our letter (verbatim):  <i>Good morning, dear REDACTED</i>  <i>Unfortunately, I have not received a response from the Committee for Roads (CFR). At the same time, I am informed of the journalist’s enquiry, to which the CFR responded in a timely manner. Consequently, there is a clear tendency from the Committee for Roads to ignore citizens’ requests. Well, it is only logical that we should turn to international legal institutions, WHILE the project has an active status. Thank you, respectfully, Villager’s Representative</i>  <i>P.S. Dear REDACTED, I’m sure:</i></p> <p><i>1. regarding the bias of the lawyers of the Committee for Roads, we will not get a TRUE legal assessment of the problems of depriving the design organization “Shymkent Kazdorproekt” LLP of the architectural supervision of the tunnel design project.</i></p> <p><i>2. that the Committee for Roads will “wash its hands” from securing compensation for the material harm suffered by the villagers of Shakpak Baba in April 2017.</i>  <i>Sincerely, Villager’s Representative</i></p>	
9.	<p>In the absence of a response from the Client (Committee for Roads), “SK Engineering” LLP, the Construction Supervision Consultant (“TEMELSU” in association with “CONSULT LTD”), and construction company JSC “EVRASKON” to our problems, as well as the redirection of our problems by the World Bank office in Kazakhstan to the Client, which actually gave answers to only two of our problems, even those answers do</p>	<p>Management considers that the Bank and the Committee were responsive to the complaints, having visited the site, met with the community despite COVID-19 risks and travel restrictions and responded in writing, as noted above. The meetings were held outdoors to minimize the health risks. The responses provided by the Committee for Roads in a letter dated December 14, 2020, provided answers and clarifications and proposed actions as feasible on all of the issues raised.</p>

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	not solve our problems - it gives us grounds for appeal to the Inspection Panel of the World Bank.	

**ANNEX 2.**

**ADDITIONAL PHOTOGRAPHS**

Photos A1-3: Pipe culvert under Village Road (A2) (November 2020)



Photo A4: Cattle pass PM 333 on new Bypass road (November 2020)





Photo A5: Cattle pass PM 333 on new Bypass Road (February 2021)



Photo A6: Cattle pass PM 344 on new Bypass Road (November 2020)



Photo A7: Cattle pass PM 344 on new Bypass Road (February 2021)





### ANNEX 3. MAP AND FIGURES

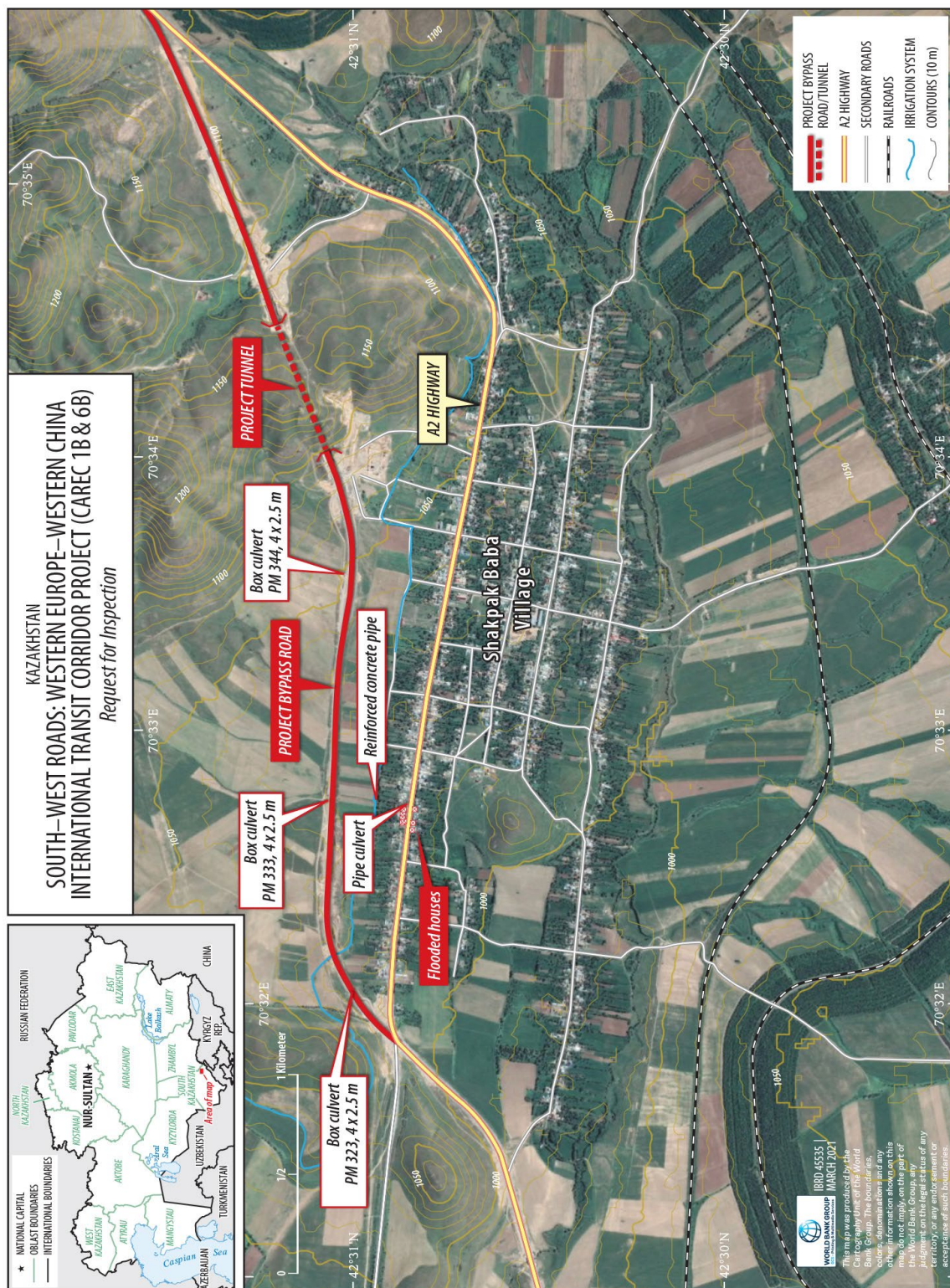






Figure A1: The Village Road and new Bypass Road culvert locations in Shakpak Baba Village

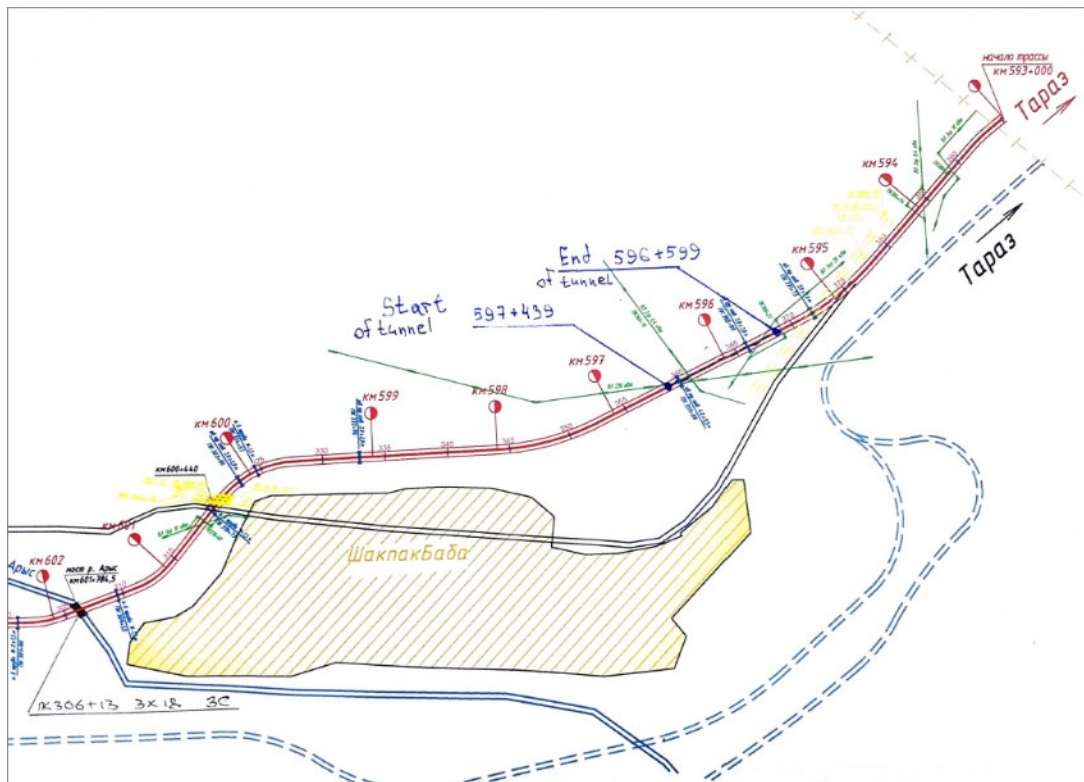


Figure A2: Shymkent – Zhambyl region road section under construction (tunnel + 39km road)

**ANNEX 4.**

**PHOTOGRAPHS PROVIDED BY THE REQUESTER'S REPRESENTATIVE (FROM THE  
SEPTEMBER 2020 COMPLAINT LETTER)**



Photo provided by the Requesters' Representative showing the allegedly clogged culvert / cattle underpass on the new Bypass Road





Photo provided by the Requesters' Representative showing the floor of the allegedly clogged culvert / cattle underpass on the new Bypass Road



Photo provided by the Requesters' Representative showing the floor of the allegedly clogged culvert / cattle underpass on the new Bypass Road





Photo provided by the Requesters' Representative showing the allegedly clogged culvert on the Village Road