

Sample Complaint Form



European Bank
for Reconstruction and Development

In order for the PCM to address your complaint, you must provide the following information:

1. Name of the Person(s) or Organisation(s) filing the Complaint ("the Complainant"). Yuri Pavlovich Krivodanov , Head of Administrative Office, National Expert Council on Transparency and Sustainable Development, Director, NGO Blago, Chairman, Kazakhstan Aarhus Committee Not-for-Profit Organisation
2. Contact information of the Complainant (please include email address and phone number if possible). Tel. +7 7212 42-06-87, mobile +7 705 334 48 54, e-mail varpet54@mail.ru
3. Is there a representative making this Complaint on behalf of the Complainant? Yes <input type="checkbox"/> (if yes, please provide the Name and Contact information of the Representative): <i>Please attach proof that the Representative has been authorised by the Complainant to file the Complaint. For example, this can be in the form of a letter signed by the Complainant giving permission to the Representative to make the Complaint on his behalf.</i> No <input checked="" type="checkbox"/> X
Is proof of authorisation included with the Complaint? Yes <input type="checkbox"/> No <input type="checkbox"/>
4. Are you requesting that this Complaint be kept confidential ? Yes <input type="checkbox"/> (if yes, please explain why you are requesting confidentiality) No <input checked="" type="checkbox"/> X
5. Please provide the name or a description of the EBRD Project at issue. South-West Transit Corridor Reconstruction Project ("the South-West Roads Project"), whose route passes through Aktyubinsk Province
6. Please describe the harm that has been caused or might be caused by the Project (please continue on a separate sheet if needed): The fact that the Bank's specialists [REDACTED] have ignored our communications concerning the defects of implementation of the reconstruction project has resulted in significant harm to: A) Residents of the population centres adjoining the South-West Transit Corridor; B) The establishment of a Network of Expert Councils on Transparency and Sustainable Development, a project being implemented under the terms of the Memorandum of Understanding and Cooperation signed on 14 June 2012 between the RK Ministry of Transport and Communications Highways Committee, companies participating in the implementation of the South-West Transit Corridor Reconstruction Project and the Association of NGOs represented by NGO Blago. C) The image of the NGOs monitoring the progress of the South-West Roads Project. The harm caused to the residents of the population centres listed below, adjoining the South-West Transit Corridor, consists in the following: 1. The village of Zhaisan 1.1 There is no off ramp at the 96 th km of the route, which would have been convenient for the residents, and would not have been snowed-under in the winter, because there is a free space on the site and the railway branch line

Please write on a separate sheet wherever needed.

protects it from snow drifts.

- 1.2 There is no off ramp to the college grounds or to the village of Voznesenovka, and cars have to travel straight on across the fields.
- 1.3 There is no crossing for cattle (150 head) or sheep and goats (600 head) opposite the cemetery (at the 97th km of the route) or on the east of the village. This harms the interests of over 400 households.
- 1.4 There are no toilet facilities at the bus stops.
- 1.5 The 86th – 88th km part of the route suffers from constant large snow drifts due to the road dividers and the lack of snow barriers.
- 1.6 The quality of the road is poor: there are transverse cracks everywhere due to the failure to restore the top soil or carry out soil reclamation. As a result, the rains have been eroding the embankment and the shoulders have subsided.
- 1.7 The failure to restore the top soil or carry out soil reclamation has also resulted in the shoulders becoming overgrown with toxic grass which causes allergy, while the dust from the road is blown into the village and the market gardens.

2. The village of Kensakhara

- 2.1 There is no lighting along the Kensakhara section of the road.
- 2.2 There is no crossing for agricultural machinery (12 vehicles) by the Kensakhara on ramp.
- 2.3 The old road to Martuk is damaged.
- 2.4 There are no pedestrian crossings, bus stops or toilet facilities at the bus stops.

3. The village of Sarzhansai

- 3.1 There is no 500 m long sound barrier along ul. Aktyubinskaya.

4. The village of Martuk

- 4.1 The road becomes snowed-under due to the design of the road dividers and no road clearing takes place.
- 4.2 The shoulders are crumbling and subsiding.
- 4.3 The cattle crossing by the new bridge on the Elek is very narrow and the cattle won't cross it, it needs to be widened (300 head of cattle and 50 head of sheep and goats).
- 4.4 There is no crossing for agricultural machinery by the junction leading to the new road.
- 4.5 None of the woodland belts along the route have been restored.
- 4.6 The sites of two open-cast mines (behind the Kazmunaigaz filling station and by the Elek bridge) have not been recultivated.

5. The village of Khlebodarovka

- 5.1 The off ramps on the south and north sides of the village were damaged during construction and have not been repaired.
- 5.2 Trucks have damaged the sports ground as well Aitike bi, Zhenis, Aibergenova and Trenina streets.
- 5.3 There is no bus stop by the exit to Martuk.
- 5.4 There are no toilet facilities at the bus stops.
- 5.5 The shoulders have not been recultivated.

6. The village of Kuraily

- 6.1 The turning space at the exit from the village should be closer to the village, near the camp site.
- 6.2 The design of the road dividers produces constant snow drifts.
- 6.3 There is no lighting along the road.
- 6.4 Internal roads have been left in a dreadful condition.
- 6.5 Rain water erodes the off ramp to Rossovkhoz. The ramp itself is very steep. It should be moved to a more suitable location.
- 6.6 Junction 39 should have a bus stop and a pedestrian crossing.

6.7 Under the interchange on the approach to Aktobe the road narrows suddenly and dangerously and this causes accidents, including fatal ones. The road must be widened as a matter of urgency.

7. If you are requesting the PCM's help through a **Problem-solving Initiative**, you must have made a genuine effort to contact the EBRD or Project Sponsor regarding the issues in this complaint.

a. Have you **contacted the EBRD** to try to resolve the harm caused or expected to be caused by the Project?

Yes **X** (If yes, please list when the contact was made, how and with whom):

(Mr. Krivodanov's reply appears in a separate file)

Please also describe any response you may have received.

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No (please go to question 8)

Is the written record of this contact with the EBRD attached to your complaint?

Yes (please list)

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No (if not, please arrange for all relevant documents to be delivered to the PCM Officer as soon as possible).

b. Have you **contacted the Project Sponsor** to try to resolve the harm caused or expected to be caused by the Project?

Yes (if yes, please list when the contact was made, how and with whom)

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Please also describe any response you may have received.

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No (please go to question 8)

Is the written record of this contact with the Project Sponsor attached to your complaint?

Yes (please list)

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No (if not, please arrange for all relevant documents to be delivered to the PCM Officer as soon as possible).

8. If you have not contacted the EBRD and/or Project Sponsor to try to resolve the harm or expected harm, please explain why.

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Although not required, it would be helpful to the PCM if you could also include the following information:

9. If you believe the EBRD may have failed to comply with its own policies, please describe which EBRD policies.

A) Public Information Policy, Paragraph 3 (Through its commitment to open communication, the Bank demonstrates its willingness to listen to third parties so as to benefit from their contributions to its work in fulfilling its mandate).

B) Environmental and Social Policy, Point 15. The EBRD is strongly committed to the principles of transparency, accountability and stakeholder engagement. This means the obligationto participate in meaningful dialogue with the Bank's stakeholders in accordance with the Public Information Policy

C) European Principles for the Environment (EPE) adopted by the EBRD.

10. Please describe any other complaints you may have made to try to address the issue(s) at question (for example, court cases or complaints to other bodies).

Letters on the defects identified by the monitoring process were sent to the following entities:

A) SNC-Lavalin, the Transit Corridor management company ([REDACTED])

B) Egis International/KDP construction monitoring company ([REDACTED])

C) Main Contractor Cengiz Insayi Sanayi VE Ticaret A.S. ([REDACTED])

D) RK Ministry of Transport and Communications Highways Committee ([REDACTED])

11. Are you seeking a Compliance Review where the PCM would determine whether the EBRD has failed to comply with its Relevant Policies? **X** Yes **Nd**

12. Are you seeking a Problem-solving Initiative where the PCM would help you to resolve a dispute or problem with the Project?" **X** Yes **Nd**

13. What results do you hope to achieve by submitting this Complaint to the PCM?

Proper and full implementation by the Bank of the provisions of its own policies.

Date:

20 October 2014

Complainant's signature

Please send your Complaint to:

**Project Complaint Mechanism
Attn: PCM Officer
European Bank for Reconstruction and Development
One Exchange Square
London EC2A 2JN
Fax: +44 20 7338 7633
E-mail: pcm@ebrd.com**

Alternatively, a Complaint may be delivered by post or hand, at any one of the EBRD's Resident Offices, indicating that it is for transmission to the PCM.

Mr. Krivodanov's reply to Question 7

We raised the issue of the violations of the EBRD's Public Information Policy and of the rights of local residents, identified by the monitoring process undertaken in April 2013, in letters addressed to the following:

1. Note on the absence of a real intention to work with civil society organisations and a proposal to change this practice

From: Yu. Krivodanov

Sent: Monday, October 22, 2012 3:09 PM

To: [REDACTED] EBRD

Cc: [REDACTED]

[REDACTED]

Enclosed please find our report on monitoring the progress of the Western Europe-Western China International Transit Corridor Reconstruction Project covering three provinces, which the World Bank have kindly translated into English for us. This will enable your specialists on the one hand to assess our approach to organising public monitoring, and on the other to recognise the need to support such organisation.

In this context, may I point out that the progress of reconstruction of the section of the transit corridor passing through Aktyubinsk province, financed by the EBRD, was not monitored. One of the main reasons for this was the lack of any real intention on the part of the Bank to work with civil society.

Even after I had spoken at the Bank's Annual Meeting in London, nothing changed, and there has still been no response to my suggestions from the Bank's representatives.

There is no doubt that this section of the transit corridor also contains many defects requiring public monitoring. However, everything points to the Bank not being interested in raising the role and significance of civil society in Kazakhstan.

Moreover, a similar attitude to NGOs on the part the Bank's specialists can also be observed in connection with the "colonialist" policy pursued by AccelorMitalTemirtau JSC.

I urge you to use your best efforts to ensure that the relevant departments of the Bank honour the Bank's commitments to cooperate with NGOs, not just in word but in deed.

In particular, I would be grateful if you could help to arrange a meeting between me and the management of the EBRD's Kazakhstan office at which I could present our project and put forward our cooperation proposals.

Yours sincerely,

Yu. Krivodanov

[staff]

This note received a positive response, and in November 2012 I met with the EBRD [REDACTED]. However, in spite of her assurances, we were still not able subsequently to establish cooperation with the Bank.

2. Information on results of monitoring progress with the reconstruction of the Aktyubinsk Province section of the Western Europe – Western China International Transit Corridor

From: Yu. Krivodanov

Sent: Friday, May 31, 2013, 4:11 PM

To: [REDACTED] EBRD

Subject: Report on Aktyubinsk Province monitoring results

Good morning all,

This is to let you know that we have now published a report on the results of monitoring the progress of reconstruction of the Aktyubinsk Province section of the Western Europe – Western China International Transit Corridor on the Association's site, <http://open-society-kz.org/deyatelnost-po-sozdaniyu-espur-v-oblastyach-rk/o-sozdanii-espur-aktyubinskoy-oblasti>

Yours sincerely,

Yu. Krivodanov

We received no response to this note

3. Telephoned message from the RK Ministry of Transport and Communications Highways Committee

(The text of the message is in English)

We received no response to this invitation.

4. Note on the failure to acknowledge our letters and a further proposal to engage in cooperation

From: Yu. Krivodanov

Sent: Thursday, January 23, 2014, 6:45 PM

To: [REDACTED]

Subject: Report on Aktyubinsk Province monitoring results

Dear colleagues,

It is with great disappointment that I review the results of our most recent attempt to establish constructive cooperation with the EBRD. The numerous shortcomings identified by the process of monitoring the Western Europe – Western China International Transit Corridor (the 127 inhabitants of six settlements in Aktyubinsk Province questioned by us quoted 67 instances of such shortcomings) continue to be ignored by the Bank's specialists (the unanswered Note on monitoring results of 31.05.13, see below).

The Bank has also ignored the invitation to the Round Table at which the results were discussed, which was held on 13 November 2013 at the Ministry of Transport and Communications.

I would like to stress that the event was conducted not by NGOs but by the Ministry itself, and the EBRD was the only one of the invitees which failed to attend (I sent you the Ministry's invitation on 08.11.13).

In spite of this, we intend to continue our attempts to establish cooperation with the Bank.

In particular, we suggest that the parameters of this cooperation should be agreed as soon as possible in view of the Bank's intention to participate in financing the Great Almaty Ring Road (BKAD).

It is important that we do this now, at the earliest possible stage, since our experience shows that including the public in the monitoring process at a later stage is less effective and is associated with a large number of adverse effects.

Moreover, if we agree the parameters of our cooperation in the coming months, then at the next Annual Meeting of EBRD Governors in Warsaw we will not be compelled to complain to the Bank's management – on the contrary, we will be able to present to all participants an example of constructive relationship-building.

In this context, I would be grateful if you could let me know the contact particulars of the Bank employee with whom we could put such an agreement into practice.

All the best,

Yu. Krivodanov

This letter also remained unanswered

Overall, the above examples of inaction on the part of the Bank's officers have caused the harm referred to above to the proposed establishment of a Network of Expert Councils on Transparency and Sustainable Development and to the image of the NGOs that carry out the monitoring.