

The answers to your questions are as follows:

1. I, B. M. Issaliyev, Director of the National Analysis and Information Resource ('NAIR') Public Monitoring Group, a public association, sent my Observations on the Environmental Impact Assessment (EIA) Report produced by GradStroiEkoProekt TOO [Ltd] (**'the Environmental Consultant'**) by electronic mail on 19 October 2010 to the address of the South Kazakhstan Oblast Directorate for Natural Resources and Regulation of Natural Resource Use (**'the Expert Authority'**), and also to the Highways Committee of the Ministry of Transport and Communications of the Republic of Kazakhstan, to the South Kazakhstan Oblast Highways Department, to the main contracting organisation for the project, Dongsong Engineering, and to its subcontractor, Doris TOO [Ltd]. (It was Doris Ltd that commissioned the EIA research.) In view of the fact that the Expert Authority's e-mail address had changed and my message did not reach the addressee, on 29 October 2010 I sent a letter to the Expert Authority's office with my Observations enclosed. On 25 November 2010, I sent a new letter to the Expert Authority, by e-mail to the Expert Authority's active address, (priroda.ork@mail.ru). The text was as follows:

*'Ms G. Sametova
Deputy Director of the South Kazakhstan Oblast Directorate for Natural Resources and Regulation of Natural Resource Use
Dear Ms Sametova
Thank you for your letter (Reference No 08/4240) of 2 November 2010 in reply to my letter (Reference No 11) of 29 October 2010.
This letter is to ask you to inform me of the outcome of your consideration of my 'Observations on the EIA Report'.
If your department has already reached a conclusion in the state environmental review (expertiza) of the EIA Report produced by GradStroiEkoProekt Ltd about the Temirlan Village Bypass, please could you inform me of the web site address where I can familiarise myself with your conclusion.
In compliance with the Constitution of the Republic of Kazakhstan, please could you give your answer in the language in which the request in question was put to you.
Yours sincerely, Bauyrzhan Issaliyev, Director of the South Kazakhstan Oblast Public Monitoring Group.'*

In reply, I received a letter dated 7 December 2010, under Reference No 08/4778. It was the contents of this reply that formed the material basis of our Communication to the Aarhus Convention Compliance Committee

In turn, NAIR's public expert reviewer, S. Moldabekov, sent a letter independently on 1 November 2010 to the office of the Expert Authority, enclosing his Statement on a documentary review (expertiza) of the text of the Conclusion of the EIA by the Environmental Consultant. He received a reply from the Expert Authority dated 4 November 2010 under Reference No 08/4279.

Neither I nor Mr Moldabekov has received any further reply from the Expert Authority commenting on our Observations on the Environmental Consultant's Report. This was the reason for our Communication to the Aarhus Convention Compliance Committee.

Thus the basis for presenting our claims against the Expert Authority is its reply of 7 December 2010 to my letter of 25 November 2010.
2. I enclose my e-mail of 25 November 2010 and a scanned copy of the Expert Authority's reply of 7 December 2010, Reference No 08/4778.

3. Under the terms of the Loan Agreement concluded on 13 June 2009 between the Republic of Kazakhstan and the International Bank for Reconstruction and Development (**'the IBRD'**), the Borrower is to carry out the South West Roads Project: Western Europe – Western China International Transit Corridor (CAREC 1b and 6b) (IBRD Loan number 7681-KZ) (**'the Corridor Project'**) through the Ministry of Transport and Communications of the Republic of Kazakhstan (**'the Ministry'**) with the assistance of a Project Management Consultant in compliance with the requirements, criteria, organisational mechanisms and operational procedures set out in the Project Management Implementation document, the Plan for Project Management and Anti-Corruption Measures, the Resettlement Policy Document and the EIA, and it cannot transfer, introduce changes to, revoke or waive any position of the Project Management Implementation document, the Plan for Project Management and Anti-Corruption Measures, the Resettlement Policy Document or the EIA without the prior agreement of the Bank. The essential aim of the IBRD in its investment projects is to reduce the poverty of a population and to improve its welfare. The main aim of the Aarhus Convention is the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being, through guaranteeing the rights of access to information, public participation in decision-making and access to justice in environmental matters. Consequently these two documents – the Loan Agreement and the Aarhus Convention – are in harmony and there is no contradiction between them.

4. Under Article 58 of the Environmental Code of the Republic of Kazakhstan, 'Procedure for examining disputes relating to state environmental review':

'1. Disputes relating to state environmental review shall be examined either through negotiations or in court proceedings.

2. The competent authority for environmental protection shall examine disputes relating to state environmental review through negotiations at the request of any interested party, including the developer of the planned activity or a local government body.'

As indicated above, there has been correspondence about disputes between NAIR and the Expert Authority.

In addition, letters were sent in October 2010:

- to the Ministry's Highways Committee;
- to the IBRD Team Leader, Jacques Buré.

However, NAIR has received no replies to these letters. In view of the fact that our claims related to documents and not to any adverse consequences of environmental impacts really having resulted from the Corridor Project being carried out, we did not see any need to apply to the courts to resolve the disputes that had arisen.

5. I am enclosing correspondence with the IBRD Team Leader, Mr Jacques Buré, and with the World Bank representative in Astana.

6. I am enclosing documents from the World Bank Inspection Panel on the results of its review of the Request for inspection in relation to Birlik, a settlement within the area of the City of Turkistan.