

[Translator's note: The visual quality of the original is very poor.]

AGREEMENT

**on the creation of a consultative body for the discussion and monitoring of the implementation of
the 'Western Europe - Western China' project in South Kazakhstan *Oblast*
Shymkent** **26.03.20 [year illegible]**

1. General provisions

1.1 The activities and relationships governed by this Agreement on the creation of a consultative body for the discussion and monitoring of the implementation of the 'Western Europe - Western China' project in South Kazakhstan *Oblast* (hereinafter 'the Agreement') are based on the World Bank's principles for the implementation of infrastructure projects and the legislation of the Republic of Kazakhstan. The Agreement has been signed by the following Parties:

- The South Kazakhstan *Oblast* Department of the Highways Committee of the Ministry of Transport and Communications of the Republic of Kazakhstan ('the Department');
- The Project Management Consultant SNC Lavalin;
- The Monitoring Group represented by: the National Analytic Information Resource Civil Society Association, state registration certificate No. 29219-1958-OO dated 10 September 2009 issued by the South Kazakhstan *Oblast* Department of Justice;

hereinafter called individually 'the Party' and jointly 'the Parties'.

1.2 This Agreement has been concluded with the aim of creating the conditions for the timely examination of proposals from citizens relating to the implementation of the 'Western Europe - Western China' project in South Kazakhstan *Oblast* (hereinafter 'the Project'), and preventing environmental damage and corruption during the implementation of the Project by means of performance by the Parties of joint, coordinated and targeted activity to ensure transparency and sustainable development by state authorities and administrative agencies as well as by consultant companies and construction contractors (hereinafter 'Organisations').

2. The consultative body

2.1 The Parties shall create a consultative body.

2.2 The aim of the consultative body shall be to organise activity relating to the performance of the obligations that the Parties have undertaken under the Project Management and Anti-Corruption Action Plan, approved by Order No. 31 of the Chair of the Highways Committee of the Ministry of Transport and Communications of the Republic of Kazakhstan dated 27 July 2009 'On the approval of the Project Management and Anti-Corruption Action Plan in the framework of the South-West Roads Project: Western Europe-Western China International Transit Corridor (CAREC-1b & 6b).'

2.3 Each Party shall appoint a permanent representative from among their leading experts as a member of the consultative body.

2.4 The initial composition of the consultative body shall be formed upon signature of this Agreement by representatives of the Parties indicated in Section 1.1 hereof and shall continue to operate unchanged until provisions on the rotation of members of the consultative body come into force.

2.5 Each Party undertakes the following obligations:

- to legally, financially and materially support its member of the consultative body in their activity within the framework of this Agreement;
- to carry out the Project Management and Anti-Corruption Action Plan;
- to carry out other tasks decided within the framework of the consultative body.

2.6 The Parties shall approve all the instruments governing the consultative body as regards, in particular:

- the powers of the Parties;
- plans of work of the consultative body and schedules for their implementation;
- the procedure for the rotation of members of the consultative body.

All instruments of the consultative body shall be freely accessible.

2.7 Representatives of other organisations that are not Parties may take part in the work of the consultative body as intermediaries, consultants or observers according to the procedure specified by the consultative body.

2.8 Resolutions of the consultative body shall be passed only if the members of the consultative body agree unanimously and are advisory.

2.9 Meetings of the consultative body shall be held no less than once a month, and, during the implementation of the Project Resettlement Plan, no less than once a week; however, any Party may request an extraordinary meeting.

2.10 Representatives from every Party to this Agreement must be present at a meeting in order for the consultative body to pass a resolution.

2.11 Working parties may be formed from representatives of the Parties who are not members of the consultative body if required for the preliminary drafting of decisions or resolution of conflicts. The procedure for the creation and operation of working parties shall be decided by resolution of the consultative body.

2.12 Any communications to the consultative body must be recorded; meetings shall be minuted and minutes subsequently approved by resolution of the consultative body.

2.13 In order to facilitate the operation of the consultative body and the performance of its resolutions, the Parties shall create a secretariat to the consultative body under the aegis of the Department (hereinafter 'the Secretariat').

2.14 The Secretariat, in compliance with resolutions of the consultative body, shall ensure that:

- all documentation of the consultative body is recorded and stored;
- information is accessible to all interested parties.

3. Concluding provisions

3.1 The Agreement shall enter into force upon signature by representatives of each Party indicated in Section 1.1 hereof.

4.2 [sic] A Party may exit the Agreement by sending prior written notification to the Secretariat stating its date of exit.

4.3 The Agreement is executed in Russian in three counterparts, each equally legally binding.

4.4 The Secretariat shall be the depositary of the Agreement.

Signatures of Parties to the consultative body:

**Director of the South Kazakhstan *Oblast* Department
Highways Committee
Ministry of Transport
and Communications of the Republic of Kazakhstan**



B.D. ZHELDIKBAEV

**Representative
SNC Lavalin, the Project Management Consultant**



**Representatives of the Group
National Analytic Information Resource Civil Society Association
Director
Monitoring Group:**



B. ISALIEV