

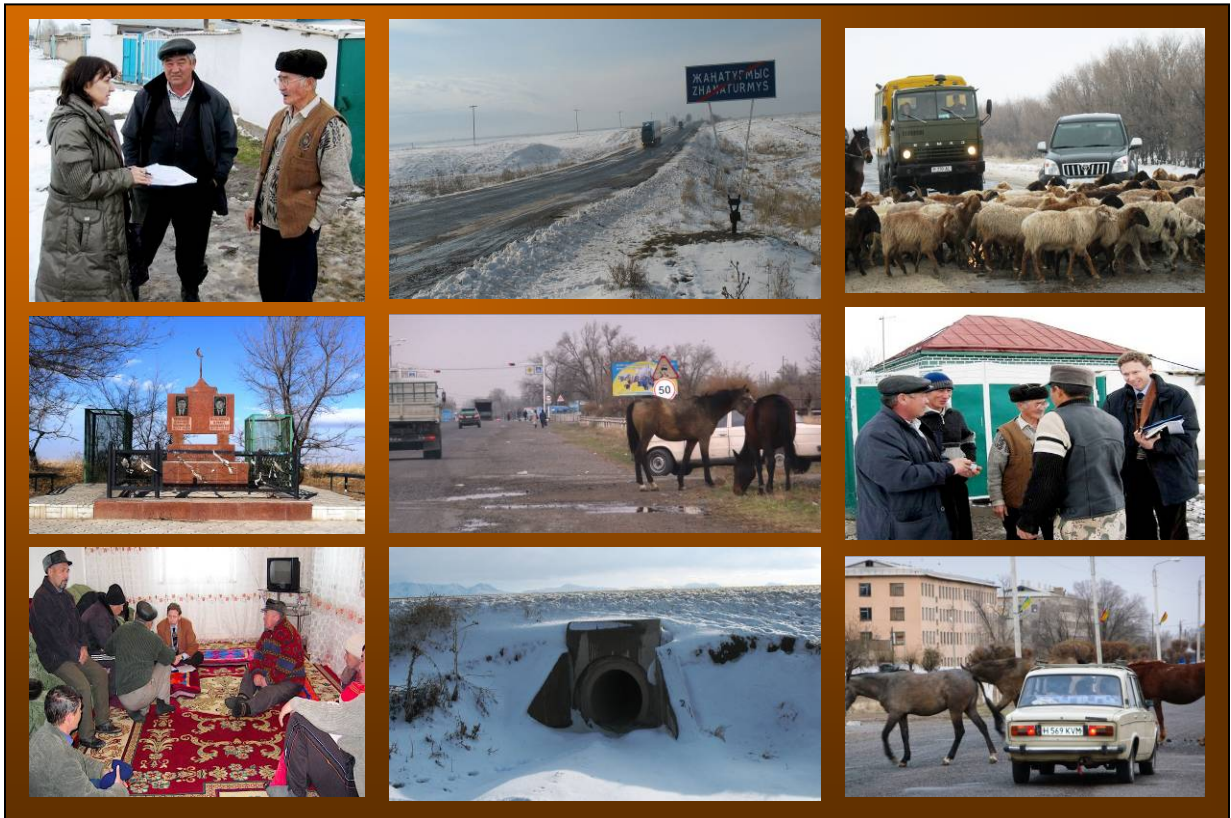


Asian Development Bank

REVIEW AND ASSESSMENT REPORT
OF THE
SPECIAL PROJECT FACILITATOR
ON THE

CAREC TRANSPORT CORRIDOR I (Zhambyl Oblast Section) [Western Europe-Western
People's Republic of China International Transit Corridor] INVESTMENT PROGRAM –
PROJECT 2

ADB Loan 2562-KAZ (22 October 2008)



January 2010

ABBREVIATIONS

ADB	Asian Development Bank
CAREC	Central Asia Regional Cooperation
CWTC	Transport and Communications Division, Central and West Asia Department
EBRD	European Bank for Reconstruction and Development
EMP	environmental management plan
IsDB	Islamic Development Bank
KARM	Kazakhstan Resident Mission
km	kilometer
MFF	multitranche financing facility
MOTC	Ministry of Transport and Communications
NGO	nongovernment organization
OD	operations department
OSPF	Office of the Special Project Facilitator
PMC	project management consultant
RAR	review and assessment report
SPF	Special Project Facilitator

CONTENTS

	Page
EXECUTIVE SUMMARY	iv
MAP	v
I. BACKGROUND	1
A. The Project	1
B. The Complaint	1
C. Determination of Eligibility	1
II. REVIEW AND ASSESSMENT	2
A. Objectives and Methodology	2
B. Identification of Stakeholders	3
C. Identification of Issues	6
D. Options Identified	7
E. Assessment of Problem-Solving Probability	7
III. RECOMMENDATIONS AND PROPOSED COURSE OF ACTION	7
A. Recommendations	7
B. Proposed Course of Action	8
C. Proposed Schedule	9
Appendix Ground Rules	10

EXECUTIVE SUMMARY

The CAREC Transport Corridor I (Zhambyl Oblast¹ Section) [Western Europe-Western People's Republic of China International Transit Corridor] Investment Program - Project 2 aims to improve road sections in the Kazakhstan portion of the Central Asia Regional Economic Cooperation (CAREC) Transport Corridor and to construct bypasses and new alignments to make the corridor suitable for international traffic. The Asian Development Bank (ADB) approved the first tranche comprising a \$340 million loan on 30 December 2008 to improve 125 kilometers (km), and the second tranche of \$187 million on 7 October 2009 to improve 79 km. The Ministry of Transport and Communications (MOTC) is the executing agency, and the Committee of Roads under MOTC is the implementing agency, with the Zhambyl Oblast Committee of Roads being the implementing unit for the tranche 2 loan. ADB's Central and West Asia Department, Transport and Communications Division is administering the project.

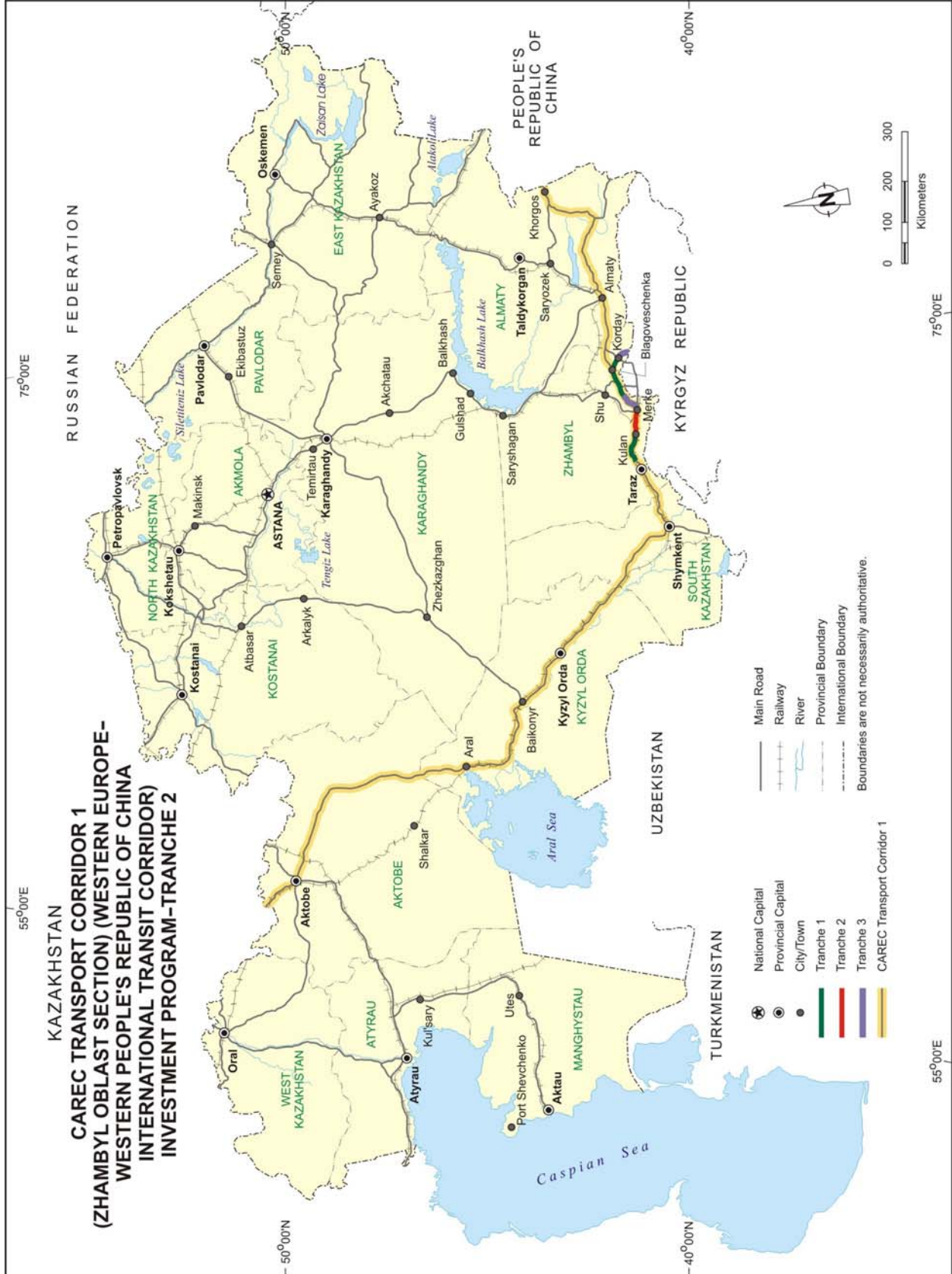
On 5 November 2009, the Office of the Special Project Facilitator (OSPF) received a complaint from Janaturmis, a village under the second tranche of the project. A nongovernment organization, the Taraz Press Club Public Union, facilitated the complaint. OSPF registered the complaint on 10 November 2009. The complainants raised concerns about the number of cattle passes and a bridge for their agricultural machinery, which they were not sure would be provided. On 3 December 2009, OSPF determined that the complaint met all of the eligibility requirements of the Consultation Phase of the Accountability Mechanism. The review and assessment was conducted from 17 to 28 January 2010.

The formal complainants are two signatories to the initial complaint letter. They represent at least 30 other villagers who signed a request for two cattle passages and a bridge or underpass for agricultural machinery, which they had also requested in earlier consultations. They are concerned about access to grazing pastures; the safe passage of agricultural equipment; adequate means of water flow from the south side to the north side of the road, where the village is located; accessing the highway; and obtaining information about the project.

Several factors have led OSPF to conclude that there is a reasonable probability that the complaint issues can be resolved through a consultation process: (i) all parties have indicated a desire to address the complaint issues in an expeditious manner, and a willingness to participate in a problem-solving process; (ii) there are many common interests (such as ensuring that accurate information related to the project is available to all relevant stakeholders); and (iii) the parties have expressed readiness to acknowledge others' needs and interests that are not shared as legitimate and to help try to meet them. An independent team consisting of OSPF staff, an international consultant, and local consultants is proposed to facilitate the consultation process and document the agreements.

¹ An *oblast* is the administrative unit below the national level in Kazakhstan.

MAP



I. BACKGROUND

A. The Project

1. The CAREC Transport Corridor I (Zhambyl Oblast¹ Section) [Western Europe-Western People's Republic of China International Transit Corridor] Investment Program - Project 2 aims to improve road sections in the Kazakhstan portion of the Central Asia Regional Economic Cooperation (CAREC) Transport Corridor and to construct bypasses and new alignments to make the Corridor suitable for international traffic. The Asian Development Bank (ADB), along with the Japan International Cooperation Agency and the Islamic Development Bank (IsDB), is financing 470 kilometers (km) in Zhambyl Oblast using a Multitranche Financing Facility (MFF) as the financing modality.² Other sections are financed by the European Bank for Reconstruction and Development (EBRD) and the World Bank. ADB approved the first tranche comprising a \$340 million loan on 30 December 2008 to improve 125 km, and the second tranche of \$187 million on 7 October 2009 to improve 79 km. The Ministry of Transport and Communications (MOTC) is the executing agency, and the Committee of Roads under MOTC is the implementing agency, with the Zhambyl Oblast Committee of Roads being the implementing unit for the tranche 2 loan (the project).

B. The Complaint

2. On 5 November 2009, the Office of the Special Project Facilitator (OSPF) received a complaint from Janaturmis, a village under the second tranche of the project. Janaturmis is in the *raion* of Turar Ryskulov,³ Zhambyl Oblast. The complaint was in Russian, signed by three persons and sent by mail to OSPF in Manila. An explanatory letter from the Taraz Press Club Public Union, a nongovernment organization (NGO) based in Taraz, Zhambyl Oblast, and a handwritten letter in Russian were also part of the complaint. The NGO letter also mentioned another NGO called the DUK Public Union. OSPF acknowledged receipt and registered the complaint on 10 November 2009 after translating the documents. The complainants raised concerns about the number of cattle passes and a bridge for their agricultural machinery, which they were not sure would be provided under the project. They mentioned that they had raised these issues in public consultations earlier, but were not sure whether their request would be considered.

C. Determination of Eligibility

3. OSPF held discussions with the Transport and Communications Division of ADB's Central and West Asia Department (CWTC) and the department's environment specialist on the

¹ An *oblast* is the administrative unit below the national level in Kazakhstan.

² "A Multitranche Financing Facility is a financing modality that supports the client's medium- to long-term investment program or plan. ADB's Board of Directors approves a maximum amount for an MFF, and the conditions under which financing will be provided. On the basis of the Board's approval, and at the client's request, ADB Management converts portions of the facility amount into a series of tranches to finance eligible investments. A tranche can be a loan (other than program or a sector development program loan), grant, guarantee, or ADB-administered cofinancing. Financing terms and conditions can differ between tranches. The overall amount of the MFF is not recorded as a legally binding commitment on the part of either ADB or its clients; only the amounts converted (into loans, grants, guarantees or ADB-administered cofinancing) are recorded as committed, if and when approved." <http://www.adb.org/projects/mff.asp>. The ADB's Board Paper on Mainstreaming the Multitranche Financing Facility provides more information at <http://www.adb.org/Documents/Policies/Multitranche-Financing-Facility/r121-08.pdf> (English only). The Government and ADB entered into a framework financing agreement with an aggregate amount not exceeding the equivalent of \$700 million. ADB approved the MFF on 12 November 2008.

³ A *raion* is an administrative subdivision of an oblast.

complaint and fielded an eligibility mission to Kazakhstan from 20 to 24 November 2009. The mission consisted of the principal project facilitation specialist and an interpreter. The mission met with the two NGOs that had facilitated the complaint,⁴ and conducted a joint meeting with the two NGO representatives, the two eligible signatories of the complaint, and a group of nine villagers – 11 complainants in total – on 22 November 2009. At this meeting the villagers provided to the mission a written request that further specified their concerns. This request was signed by 30 villagers, with some of them being present at the meeting. The mission also met the engineers of two engineering design organizations in Almaty and held a meeting with the Zhambyl Oblast Road Committee in Taraz. After checking the various exclusions of the Accountability Mechanism Policy, reviewing the eligibility requirements of the Consultation Phase, and initially assessing the probability of resolving the problem, the mission found that the complaint met all of the eligibility requirements of the Consultation Phase.

4. The mission discussed the issue of representation in the meetings with the NGOs, and in the joint meeting on 22 November 2009. The nine villagers present at the meeting confirmed that they wanted the two signatories to the complaint as their representatives. It was further agreed that the NGOs would act as intermediaries between OSPF and the complainants until the review and assessment stage. The complainants' letter had explained that they did not request confidentiality, but the Mission nevertheless discussed the confidentiality issue with the villagers, who confirmed that confidentiality was not an issue for them, and their names could be disclosed. The signatories to the complaint authorized OSPF to publish their complaint letter on the OSPF website.⁵

II. REVIEW AND ASSESSMENT

A. Objectives and Methodology

5. The objectives of the review and assessment were to (i) explore the history of the complaint, (ii) confirm the key stakeholders, (iii) identify the key issues of the complaint, (iv) explore the stakeholders' readiness for joint problem solving, and (v) recommend a course of action.

6. The review and assessment included (i) a desk-based review of project documents, including the report and recommendation of the President, the periodic financing request report for the second tranche, and the environmental management plan (EMP); (ii) interviews with ADB staff involved in the project; (iii) interviews with the national and *oblast* committees of roads and local government representatives; (iv) meetings with design and project management consultants; (v) meetings with NGOs; and (vi) a field-based assessment consisting of site visits; individual interviews and small group discussions with 30 villagers, including 23 signatories of the request provided to the eligibility mission on 22 November 2009, and 7 nonsignatories, of whom 2 were women; and interviews with government stakeholders, the implementing agency, the *akims*⁶ at the *raion* and village level, and ADB staff. The interviews were conducted using semistructured questionnaires. The team, led by OSPF, included an international Russian-speaking facilitator, two independent interviewers, and an interpreter.

⁴ The mission clarified that the person from the Taraz Press Club who had originally signed the complaint letter was not a complainant per OSPF eligibility criteria. The Taraz Press Club is a member of the NGO coalition monitoring the project. The coalition monitors the ADB, EBRD, IsDB, and World Bank sections.

⁵ <http://www.adb.org/Documents/SPF/KAZ-Complaint-Letter.pdf>

⁶ The heads of *raions* and villages are called *akims*.

7. This review and assessment report (RAR) seeks to present the issues as the different parties explained them to OSPF and is intended to assist the stakeholders to better understand each others' needs, interests, and concerns, and to help them consider options to address those concerns. It is not intended to provide judgments on any issues related to the project, evaluations of any stakeholder groups or individuals, or a set of expert recommendations on how issues should be solved.

8. OSPF's role is to facilitate solutions to the issues as described by the different stakeholders, and to initiate and guide the consultation process. OSPF offers help to the parties involved in the project to resolve their issues through (i) setting the stage for the complainants' decision-making, (ii) providing opportunities for them to meet and discuss strategies, and (iii) providing processes conducive for all parties to arrive at solutions. It is OSPF's responsibility to treat all parties with respect and assure a fair process; it is not OSPF's role to decide whether parties' actions, opinions, or perceptions are right or wrong or to arbitrate in favor of one of the parties.

B. Identification of Stakeholders

1. The Complainants

9. The formal complainants are the two signatories to the initial complaint letter. They are living in the village of Janaturmis.⁷ The two complainants represent at least 30 other villagers who signed the request for two cattle passages and a bridge/underpass for agricultural machinery (harvesters, combines, tractors, etc.) for the new rehabilitated highway. Most residents are farmers and raise livestock (sheep, cattle, and horses); small-scale agriculture is their primary source of livelihood. "We cannot live without our animals," one of the villagers said. The village and residents are located on the north side of the road, while most of their farmland and grazing pastures are located across the road on the south side. Each farmer with livestock herds the animals across the road at least twice a day – usually once in the morning and once in the late afternoon or early evening. This can vary based on weather and other conditions. Based on the interviews with the 30 villagers the primary concerns underlying the complaint and request letter are the following:

- (i) maintaining easy access to grazing pastures for livestock;
- (ii) ensuring adequate and safe passage of agricultural equipment from one side of the road to the other;
- (iii) maintaining an adequate means for water to flow from the south side to the north side of the road for a variety of purposes (e.g., watering kitchen gardens near their homes, watering their animals, managing water during peak flows and floods, etc.); the villagers interviewed believe there currently are an adequate number of existing culverts for this purpose;
- (iv) accessing the highway in both directions for their cars and agricultural equipment;
- (v) obtaining timely and accurate information about the project overall (e.g. construction schedule, construction-related employment opportunities, design details, etc.); and
- (vi) making the road safe for all users.

⁷ Janaturmis is located between Merke and Taraz along the Zhambyl Oblast section of the highway to be rehabilitated. According to the village *akim*, Janaturmis has about 400 households, 2,500 residents, 10,000 sheep, 900 cattle, and 700 horses.

10. Most villagers interviewed were willing to participate in meetings or other forums with other stakeholders to address issues and solve problems. The variety of views among the villagers regarding what might happen if their needs are not met included

- (i) additional hardship of villagers and further decline in standard of living,
- (ii) inability to continue to provide for themselves,⁸
- (iii) continued filing of complaints,
- (iv) road accidents due to people and animals crossing the road,
- (v) penalties and fines assessed on villagers who will be forced to cross the new highway in violation of the law, and
- (vi) possible “strikes” or demonstrations.

11. However, villagers evidenced a widespread sense of optimism that the issues could and would be addressed in a way that will eventually meet everyone’s needs. As pointed out by one villager "We are willing to compromise — to do what is good for us and the road."

2. Government and Related Agencies

12. A number of government agencies and entities are involved in making decisions and/or providing input and expertise on the issues related to the complaint: (i) the *akim* of Janaturmis village; (ii) the *akim* of Turar Ryskulov *Raion*; (iii) the Zhambyl Oblast Committee of Roads, located in Taraz, the capital of Zhambyl Oblast; and (iv) the Committee of Roads of MOTC located in Astana.

13. The government representatives interviewed during the review and assessment all agreed that questions, issues, or problems related to the project, including those in the complaint, are best addressed and resolved at the lowest level possible. That is, the local people most directly involved and affected (citizens and government) are best suited to solve local problems. That said, if issues are unable to be resolved at the local level, local stakeholders can always appeal to the next relevant level of government for assistance.

14. Concerns expressed by government representatives included

- (i) meeting deadlines and completing the highway project on time,
- (ii) staying within budget,
- (iii) meeting local residents’ needs as much as possible,
- (iv) ensuring that accurate information related to the highway project is available to all relevant stakeholders, and
- (v) making the road safe for all users.

15. There was also broad acknowledgement that the complaint issues and questions around cattle and equipment crossings, water management, and highway access are legitimate issues for discussion (even if there is not yet common agreement on the solutions). All government representatives interviewed for the review and assessment were willing to participate in meetings or other forums with other stakeholders to address issues and solve problems. They also expressed confidence that all complaint issues could be resolved in a manner that is acceptable to all stakeholders.

⁸ "We need these cattle passes – this is an issue of our survival," said one villager.

16. In January, the government established new "field working groups" (*shtab* in Russian) to coordinate activities and planning related to the project. The *oblast*-level *shtab* is led by the Vice Minister of Transportation and Communication and meets in Taraz twice a month. In addition to government representatives, the first *oblast shtab* meeting on January 16 also included project consultants, contractors, and NGOs (including the Taraz Press Club). The *raion*-level *shtabs* (including Turar Ryskulov, where Janaturmis is located) are headed by the *raion akims* and meet weekly. Part of the mandate of the *raion shtab* is to "solve local problems."

3. Consultants and Technical Experts

17. The project management consultant (PMC) and the consultants who prepared the detailed design were also interviewed.

18. The consultants and technical experts for this particular section of the road see the government as their client and the primary decision maker. The PMC is available as needed to assist with problem solving. Furthermore, the team leader of the PMC attended the first field working group (*shtab*) meeting on 16 January 2010, and it is OSPF's understanding that the PMC will be a permanent member of the *shtab*.

4. Nongovernment Organizations

19. The primary NGO stakeholder related to the complaint is the Taraz Press Club, based in Taraz. This NGO is engaged in monitoring project implementation and providing advice and assistance to local citizens. Its main concerns are

- (i) respecting and protecting citizens' rights and interests;
- (ii) ensuring project compliance with ADB policies and Kazakh law;
- (iii) ensuring that accurate information related to the project is available to all relevant stakeholders; and
- (iv) establishing and maintaining constructive and cooperative relationships with other stakeholders, especially the government and ADB.

5. Central and West Asia Transport and Communication Division and the Kazakhstan Resident Mission

20. CWTC is responsible for the administration of the project. The project officer and the environment specialist are based in Manila. A new project officer was named in early January 2010. The Kazakhstan Resident Mission (KARM) helps facilitate communication among CWTC, MOTC, and the Committee of Roads. CTWC mentioned that, during implementation of such a large project, issues come up and need to be solved and that complaints can provide valuable feedback and lessons to be learned for the further implementation of the project.

21. ADB's primary concerns are

- (i) ensuring project compliance with ADB policies,
- (ii) meeting schedule deadlines and completing the project on time,
- (iii) ensuring that accurate information related to the project is available to all relevant stakeholders, and
- (iv) establishing and maintaining constructive and cooperative relationships with other stakeholders (including other international financial institutions).

C. Identification of Issues

22. Depending on the stakeholders' perception and situation, they mentioned different sets of concerns — some related to concrete physical expectations and changes, others to a broader view of the project or the context within which it operates. This section summarizes the views expressed by the various stakeholders and organizes them around a manageable set of the most pertinent issues. The purpose is not to validate or deny any issue but rather to describe the issues the parties need to address from their various perspectives.

23. The issues have been grouped as follows:

- (i) number and location of cattle passes near Janaturmis,
- (ii) transportation of agricultural equipment from one side of the road to the other,
- (iii) water management and flow under the new rehabilitated highway,
- (iv) Janaturmis vehicle access to and from the new rehabilitated highway, and
- (v) highway project-related communication.

24. **Number and location of cattle passes near Janaturmis.** The complainants have requested two cattle passes. Many villagers confirmed that two or three such passes are needed. The reason stated most frequently was that this number was needed to accommodate the large volume of animals crossing the road at the same time. Villagers also stated that in case of sudden storms or bad weather, congestion could occur, as every farmer and shepherd is trying to herd animals at the same time, and with the newly expanded highway, there would not be any room on the roadside to accommodate the congestion. However, most also indicated flexibility on this point, and that there was room for negotiation depending on the size and location of the passes, and on other factors. Also, villagers are not familiar with the existing draft road design and the standards and methodology used to determine size and location of cattle passes.

25. **Transportation of agricultural equipment from one side of the road to the other.** The complainants requested one "big bridge" for agricultural machinery passage. This seems to be based on the assumption that their equipment would not be able to cross the rehabilitated road in any other manner. As stated above, the critical need is simply to be able to get their vehicles and equipment from one side of the road to the other (from the village to the fields and back again). Again, because villagers are not familiar with the existing draft road design, the possibilities for crossing the rehabilitated road are not clear to them.

26. **Water management and flow under the new rehabilitated highway.** As noted above, the villagers' main concern is maintaining an adequate means for water flow from the south side to the north side of the road.

27. **Janaturmis vehicle access to and from the new rehabilitated highway.** The villagers want to know how they will access the newly rehabilitated highway in both directions from the village.

26. **Highway project-related communication.** As noted above, the villagers would like to have more information about the existing draft road design, construction schedule, construction-related employment opportunities, and other topics related to the project. Almost everyone interviewed during the review and assessment shared a common interest in ensuring that accurate and timely information related to the project is available to all relevant stakeholders throughout project implementation.

D. Options Identified

28. During the review and assessment interviews, stakeholders expressed a number of suggestions and options that might resolve the issues in the complaint. OSPF summarizes those options below, but emphasizes that there is *not* yet agreement or consensus on any of these options. The options are listed here only as a possible starting point for discussion:

- (i) Provide information to complainants and villagers on the existing detailed design, and allow time for questions and answers.
- (ii) Review existing designs and move planned passes and underpasses to locations that are more suitable.
- (iii) Build additional passes and underpasses than are in the current design.
- (iv) Extend existing culverts under the new rehabilitated road.
- (v) Build underpasses that are large enough to accommodate cattle and agricultural equipment (thereby reducing the need for additional cattle passes).
- (vi) Use existing natural grades and valleys to locate underpasses.
- (vii) Use existing culvert locations for new cattle passes and/or underpasses.
- (viii) Resettle the villagers to the other side of the road.
- (ix) Establish a forum or other mechanism for ongoing education, dialogue, and problem solving throughout the project cycle.
- (x) Ensure continuous information and consultations with the communities along the project with support from a facilitator or communications specialist.
- (xi) Use *shtabs* as a forum for addressing future complaints.

E. Assessment of Problem-Solving Probability

29. Several factors have led OSPF to conclude that there is a reasonable probability that the complaint issues can be resolved through a consultation process: (i) all parties have indicated a desire to address the complaint issues in an expeditious manner, and a willingness to participate in a problem-solving process; (ii) there are many common interests (such as ensuring that accurate information related to the project is available to all relevant stakeholders); and (iii) the parties have expressed readiness to acknowledge others' needs and interests that are not shared as legitimate and to help try to meet them.

III. RECOMMENDATIONS AND PROPOSED COURSE OF ACTION

A. Recommendations

30. There is a need for a collaborative, consultative process that provides an opportunity for all key stakeholders to engage in constructive dialogue and problem solving around the issues raised in the complaint.

31. For participants, especially the villagers, to be able to engage in a meaningful way, significant preparation is required. Furthermore, before the group can engage effectively in problem solving, some basic data and information on the project need to be shared, discussed, and understood (e.g., defining technical engineering and/or financial terminology, review of existing draft road designs, project schedule). The complainants may also describe their needs and their way of life in the village. This mutual exchange of information will be part of the consultation and will lay the foundation for a more focused discussion among the participants.

32. A structured participatory consultation process should follow rules agreed upon by all parties and utilize an independent facilitator. The OSPF consultant and OSPF staff are proposed to serve as independent facilitators. Ground rules to be followed in all the sessions are proposed in the Appendix. These ground rules are subject to discussion, and changes can be made at any time with the consent of all parties. The consultations should take place at a neutral location.

B. Proposed Course of Action

33. The proposed course of action is a compilation based on stakeholders' suggestions and addressing their concerns. Some of these activities were suggested by the complainants, some by the government, and some by CWTC. The list is not exclusive, and the different stakeholders should provide comments and make suggestions for changes if needed.

34. The following activities are suggested as the course of action:

- **Consultation 1** involving the ADB operations department (OD) (project officer, environment specialist, KARM staff), the Committee of Roads, PMC or other engineering expert, *raion* and village *akim*, selected group of villagers from Janaturmis, and two NGO representatives as observers. The objectives of this consultation would be to (i) review the existing detailed design, including numbers of cattle passes, crossings for agricultural machinery, culverts, and access to the road for the villagers of Janaturmis; and reach agreement on any required changes; (ii) clarify the planned start of construction in the Janaturmis area; and (iii) agree on the future flow of communication, sharing of information, and submission of concerns. This consultation should be held in Merke, which is close to Janaturmis.
- **Consultation 2** involving the ADB OD (project officer, environment specialist, resettlement specialist, KARM staff) and the NGOs monitoring the ADB section. The objectives of this consultation would be to (i) explain project implementation and the monitoring systems in place (design, construction, safeguards); (ii) clarify the OD's role in project implementation; (iii) explain how the OD deals with complaints – OD process of seeking clarification, responding to concerns and realistic timeframes; and (iv) agree on the future flow of communication, sharing of information, and submission of concerns. The NGOs will commit to providing profiles of all organizations involved in the monitoring of the ADB section to OSPF. OSPF will translate and distribute these profiles to the OD before the consultation. The NGOs will also formulate and submit their expectations from the consultation and a list of questions and concerns to OSPF to allow the OD to prepare for the consultation. The consultation should be held in Taraz.
- **Consultation 3** involving the ADB OD, the Committee of Roads, and the NGOs monitoring the ADB section. The objective of this consultation would be to (i) explain the roles and responsibilities of the OD (in implementation, including safeguards and the role of KARM), (ii) clarify the roles and responsibilities of MOTC and the Committee of Roads in the implementation of the project, (iii) explain the roles and responsibilities that the NGOs assume in the implementation of the project, and (iv) agree on a mode of cooperation within the frame of these responsibilities. The most conducive location for this consultation would be Taraz.

C. Proposed Schedule

Item	Date
Review and assessment report in English for translation into Russian and Kazakh	29 Jan 2010
RAR translated into Russian and Kazakh and cross-checked	5 Feb 2010
Submission of RAR to parties by e-mail and registered mail	8 Feb 2010
Discussion of RAR with complainants (OSPF team meets complainants in Janaturmis)	12 Feb 2010 – to be confirmed with complainants
Time frame according to ADB Policy on the Accountability Mechanism	
Complainants' decision to continue – 7 days ¹	19 Feb 2010 – to be confirmed with complainants
Parties provide comments to RAR – 14 days from complainants' decision to continue the consultation process according to ADB Policy on the Accountability Mechanism ²	5 March 2010 – to be confirmed
Facilitator works out course of action with parties Result: agreements on course of action	End of February/Early March 2010
Implementation of course of action	To be determined

¹ The complainants may decide to waive the 7-day period *and* provide comments on 12 February 2010. In this case, OSPF will inform the government and the OD immediately and request their comments.

² The government and ADB can also waive or shorten the 14-day period to expedite the process.

29. OSPF will organize and facilitate the consultations, and document the agreements. As soon as the complainants will have decided on whether they want to continue with the consultation process, OSPF will request comments from MOTC/the Road Committee and the ADB OD. With inputs from all stakeholders, OSPF will finalize the objectives and agendas for the consultations. OSPF will provide assistance in preparing visuals and other material required. OSPF will cover complainants' transport costs for participating in Consultation 1.

PROPOSED GROUND RULES

Interactions of all parties involved in the dialogue process are suggested to be as follows:

- (i) Only one person will speak at a time and no one will interrupt when another person is speaking;
- (ii) Each participant will wait to be recognized by the facilitator before speaking;
- (iii) Each person will express his or her own views, or the views of his or her organization rather than speaking for others;
- (iv) In view of time constraints and in order to allow for maximum participation participants will keep their comments short and to the point;
- (v) All mobile phones must be switched off or put on silent mode;
- (vi) Any disagreement must be focused on the issues, not on one another; participants will not make personal attacks and respect each others' views;
- (vii) Participants address one another in respectful ways, avoid side conversations and keep the discussion focused and constructive;
- (viii) It is important to find creative, innovative solutions; therefore participants avoid judging ideas prematurely, look for ways to improve proposals and try to remain open minded;
- (ix) No party will give interviews, make statements in the media or try to get messages across using the media;
- (x) The facilitator will help implement the ground rules once they are accepted by all participants.

The parties should discuss and agree on ground rules, and add or remove or change them as they work out the course of action. Ground rules can always be revised if and when the parties consider that changes are necessary.