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Commitments of the Republic of Kazakhstan on human rights and civil society engagement in cooperation with the World Bank, EBRD and ADB

Analytical note on the KIBHR project “Civil Society Working Group on Sustainable Development in Central Asia”

PREPARED BY TATYANA SEDOVA

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List of abbreviations

ADB – Asian Development Bank

WB – World Bank

CS – civil society

EBRD – European Bank for Reconstruction and Development

KIBHR – Kazakhstan International Bureau for Human Rights

M&E – monitoring and evaluation

IFIs – international financial institutions

EIA – environmental impact assessment

CSOs – civil society organisations

AIP – access to information policy

EMP – environmental management plan

SE – social and environmental

SEP – social and environmental principles

SES – social and environmental standards

IPF – investment project financing

1. Executive summary

This analytical note has been prepared to develop recommendations for effective advocacy within the framework of the KIBHR project "Civil Society Organisations Working Group on Sustainable Development in Central Asia". This Analytical Note is based on a desk study that analyses existing standards, rules and procedures adopted by the three international financial institutions: the World Bank (WB), the European Bank for Reconstruction and Development (EBRD) and the Asian Development Bank (ADB) on human rights and civil society, and Kazakhstan's relevant commitments.

The IFIs reviewed in this Analytical Note (the World Bank, the European Bank for Reconstruction and Development and the Asian Development Bank) have been operating in Kazakhstan for over 30 years. These activities are governed by laws, agreements and partnership strategies with development banks. At the same time, the Banks have policies and standards that their members (in particular Kazakhstan), partners, borrowers and contractors must follow.

In particular, for future advocacy and protection purposes, the analysis focused on the following documents of the Banks (WB, EBRD and ADB):

- Transparency and disclosure policies and procedures
- Anti-corruption policies
- Environmental and social policies and procedures, including grievance mechanisms
- Policies and mechanisms for civil society participation

The first set of documents analysed concerns transparency and **access to information –** without access to information that is reliable, verified and timely, neither citizens nor CS would be able to assert their rights. The focus then shifts to **anti-corruption** policies, as anti-corruption efforts improve the realisation of human rights (and *vice versa*, the realisation of rights allows for more effective fight against corruption). This is followed by a closer look at **environmental and social regulations**, to ensure rights to a clean environment, social safeguards, *etc*., as well as opportunities for **CS** engagement and **participation** to build full and equal co-operation between CSOs and development banks to achieve greater sustainability of positive change.

The WB, EBRD and ADB have put in place specialised structures and processes to ensure respect for human rights and effective engagement with civil society, which contributes to the implementation of their projects in accordance with international standards and stakeholder expectations. Moreover, these policies and procedures continue to evolve and improve, and the IFIs are joining forces to coordinate their efforts in this direction.

At the same time, international NGOs have noted violations of these policies and procedures. Their existence does not guarantee 100 per cent compliance, and their full application in practice depends on the specific country and/or contractor. Constant independent monitoring and control by CSOs and citizens is necessary. In this regard, a number of recommendations for civic activists and CSOs in Kazakhstan are proposed: studying and using IFI policies and standards; active participation in consultations and public hearings; monitoring of project implementation; filing complaints through independent mechanisms; awareness raising and training of communities and citizens; coordination of efforts with other activists and CSOs; working with national authorities.

IFI policies and mechanisms provide civil society activists with powerful tools to protect human rights and the environment. However, their effective use requires a deep understanding of

standards, active participation in processes and continuous monitoring. Civil society has a key role to play in ensuring the transparency and accountability of IFI-funded projects to ensure they meet international standards and the interests of local communities.

2. Introduction

Purpose and objectives of the study. Methodology and data sources. The concept of human rights in the context of the study.

This Analytical Note has been prepared for the development of recommendations on effective advocacy within the framework of the KIBHR project "Civil Society Organisations Working Group on Sustainable Development in Central Asia".

The Analytical Note is based on the results of a desk study that includes an analysis of existing standards, rules and procedures adopted by international financial institutions (IFIs) related to human rights and civil society, as well as the legal framework of Kazakhstan's relationship with IFIs and Kazakhstan's respective commitments in this regard. In particular, the official documents, policies and procedures of three IFIs: the World Bank (WB)[1], the European Bank for Reconstruction and Development (EBRD) and the Asian Development Bank (ADB), the results of recent consultations of these IFIs with stakeholders,[2] as well as documents (including legislation) of the government of Kazakhstan and civil society organisations (CSOs) have been analysed. Data from the official websites of the WB, EBRD, ADB, as well as materials from watchdog organisations such as Human Rights Watch, the Bankwatch network, and the Bretton Woods Project were used.

According to accepted international definitions,[3] human rights include the rights to life and liberty, to work and education, and many others. In particular, *economic, social and cultural rights* (the right of everyone to just and favourable conditions of work; to social security, the right to education, *etc*.) and *civil and political rights* (e.g. the right to equality before the law; a fair and public trial; freedom of opinion and expression; peaceful assembly; freedom of association with others; participation in public affairs; and minority rights) are distinguished. For the purpose of this study, from a human rights perspective in the cooperation with the three IFIs, attention will be drawn to the enshrinement in policies and funding agreements of rights such as: fair working conditions and social security, prohibition of discrimination and slave labour (in relation to the employment of consultants and contractors); the right to a favourable environment (as reflected in IFI funding agreements); prevention of corruption, promotion of transparency and accountability (and as reflected in IFI documents); participation in the conduct of public affairs, freedom of association and expression of opinions (in terms of policies and practices of civil society involvement).

Therefore, the notion of human rights in the context of this study generally focuses on protecting the rights of local communities and civil society, including the right to participate in decision-making; preventing negative social and environmental impacts of projects; anti-corruption measures; and ensuring transparency and accountability in project implementation for communities and civil society.

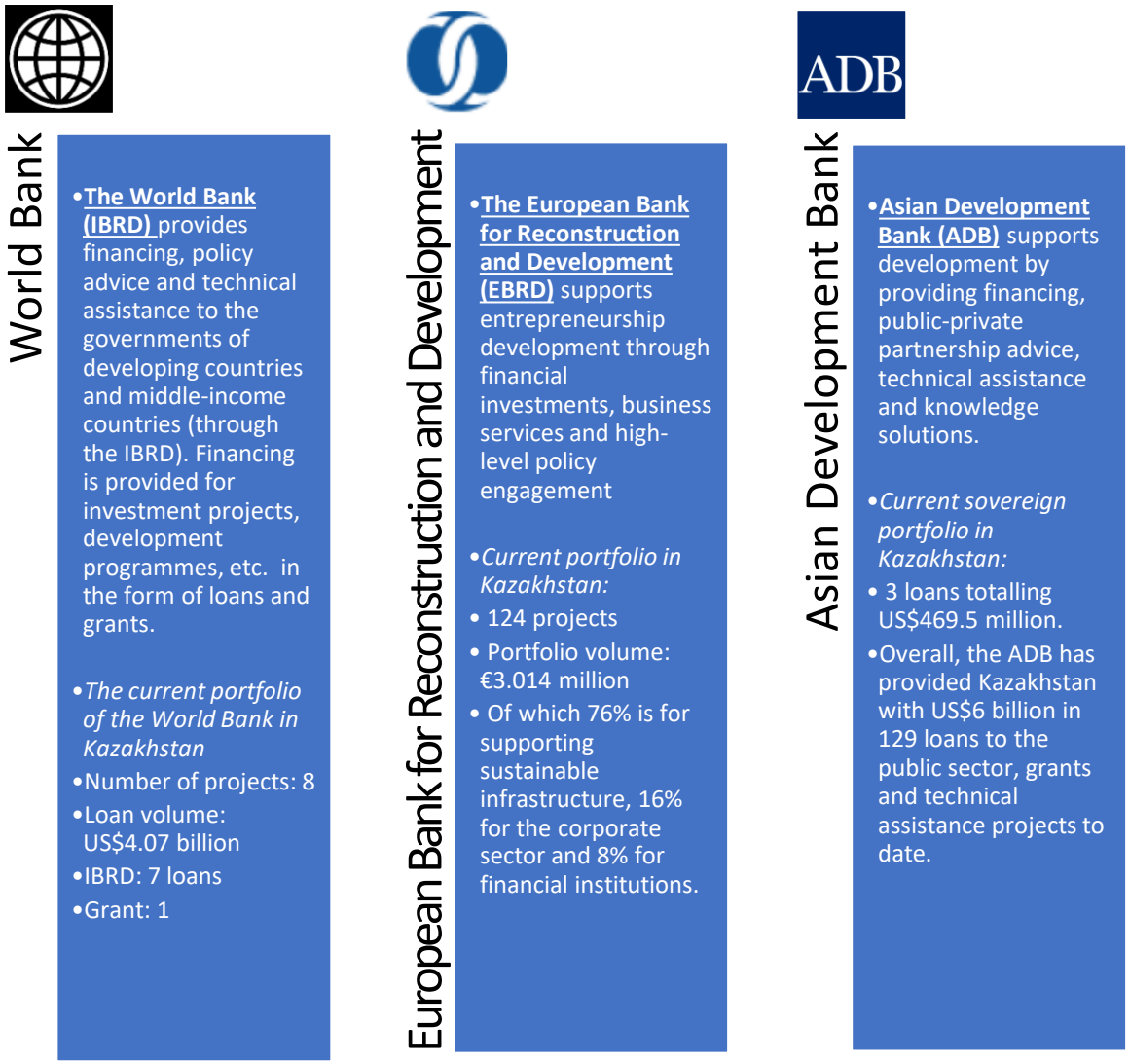
[1] The World Bank Group consists of five financial entities: the International Bank for Reconstruction and Development (IBRD), the International Development Association (IDA), the International Finance Corporation (IFC), the Multilateral Investment Guarantee Agency (MIGA), and the International Centre for Settlement of Investment Disputes (ICSID). In this report, it is referred to as the World Bank Group organisations and IBRD operating in Kazakhstan is referred to as the World Bank (WB).

[2] ADB consultation on critical minerals, including a Stakeholder Engagement Plan (February 2025); WB consultation on a new approach to stakeholder engagement (March 2025).

[3] UN

3. Legal framework for IFIs in Kazakhstan and Kazakhstan's commitments

The documents under which the WB, ADB and EBRD operate in Kazakhstan and Kazakhstan's respective commitments to human rights and civil society involvement.



The Republic of Kazakhstan became a member of the World Bank Group organisations (IBRD, IDA, MAGI, ICSID) in 1992 and joined IFC in 1993; and a member of EBRD in 1992 and ADB in 1993.

In 2001, the Law of the Republic of Kazakhstan On the membership of the Republic of Kazakhstan in the International Monetary Fund, IBRD, IFC, International Development Association, IAGI, ICSID, European Bank for Reconstruction and Development, Asian Development Bank, Islamic

Development Bank, Asian Infrastructure Investment Bank No. 264 was adopted.[4] The Law ratified the statutory documents of these international organisations and states that the Republic of Kazakhstan is a member of these organisations, a state-participant, and has assumed all commitments regarding membership.

In terms of the WB, EBRD and ADB, the following documents were additionally signed:

- **World Bank (WB)[5]**

The WB has been co-operating with Kazakhstan since 1992, providing financing for projects in infrastructure, energy, agriculture, public administration, *etc*. Kazakhstan, as a borrowing country, is obliged to comply with the WB's Operational Policies, including such as:

- **OP 1.00: Poverty Reduction**
- **ER 4**.20: Gender and Development
- **OP 4...**:. Environmental and Social Policies (a set of policies, including the Bank's guidelines on environmental and social aspects of investments, on targeting risks and impacts on particularly vulnerable groups, and environmental assessment policies, *etc*.)
- **ER 10**.20: Global environmental operations, *etc*.
- **Access to Information Policy**
- **Anti-Corruption Manual,** *etc*.

In January 2016, the Agreement between the Government of the Republic of Kazakhstan and the International Bank for Reconstruction and Development (the World Bank) on the Establishment and Operation of Offices in the Republic of Kazakhstan was ratified, more precisely defining "the status, privileges and immunities of offices in Kazakhstan".

Agreements are signed with the World Bank on loans, grants, *etc*., which are ratified and have the force of law (e.g. Loan Agreement (Secondary Education Modernisation Project) between the Republic of Kazakhstan and the International Bank for Reconstruction and Development, executed in Astana on 21 August 2017). The Loan Agreement states, *inter alia*, that the Borrower shall ensure that the Project is implemented in accordance with the provisions of the WB Anti-Corruption Guidelines. The Borrower also warrants that all works carried out for the purposes of the Project comply with environmental standards and requirements satisfactory to the Bank. In general, projects are implemented in accordance with the Bank's policies and procedures.

The Partnership Strategy Framework (PSF) is the main strategic document that guides the World Bank Group's cooperation with member countries. The current PSF with Kazakhstan for the period 2020-2025 aims to promote inclusive growth by creating an enabling environment for private sector development, stimulating market-oriented transformation of the agricultural sector and infrastructure development; strengthening human capital by bridging disparities between regions and between urban and rural areas in the provision of education, health and social protection services; and ensuring sustainable and low-carbon growth through natural capital management, including land and water resources, promoting energy efficiency, strengthening institutions and service delivery systems. The cross-cutting theme at the core of these areas is efficient public governance with strengthening of market and social institutions.

- **EBRD**

[4] As amended by Law of the Republic of Kazakhstan dated 30 October 2017 No. 103-VI ZRK.
[5] www.vsemirnyjbank.org/content/dam/infographics/780xany/2023/apr/presentations/KAZAKHSTAN-Snapshot-SM2024-RUS.pdf

The EBRD began operations in Kazakhstan in 1993 and has since become one of the key investors in the country. As of 2021, the Bank has invested more than €9 billion in 290 projects covering various sectors of the economy. The EBRD mainly finances private enterprises; and forms of financing include loans**,** equity investments, guarantees and technical assistance to strengthen institutional capacity and facilitate the implementation of reforms.

Borrowers must follow the EBRD Policies, which include policies and standards such as:

- Access to information policy
- Code of Conduct
- Roadmap for CS engagement
- Economic inclusion strategy
- Environmental and social policies and procedures
- Equal opportunities strategy
- Ethnic minorities
- Bribery and corruption – definitions and guidance
- Harassment-free workplace procedures
- Promoting a gender equality strategy
- Procurement policies and regulations
- Project Reporting Policy (PRP), *etc*.

The Framework Agreement between the Government of the Republic of Kazakhstan and the European Bank for Reconstruction and Development on Technical Assistance and Co-operation was signed in Astana on 10 December 2004. In Istanbul, in May 2013, an Agreement was signed between the Republic of Kazakhstan and the EBRD regarding cooperation and activities of the EBRD in the Republic of Kazakhstan (Law of the Republic of Kazakhstan dated 11 February 2014 No. 172-V ZRK) to "confirm and clarify the status, immunities, privileges and exemptions granted to the Bank by the Republic of Kazakhstan".

Agreements are also signed with the EBRD on loans, grants, *etc*., which are ratified and have the force of law (e.g., On Ratification of the Loan Agreement (Reconstruction of the Shymkent-Tashkent Road Section) between the Republic of Kazakhstan and European Bank for Reconstruction and Development[6]). Borrowers assume commitments in accordance with the Bank's standards. For example, such as the Project Reporting Policy (PRP), which requires consideration of environmental, social and transparency issues in the implementation of EBRD projects.

Activities in Kazakhstan are guided by the Country Strategy 2022-2027 on the following priorities: • Promoting private sector competitiveness and connectivity, and strengthening economic governance • Supporting Kazakhstan's green path to carbon neutrality and climate resilience • Promoting economic inclusion and gender equality through private sector participation.

- **ADB**

ADB began operations in Kazakhstan in 1994. Since then, the Bank has invested heavily in projects to support economic growth, develop infrastructure, and improve the social sector. The main forms of financing include loans to the government and private sector for projects in areas such as transport, energy, and agriculture; grants for technical assistance projects institutional

[6] https://online.zakon.kz/Document/?doc_id=31412887

capacity building and reform; and equity investments to support private companies promoting economic development.

ADB policies include the Operations Manual (OR – the Operations Manual), which summarises ADB's operational policies derived from the Agreement Establishing the Asian Development Bank (the Articles of Association), the Asian Development Fund (ADF) Regulations, the Ordinary and Special Operations Regulations (OCR), and operational policies adopted by the Board of Directors.

There is also a separate set of policies and guidelines on transparency and accountability, in particular such policies as:

- Access to Information
- Accountability Mechanism 2012
- ADB and NGO Co-operation
- Anti-corruption Policy, *etc*.

The Framework Agreement on Technical Assistance between the Government of the Republic of Kazakhstan and the Asian Development Bank (dated 5 October 1995, entered into force by the Law of the Republic of Kazakhstan dated 11 January 2008 N 17-IV) approved a set of general conditions under which ADB provides technical assistance.

Loan agreements are also ratified. For example, the Loan Agreement (Active Measures to Combat COVID-19) between the Republic of Kazakhstan and ADB. The borrower, among other things, warrants, for example, compliance with ADB's Anti-Corruption Policy, while ADB reserves the right to investigate any reported cases of corruption and fraud.

The Country Partnership Strategy (CPS) is ADB's main platform for designing operations to achieve development results at the country level. ADB's CPS for Kazakhstan 2023-2027 aims to support accelerating sustainable and stable growth for all by focusing on three main areas: (i) addressing climate change impacts and supporting decarbonisation, (ii) promoting inclusive economic growth, and (iii) strengthening governance and capacity development. Cross-cutting themes include supporting private sector development, promoting gender equality, and strengthening and diversifying regional cooperation and integration.

4. IFI human rights and civic participation policies and requirements

This section provides a brief description of the **fundamental documents, policies, approaches and practices of the World Bank, the European Bank for Reconstruction and Development and the Asian Development Bank in Kazakhstan with regard to their engagement with civil society and respect for human rights** in their operations

- The first set of documents to be reviewed relates to transparency and **accessibility of information –** without access to information that is reliable, verified and timely, neither citizens nor CS can assert their rights.

- The focus then shifts to **anti-corruption** policies, as anti-corruption efforts improve the realisation of human rights (and *vice versa*, the realisation of rights makes it possible to fight corruption more effectively).
- **Environmental and social regulation** is then discussed in more detail, as it is directly related to the rights of citizens and communities living in the locations of IFI operations and projects;
- as well as opportunities for **CS** and community **engagement** and **participation** decision-making to build full and equal co-operation between CSOs and development banks for greater sustainability of positive change.

4.1. Access to information policy

The main starting point for any advocacy campaigns aimed at protecting rights is reliable information (and, accordingly, access to it). In particular, this is about projects implemented and planned by IFIs, type of financing, decisions taken, contractor liabilities, *etc*.

4.1.1. World Bank (WB)

The World Bank's policy on information disclosure has evolved over the past 25 years. Prior to the adoption of the Access to Information Policy, the World Bank's approach (like other IFIs at the time) was to prescribe which documents the World Bank would disclose (an approach where everything is restricted, only a number of allowed documents are disclosed, "everything that is not permitted is prohibited" approach).

The WB's Access to Information Policy, which came into force on 1 July 2010 (and was amended in 2013 and 2015), was a turning point in the WB's approach to making information available to the public. The Policy is based on the principle that the World Bank (IBRD) will disclose any information it holds, except that which is included in the list of exceptions. The same "anything is allowed that is not prohibited" approach is now generally applied by other IFIs. The public now has access to more information than ever before – information on projects in the pipeline, projects in progress, analytical and advisory activities, and Board meetings. It is also envisaged that some previously classified types of information will be declassified (after 5, 10 or 20 years). The exceptions relate to personal information (personal data), information on Ethics Committee proceedings, attorney-client privilege, *etc*.

The policy also outlines a clear process for ensuring public access to information and provides a right of appeal if information seekers believe they have been wrongfully or unreasonably denied access to information.

The policy is based on five principles: the widest possible access to information; clearly articulated exceptions; ensuring the confidentiality of deliberative information; having clear procedures for providing information; and recognising the right of the party requesting information to appeal decisions.

Accessible and accurate information is an integral part of the Bank's policy of openness and transparency. CSOs and citizens can access extensive information through the project and operations portal, including on projects in Kazakhstan.

In addition, the Bank shares information with CSOs through monthly newsletters and calls, providing opportunities to discuss current priorities, report presentations or opportunities for engagement. The Knowledge Compact portal also aims to develop knowledge partnerships with stakeholders, including CSOs. The Bank demonstrates a commitment to information sharing

through open access to research, knowledge and information (open access to research, Open Knowledge Repository, and Access to Information portal).

4.1.2. *EBRD*

The EBRD's Access to Information Policy (AIP) 2024 and the Access to Information Directive were approved by the EBRD Board of Directors on 22 October 2024 and came into force on 1 January 2025. Prior to this, updates were made in 2019 as a result of a formal review of the 2014 Public Information Policy. The EBRD reviews policies every five years – accordingly, the current AIP is expected to be revised in 2029.

This Policy sets out the EBRD's commitment to disclosure, which is based on the principles of transparency, accountability, good governance and responsibility to stakeholders. It describes the principles for implementing the mechanisms and contains a limited list of exceptions to disclosure and related derogations. The Access to Information Policy requires the EBRD to disclose documents or information, including but not limited to those expressly listed in the Access to Information Directive. The Directive sets out certain measures to implement the Access to Information Policy.

The Access to Information Directive requires disclosure of project information, the Bank's annual reports, evaluation and monitoring reports, independent evaluation reports, *etc*., as well as institutional information on environmental, social and governance issues. This includes, for example, the carbon footprint of the EBRD and its investments, the Bank's approach and methodology for implementing the Paris Agreement, the implementation of the International Aid Transparency Initiative (IATI), the implementation of the Bank's Diversity and Inclusion Policy, *etc*.

Information on current projects in Kazakhstan (brief description, funding, main results) can be found here.

4.1.3. ADB

ADB's Access to Information Policy, effective 1 January 2019, demonstrates ADB's commitment to transparency, accountability, and participation of stakeholders. The policy, led by the overarching principle of clear, timely, and appropriate disclosure of information, contains principles and exceptions for sharing information with external stakeholders. It recognises the right of people to seek, receive, and transfer information about ADB's operations. Details on policy implementation and disclosure requirements are provided in the ADB Operations Manual (OM L3).

The policy applies to documents and information that ADB produces, that ADB requires from its borrowers or clients, or that other parties produce and provide to ADB in the course of the Bank's operations. ADB's website is the primary means of disclosure for all countries. ADB anticipates using more appropriate means of information dissemination as needed, taking into account factors such as literacy rates, geography, infrastructure, and popular media to reach project-affected people. Monitoring and reporting on the results of Policy implementation is included in ADB's annual reports.

The principles of the Policy include a presumption in favour of disclosure with limited exceptions; clear, timely and proactive disclosure; provision of information to communities and stakeholders with projects; ongoing monitoring and recourse mechanisms.

Information on planned and ongoing projects in Kazakhstan (description, results, funding, project documents, tenders held) can be found here.

4.2. Anti-Corruption Handbook

4.2.1 *World Bank*

For over 20 years, the WB has worked at the country, regional and global levels to help countries build effective, transparent and accountable institutions to counter corruption. The WB also works with global partners to reduce illicit financial flows.

For projects financed by the World Bank (IDA/IBRD), a control system is in place to ensure that funds provided to client countries are not misused. The WB has high fiduciary standards (including financial management and procurement, investigations and sanctions by the Integrity Vice Presidency (INT).[7] Legal and financial due diligence is an integral part of these standards, which WB specialists conduct as within the framework of project preparation and during project implementation.

The following WB documents address the prevention and combatting corruption: Guidelines for Preventing and Combating Fraud and Corruption in Projects Financed by IBRD Loans and IDA Credits and Grants (revised as of 1 July 2016) and Anti-Corruption Guidelines for World Bank Guarantees and Carbon Finance Transactions. In response to changes in global financial flows and the emergence of new technologies and systems that enable both the movement of money and greater transparency in such transactions, the Bank is currently developing a new Anti-Corruption Initiative, of which the Action Plan for Enhanced Anti-Corruption Practices in Client Countries will be an integral part.

4.2.2. EBRD

The EBRD's anti-corruption provisions and measures are contained in the Integrity Risk Policy 2024. The purpose of the Policy is to set out the key principles and general framework within which the Bank seeks to protect its reputation and adhere to high standards of honesty, integrity, propriety and ethical behaviour. In particular, it describes how the Bank identifies, assesses and manages integrity risks associated with parties to the Bank's projects – these risks include money laundering, terrorist financing, tax evasion, fraud, corruption and other prohibited practices.

As part of its investments, the Bank is committed to promoting high standards of integrity and good business practice among its counterparties by requiring, where appropriate, greater transparency of ownership, the adoption of international accounting standards and enhanced anti-money laundering and counter-terrorist financing procedures, anti-corruption action plans and compliance with international corporate governance standards.

4.2.3. ADB

ADB's Anti-Corruption Policy supports the Bank's commitment to ensure that ADB financing is used for its intended purpose. ADB is committed to fighting corruption as part of its broader governance work and recognises the importance of accountability of public officers, transparency, and predictability in public governance. ADB will (i) support governments' efforts to eradicate corruption;

[7] INT has suspended 956 companies and individuals between 1999 and 2019; over the same period, the World Bank has implemented 421 decisions made by other multilateral development banks party to the mutual sanctions enforcement agreement.

(ii) promote efficient, timely, and corruption-free delivery of public services; and (iii) implement anti-corruption measures in ADB projects and programmes.

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The IFIs have recognised that a unified and coordinated approach is necessary for the success of joint anti-corruption efforts. ADB, EBRD and the World Bank – together with the African Development Bank (AfDB), the European Investment Bank (EIB), the Inter-American Development Bank (IADB), and the International Monetary Fund (IMF) – have developed the **Unified Framework for Preventing and Combating Fraud and Corruption**, which sets out common principles and guidelines for investigations and harmonises definitions of corrupt, fraudulent, collusive and coercive practices. Since 2010, a Mutual Enforcement of Licence Revocation Agreement between the EBRD, the World Bank Group, the Asian Development Bank (as well as the African Development Bank Group and the Inter-American Development Bank Group) has been in place: if one of these multilateral development banks has its licence revoked, the borrower institution will not be eligible to receive funding from the others.

4.3. Social and environmental policies

4.3.1 **The World Bank's Social and Environmental Principles (SEP)** became effective on 1 October 2018 and apply to all projects initiated under the Investment Project Financing (IPF) policy after that date. The SEPs use a risk-based approach to ensure timely response to changes in project implementation through, among other things, engagement with stakeholders. SEPs allow Borrowers to improve project risk management efficiency and social and environmental performance in line with international best practices in the context of national development programmes.

The WB's SEPs include the World Bank's Sustainable Development Framework; the Social and Environmental Policy on Investment Project Financing (IPF); ten Social and Environmental Standards (SES, which outline requirements relevant to Borrowers); the Social and Environmental Directive on IPF (which outlines the requirements of implementing the SE policy relevant to Bank staff); and the Directive on Addressing Risks and Impacts Affecting Unprotected and Vulnerable Persons or Groups.

Specifically, SEP implements **ten social and environmental standards (SESs)**:

1. Assessment and management of environmental and social risks and impacts
2. Labour and working conditions
3. Resource efficiency and pollution prevention and management
4. Community health and safety
5. Land acquisition, land use restrictions and involuntary resettlement
6. Conservation of biodiversity and sustainable management of living natural resources
7. Indigenous peoples
8. Cultural heritage
9. Financial intermediaries
10. Stakeholders' engagement and information disclosure.

The introduction of SEPs in 2018 was a significant step in updating the World Bank's approach to social and environmental risk management. SEPs replaced previous operational policies and procedures, providing a more integrated and comprehensive framework for project sustainability. This is significant progress in regulating and striving for best practices in areas such as labour

relations, preventing discrimination, climate change mitigation and adaptation, biodiversity conservation, community safety and health, and stakeholder engagement, including increased public participation and improving mechanisms for reviewing and resolving complaints.

4.3.2. EBRD

According to its Memorandum of Association, the EBRD is required to "adhere to sound banking principles and 'promote environmentally sound and sustainable development" across the full range of its investment and technical co-operation activities. The various ways in which the EBRD promotes such development are described in the Bank's Environmental and Social Policy (ESP).

In 2019, the EBRD updated its Environmental and Social Sustainability Policy with a stronger focus on human rights and stakeholders. In particular, requirements for information and participation of stakeholders and the protection of labour rights have been strengthened. These changes aim to increase transparency and accountability in project implementation.

The Environmental and Social Policy (2024, updated after 2019) is one of key documents of the Bank's good governance framework that sets out the ways in which ADB puts these commitments into practice in projects. The Bank recognises that environmental and social sustainability is a fundamental aspect of achieving results consistent with its mandate. Therefore, projects that promote environmental and social sustainability are among the highest priorities.

Environmental and Social Policy (ESP): defines how the EBRD will manage the sustainability of its operations and sets out the Bank's commitments and procedures for meeting them; summarises how the Bank will assess and monitor the environmental and social impacts and risks of its projects; sets out minimum requirements for managing the environmental and social impacts and risks associated with EBRD-financed projects throughout their life cycle; commits the Bank to identify opportunities to promote projects and solutions with high environmental and social benefits; and defines the respective roles and responsibilities of the EBRD and its clients in the development, implementation and operation of projects in accordance with this Policy.

For example, one of the specific steps taken by the EBRD to fulfil this mandate and the general principles and objectives set out in the Policy is to ensure that all of its investment and technical cooperation projects undergo environmental due diligence alongside financial, economic, legal and technical due diligence, and to ensure appropriate monitoring once projects have been approved by the Board of Directors.

To this end, the Bank has developed Environmental and Social Requirements (ESRs) to be applied to specific areas of environmental and social sustainability that projects must meet. The list of ESRs includes the following:

- ESR-1 Assessment and management of environmental and social risks and impacts
- ESR-2 Labour relations and working conditions
- ESR-3 Resource Efficiency, Pollution Prevention and Control
- ESR-4 Health and Safety
- ESR-5 Land Withdrawal, Land Use Restrictions and Involuntary Resettlement
- ESR-6 Biodiversity Conservation and Sustainable Management of Living Natural Resources
- ESR-7 Indigenous Peoples
- ESR-8 Cultural heritage
- ESR-9 Financial intermediaries
- ESR-10 Stakeholders engagement

Each ESR includes specific requirements to EBRD clients in relation to Bank-financed projects, whether implemented directly by the client or through third parties.

4.3.3. ADB

The ADB Operations Manual contains a section: Safeguards Policy (2013). ADB seeks to ensure the social and environmental sustainability of the projects it supports by protecting the environment and people from the potential adverse impacts of projects. The objectives of ADB's safeguards are to avoid adverse impacts of projects on the environment and affected people, where possible; and where not possible, to minimise, mitigate, and/or compensate for adverse project impacts; and ADB is committed to helping borrowers/clients strengthen their safeguards systems and develop capacity to manage environmental and social risks. ADB establishes principles for three key safeguards areas: environmental safeguards, involuntary resettlement safeguards, and indigenous peoples' safeguards.

The Guide also contains Section: Integrating Social Dimensions into ADB Operations (2023). To achieve the ADB's overarching goal of poverty reduction, as well as the Sustainable Development Goals and ADB's long-term corporate Strategy 2030, it is important for the Bank to understand how social elements affect poverty, inequality, and vulnerability. All ADB operations in member countries have social aspects that need to be considered in country strategy, programme design, and in the project cycle. Key social aspects supported by ADB policies or strategies include (i) participation; (ii) promoting gender equality and women's empowerment; (iii) social safeguards; and (iv) social risk management, especially among the poor and vulnerable.

4.4. Policies and standards for civil society participation

The International Development Banks declare the importance of working to strengthen engagement with civil society, since an environment where CSOs' voices are heard and citizens influence the development agenda improves outcomes for people, communities and societies as a whole.

All IFIs devote resources to ongoing engagement with CSOs and are constantly changing and adapting their approaches to respond to new trends. All have at least three levels of engagement with CSOs, namely outreach and disclosure, dialogue and consultation. Most IFIs are now going beyond consultation with CSOs, for example by engaging them as consultants for technical advice on investment projects (to varying degrees) and/or setting up CSO advisory groups/platforms on specific issues/projects; providing CSOs with capacity building funds and/ or small grants. Some IFIs involve CSOs and citizens in community-based monitoring or wide participatory monitoring of investment projects, as is the case in many infrastructure, agriculture and energy projects, especially in hard-to-reach rural areas (Sub-Saharan Africa and South-East Asia).

All IFIs have dedicated CSOs liaison units at their headquarters. They also organise special annual events for CSOs, usually in conjunction with annual board meetings. IFOs have developed internal strategic documents on CSO engagement as part of their overall strategies. Banks periodically adapt their approach to civil society in line with how banks themselves and the civil society situation are changing to meet the challenges of transition countries.

The IFIs have established a working group of multilateral development banks and international financial institutions to build on existing and create new partnerships with civil society.

4.4.1. *World Bank*

The Citizen Engagement Framework and awareness emphasises the importance of civil society (CS) and stakeholders involvement in the project implementation process. This standard calls for systematic involvement of stakeholders throughout the course of the project, starting from the earliest stages, and also includes access to information, comprehensive consultation, grievance mechanisms and reporting to stakeholders.

The Bank engages with CSOs around the world in a variety of ways through: open and accessible information (described above), consultations, joint policy development, partnerships, CSOs' participation in Bank operations/projects, and CSO financing.

- **Consultations**: are an integral part of the preparation of the country Partnership Strategy Framework (in particular the PSF with Kazakhstan 2020-2025) and CSOs often contribute to these consultations. The need to consult with beneficiaries throughout the project cycle is included in the Environmental and Social Framework and Citizen Engagement Framework. A recent example is the extensive feedback from CSOs as part of the Bank's "evolutionary process" (updating principles and approaches), including inviting Kazakhstan's organisations.

- **Policy discussions:** dialogue with CSOs on policy is frequent at both country and global levels. In addition, CSOs meet twice a year at the annual and spring meetings to participate in the Civil Society Policy Forum (CSPF). The CSPF provides CSOs and other stakeholders with an open forum for dialogue and exchange with Bank and IMF staff, colleagues, government delegations, and other stakeholders on a wide range of issues.

- **Partnerships:** CSOs may enter into partnerships with the Bank to enhance co-operation on a specific theme, sector or development initiative.

    - **Operations:** In operational cooperation, CSOs receive financial support for project implementation through contracts with governments or the Bank's international partner organisations. The WB encourages governments to actively co-operate with CSOs in its projects – in some cases CSOs play a leading role in the implementation of development projects or provide key services to monitor project results.

    - **Financing:** The World Bank's Global Partnership for Social Accountability (GPSA) Trust Fund supported 50 projects in 34 countries working in areas such as health, education, social protection, water, public financial management and fragile/conflict situations. Due to the end of the GPSA, the Bank is in the process of deciding on a successor – more information on this will be provided shortly. Information on other WB trust fund programmes can be found here.

Accountability is very important in all these mechanisms. The World Bank seeks to ensure this through the Accountability Mechanism, Grievance Redress Service, and Integrity Vice Presidency.

As part of ongoing consultations on new approaches to stakeholder engagement, the World Bank plans to strengthen engagement with civil society, both at the consultation level and in project implementation, M&E and grievance mechanisms, aimed at building meaningful partnerships. It is also envisaged to develop indicators of CS participation – not only quantitative, but also assessing the quality of such participation.

4.4.2. EBRD

In July 2024, the European Bank for Reconstruction and Development published a **new Approach to Civil Society Engagement** for the period from 2024 through 2029. Under the Approach, the EBRD will seek to reduce risks, increase impact and promote engagement with civil society. To achieve this, four objectives will be pursued:

(i) supporting and engaging with civil society through meaningful mechanisms,
(ii) responding to global crises when they affect EBRD regions by engaging with civil society,
(iii) developing a safe and open civic space, and
(iv) strengthening the Bank's internal incentives to engage with civil society, improve efficiency and accountability.

To achieve these objectives, the Bank will share information, consult and collaborate with civil society organisations (CSOs) to strengthen their capacity as advisors and partners in EBRD project implementation. Internally, the Bank will develop guidance for staff on how to ensure civil society security and protection from harassment, how to handle complaints and civil society enquiries, and how to ensure inclusive and accessible consultations.

The new approach builds on the revision of the Bank's previous roadmap, which was used to support and engage with CSOs during the Covid-19 pandemic and in response to new challenges faced by civil society in many countries and regions. The EBRD will monitor progress in implementing its new approach and remain flexible, adjusting priorities and activities as necessary in response to changes in the operational and business environment in the countries where it operates.

Unfortunately, the link to this document is currently is inactive, and the EBRD website has the CS Engagement Roadmap 2017-2020.

4.4.3. ADB

ADB adheres to a policy of transparency and openness in its operations and engages with civil society and the media. Overall, ADB has continued to improve its human rights and civil society policies in recent years. While the core documents have not changed significantly, the Bank has strengthened the practical implementation of these policies by focusing more on digitalisation of processes (introducing digital tools to improve engagement with stakeholders) and gender equality.

In 2023, ADB adopted the document Advancing the Engagement of Civil Society Organisations. The document confirms that as part of ADB's long-term corporate Strategy 2030, the Bank has committed to strengthening its engagement with CSOs. Importantly, ADB points out in the document that CSOs show significant variation from country to country and due to the diversity of CSOs, it would not be appropriate for ADB to take a uniform approach to civil society engagement. ADB therefore engages with CSOs flexibly, through a range of relationships appropriate to different contexts, rather than through any uniform mechanisms or models.

In general, however, ADB categorises CSOs' participation as including four main approaches:

(i) obtaining and sharing information,
(ii) counselling,
(iii) co-operation, and
(iv) partnership.

These approaches cover a continuum of relationships between decision-makers and stakeholders, in which the level of initiative and engagement of each party varies considerably. Each approach can be explored in more detail – please see the Handbook on Engaging with Community Organisations in ADB's Work.

4.5. Some examples of WB, EBRD and ADB policies in practice

The application of IFI policies and procedures for the realisation of human rights and community engagement and CS in practice has both positive and negative examples.

Examples of CS and community participation in **World Bank** projects, such as: the *Aral Sea Conservation Project*[8] "Regulation of the Syrdarya River Channel and Conservation of the Northern Part of the Aral Sea", under which the Aklak hydroscheme and the Aitek complex of structures were built, as well as protective dams on the Syrdarya. This project was implemented with the active participation of local communities and civil society organisations, which contributed to the effectiveness and sustainability of the activities. Another example is the *Western Europe-Western China Road Project*:[9] to ensure transparent monitoring of project implementation, NGOs established a Network of Transparency and Sustainable Development Expert Councils to identify, record and resolve social and economic, labour, environmental and corruption violations. Monitoring of land acquisition was included as a priority activity in the work programme, ensuring transparency and inclusion of local communities' interests.[10]

The European Bank for Reconstruction and Development *consulted with civil society representatives* in the development of the 2022 – 2027 Kazakhstan Country Strategy to take into account their views and ensure that the strategy is in line with the needs and priorities of the local population. In 2017, the EBRD provided a loan of KZT 3.5 billion to the microfinance institution KMF for lending to micro, small and medium-sized businesses, as well as for financing women's entrepreneurship under the *Women in Business* programme. The project helped to increase access to finance for vulnerable groups and support local entrepreneurs

The Asian Development Bank supported the first *regional summit on SDGs* in Kazakhstan in 2019. Discussions focused on energy, water, and climate resilience. The Summit was attended by over 300 participants, including representatives of government agencies, civil society, private sector, and international organisations from CAREC countries. ADB also implemented a $90 million *project* to *promote gender equality in housing finance*. To finance the first "women's mortgage" project, ADB issued gender bonds totalling KZT 8.4 billion for the first time in the region's history.[11]

These examples demonstrate IFI's commitment to the principles of transparency, participation and the protection of human rights in their operations, as well as their willingness to actively engage with civil society to achieve sustainable and inclusive results.

At the same time, a number of international watchdogs organisations have noted in their reports that social and environmental **abuses** caused by Development Bank projects can go unaddressed, leaving victims without remedy. "There have been numerous examples in recent years where the IFC and the **World Bank** have been accused of failing to remedy the harm caused by their projects, such as in the case of workers on cotton farms in Uzbekistan." The World Bank financed an

[8] ru.wikipedia.org
[9] https://online.zakon.kz/Document/?doc_id=31138946
[10] worldbank.org
[11] https://www.interfax.kz/?lang=rus&int_id=13&news_id=400

irrigation project in several districts on the condition that the Uzbek government comply with laws prohibiting forced and child labour. Despite this agreement, the Uzbek government forced people, including children, to work in the project area. Campaigns by a CSOs group against forced and child labour in Uzbekistan's cotton sector led to a boycott of Uzbek cotton. Despite this, the World Bank remained active in the country's agricultural sector, providing loans totalling $518.75 million to the government in 2015 and 2016 for projects in this sector.

However, it is also important to note examples of the World Bank stopping funding for projects that in one way or another violated human rights: following an appeal by residents to the Inspection Panel, the Bank suspended funding for a $150 million tourism project in southern Tanzania over allegations of forced evictions, killings and other human rights violations in Ruaha National Park.

In 2022, Bankwatch and its partner civil society organisations provided the **European Bank for Reconstruction and Development** with more than twelve reports highlighting human rights concerns related to investment projects in the Bank's countries of operations**,** including lack of meaningful engagement with communities and workers, poor working conditions, interference with trade unions, violations of labour and land rights, environmental and health impacts, gender-based violence and harassment, and discrimination on the basis of gender and lack of transparency. For example, in 2019, Almaty joined the EBRD's Green Cities Programme, where one of the flagship initiatives was the Almaty Public Electric Transport project. However, in 2022, residents of Almaty's Kairat neighbourhood expressed concern about the actions of the EBRD's project client, AlmatyElectroTrans (AET), which illegally parked diesel buses near residential buildings without a proper sanitary zone, violating national standards and the residents' right to a clean and healthy environment. Unable to resolve the issue with AET, local residents, supported by the local Green Salvation NGO, took their grievances to the EBRD. The EBRD further investigated the issue and agreed with AET to include a clause in the project's Environmental and Social Action Plan that the company should relocate the bus depot from Kairat.[12]

However, none of these issues were mentioned in the EBRD Sustainability Report 2022. CSOs believe that the EBRD should recognise that human rights risks and impacts in its countries of operations are an issue and address them accordingly, and that monitoring and reporting on human rights issues in EBRD operations is critical.

The **ADB** example relates to more general choices of priorities and approaches that directly or indirectly lead to rights violations. In the Kyrgyz Health Sector Reform Project, the Bank emphasised privatisation of social services, and the reform resulted in a lack of access to free treatment in state and municipal health care facilities. Free medical care covered only first aid and treatment of selected diseases, and only for socially vulnerable segments of the population. As researchers have noted, due to additional taxes on health insurance and the lack of guarantees for free treatment, more than half of the population is forced to self-medicate.[13]

Conclusion: The World Bank, the European Bank for Reconstruction and Development and the Asian Development Bank have a range of mechanisms, policies and procedures to respect human rights and actively engage with civil society at all stages of project implementation. For example, information disclosure and anti-corruption policies, social and environmental standards, pre-assessment, monitoring and complaint mechanisms, *etc*. Moreover, these policies and procedures continue to evolve and improve towards greater openness and participation. At the same time, their existence does not guarantee 100 per cent compliance, and their full application in practice depends on the specific country and/or contractor. Continuous independent monitoring and oversight by

[12] https://bankwatch.org/blog/towards-a-people-powered-green-transformation-in-almaty
[13] https://realityofaid.org/wp-content/uploads/2021/07/Deep-Dives-Cashing-in-on-Conflict.pdf

CSOs and citizens is necessary. These policies and mechanisms need to be studied, known, communicated and utilised for effective advocacy in general and for the protection of rights in specific situations.

5. Conclusion

The IFIs considered in this Analytical Note (the World Bank, the European Bank for Reconstruction and Development and the Asian Development Bank) have been operating in Kazakhstan for over 30 years. These activities are governed by agreements and partnership strategies with the development banks. At the same time, the Banks have policies and standards that their members (in particular, Kazakhstan), partners, and borrowers must follow.

The WB, EBRD and ADB have a range of mechanisms, policies and procedures in place to respect human rights and actively engage with civil society at all stages of project implementation. For example, information disclosure and anti-corruption policies, social and environmental standards, pre-assessment, monitoring and grievance mechanisms, *etc*. Thus, when operating in Kazakhstan, clients are required, *inter alia*, to conduct environmental and social impact assessments to identify and manage risks, develop safeguard management plans, disclose information in a timely manner, consult with civil society, *etc*. If these policies and standards are breached, a grievance mechanism is in place to address feedback from affected communities and ensure a prompt response.

Therefore, the WB, EBRD and ADB have put in place specialised structures and processes to ensure respect for human rights and effective engagement with civil society that facilitate the implementation of their projects in line with international standards and the expectations of stakeholders. Moreover, these policies and procedures continue to evolve and improve, and IFIs are joining together to coordinate their efforts in this regard.

At the same time, their existence does not guarantee 100 per cent compliance, and their full application in practice depends on the specific country and/or contractor. There is a need for constant independent monitoring and control by CSOs and citizens. Therefore, civil society activists need to study, know, communicate and use these policies and mechanisms for effective advocacy in general and protection of rights in specific situations.

Some recommendations for advocacy campaigns by civic activists

1. Learning and use of IFI policies and standards: familiarise yourself with key documents, refer to specific IFI standards and commitments when discussing projects with local authorities, contractors and IFI representatives.

2. Active participation in consultations and public hearings: ensure that IFI-funded projects include mandatory consultations with stakeholders, including local communities and CSOs; prepare for participation, provide constructive suggestions and comments based on international standards and best practices; capture instances of lack of consultation or a formal approach to consultation for further use in advocacy.

3. Monitoring of project implementation: build coalitions, join with other CSOs and activists to independently monitor projects at all stages of implementation; use IFI tools such as environmental and social risk management plans; capture violations, document non-compliance with standards, including environmental and social violations, and use this information to file complaints.

4. Complaints through independent mechanisms: in case of violations, file complaints through independent structures such as: WB Inspection Panel, ADB Independent Accountability Mechanism, EBRD Independent Complaints Mechanism; prepare evidence of violations, including documents, photos, videos, local testimonies; insist on investigation and remedial action.

5. Awareness raising and training: conduct information campaigns and trainings for local residents about their rights and protection mechanisms under IFI projects; disseminate information, use social media, mass media and other channels to inform the public about projects and their potential risks; cooperate with international organisations, engage experts and watchdog organisations such as Bankwatch to strengthen your advocacy.

6. Coordination of efforts with other activists and CSOs: build networks with other activists and CSOs working in similar areas; participate in international campaigns, join global initiatives to increase IFI transparency and accountability.

7. Use of negative examples to strengthen advocacy: analyse failed projects, cases where IFI standards were not met and use them as examples to justify the need for stronger controls; demand improvements**: Insist that additional measures be put in place to prevent recurrence.

8. Work with national authorities: remind the government of Kazakhstan of its commitments to IFIs, including respect for human rights and environmental standards; suggest inclusion of civil society demands in IFI-funded national development programmes.

IFI policies and mechanisms provide civil society activists with powerful tools to protect human rights and the environment. However, their effective use requires a deep understanding of standards, active participation in processes and continuous monitoring. Civil society has a key role to play in ensuring the transparency and accountability of IFI-funded projects to ensure they meet international standards and the interests of local communities.