



Final Report of the Special Project Facilitator

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**Kyrgyz Republic: CAREC Transport Corridor 1
(Bishkek–Torugart Road) Project**
(Complaint Received: 7 September 2010)

Asian Development Bank

ABBREVIATIONS

ADB	–	Asian Development Bank
CWRD	–	Central and West Asia Department
km	–	kilometer
LARP	–	land acquisition and resettlement plan
MOTC	–	Ministry of Transport and Communications
NGO	–	nongovernment organization
OSPF	–	Office of the Special Project Facilitator
PIU	–	Project Implementation Unit
RAR	–	Review and Assessment Report

The original English version of this report was translated by the Office of the Special Project Facilitator (OSPF) consultants into Russian and Kyrgyz. In case of discrepancy, the English version will prevail.

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EXECUTIVE SUMMARY

The Bishkek–Torugart Road is part of the Central Asia Regional Economic Cooperation Corridor 1 linking the Kyrgyz Republic and the People's Republic of China and other Central Asian countries. The project¹ includes the improvement of a 39-kilometer stretch of the road as well as other components. The Office of the Special Project Facilitator (OSPF) received a complaint concerning the project on 7 September 2010 and acknowledged receipt on 22 September. The complainants asked for compensation for two shops and some trees that were being removed as part of the improvement of the road. OSPF found the complaint eligible on 12 November 2010, and in early December OSPF conducted a review and assessment of the complaint.

The stakeholders included the complainants, the Ministry of Transport and Communications, ADB's Central and West Asia Transport and Communications Division, and two nongovernment organizations. The issues of the complaint were equitable compensation and information sharing. OSPF concluded that there was a high probability that the problems could be resolved through a land acquisition and resettlement plan that included the complainants' entitlements in accordance with ADB's resettlement policy. The review and assessment proposed a course of action, which was updated and concretized, agreed upon by all parties involved, and implemented. The last compensation payments to the complainants were made on 24 August 2011. OSPF's last mission took place from 15 to 18 September 2011 and confirmed the payments and the satisfaction of the complainants.

¹

Grant No. 123-KGZ for \$20 million, approved on 14 November 2008.

I. BACKGROUND

A. The Project

1. The 500-kilometer (km) Bishkek–Torugart road is part of the Central Asia Regional Economic Cooperation Corridor 1 linking the Kyrgyz Republic and the People’s Republic of China and other Central Asian countries. The project,¹ located in At-Bashy Raion, Naryn Oblast, includes improvement of a 39-km stretch (km 400 to 439) of the road as well as other components. The improvement was begun in April 2010 and was proceeding well before it was suspended in early November 2010 because of the start of the winter season.

B. The Complaint

2. The Office of the Special Project Facilitator (OSPF) received a complaint concerning the project on 7 September 2010 and acknowledged receipt on 22 September. The complaint comprised three letters from three groups of two persons each.² Two of the groups were operating shops that had to be removed from the shoulder of the existing road as part of the road rehabilitation, and these complainants were seeking fair compensation for losing their shops. The third group was losing some land and 15 trees along the highway and was seeking compensation for the land and trees. In their three letters, the complainants authorized as their representative the head of a local nongovernment organization (NGO) who lived in the project area. During October 2010, OSPF exchanged communications with the representative, seeking clarification on several points.

C. Determination of Eligibility

3. OSPF discussed the complaint with concerned Asian Development Bank (ADB) staff, reviewed documents, and conducted a mission to the Kyrgyz Republic from 5 to 8 November 2010 to determine the eligibility of the complaint. The mission met with officials of the Ministry of Transport and Communications (MOTC), ADB staff of the Kyrgyz Resident Mission, and concerned NGOs, and visited the project site to confer with the complainants. The mission concluded that the complaint met OSPF's eligibility criteria, and declared it eligible on 12 November 2010.

II. REVIEW AND ASSESSMENT

A. Objectives and Methodology

4. 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. The review and assessment included (i) a desk-based review of documents, including the Report and Recommendation of the President, and other information provided by the Central and West Asia Department (CWRD); (ii) the findings of OSPF's eligibility mission in November 2010; (iii) interviews with ADB staff currently involved in the project; (iv) a review and assessment mission from 2 to 7 December 2010, which included interviews and other meetings with the complainants and concerned ADB staff, and interviews with government stakeholders,

¹ Grant No. 123-KGZ for \$20 million, approved on 14 November 2008.

² In the letters, the complainants said they did not request that their identities be kept confidential, but during the review and assessment mission, they asked that OSPF not make their names public.

including staff of the Project Implementation Unit (PIU), and the State Secretary of MOTC; (v) the findings of a due diligence investigation carried out by CWRD's resettlement specialist; and (vi) a multistakeholder meeting held on 6 December 2010 during the review and assessment mission, at which the complaints and possible approaches to their resolution were discussed. OSPF's review and assessment mission coincided with a project review mission led by the project officer and including CWRD's resettlement specialist.

B. Identification of Stakeholders

5. The Review and Assessment Report (RAR)³ identified the stakeholders as the complainants and two NGOs, MOTC, and CWRD. The complainants comprised three groups of two persons each living in the villages of Kara Suu and Kara Bulun along the Bishkek–Torugart Road. In each group, one of the two persons took the lead in pursuing the complaint, and the second person was either a family member or a friend. The complainants had authorized the acting director of the local NGO Bugu Maral to represent them. He was later replaced by the coordinator for Central Asia and the Caucasus region of the NGO Forum on ADB, who was based in Bishkek. She had been monitoring the project previously. In ADB, the Transport and Communications Division of CWRD is responsible for administering the project. The Office of the Director General of CWRD has among its staff social development specialists who look after ADB's safeguard policies, including matters related to resettlement. In MOTC, the State Secretary and the PIU, with its safeguard specialists, were identified as the stakeholders to work with.

C. Findings and Recommendations

6. The RAR identified as issues (i) equitable compensation for the complainants; and (ii) information sharing, and the following common interests: provision of information on project activities and a way to seek information about resettlement and the requirements under the ADB resettlement policy. In parallel to the OSPF mission, the CWRD resettlement specialist had verified the complainants' situation in the field and confirmed and outlined the entitlements for the complainants, based on ADB's resettlement policy. She shared this information in sessions with MOTC and the complainants, and in a joint meeting facilitated by OSPF. The RAR reflected the CWRD findings and recommended embodying the entitlements in a resettlement plan.

D. Proposed Course of Action

7. The RAR recommended that (i) MOTC prepare a land acquisition and resettlement plan (LARP) in consultation with the complainants; (ii) the CWRD resettlement specialist provide advice to MOTC, oversee the preparation of the LARP, and approve the LARP prior to its implementation; (iii) MOTC establish a grievance redress mechanism; (iv) the three complainants be kept informed by MOTC about the progress of the LARP; (v) compensation and assistance be completed by 31 March 2011; (vi) the parties agree to follow ground rules; (vii) OSPF conduct meetings and consultations with the parties as needed; and (viii) OSPF monitor the implementation of the course of action and close the complaint once the compensation and assistance has been provided.

³ <http://www.adb.org/Documents/SPF/Review-Assessment-Report-KGZ-14Dec10.pdf>;
<http://www.adb.org/Documents/SPF/Review-Assessment-Report-KGZ-14Dec10-kyrgyz.pdf>;
<http://www.adb.org/Documents/SPF/Review-Assessment-Report-KGZ-14Dec10-ru.pdf>.

III. COURSE OF ACTION

8. During a mission from 28 March to 4 April 2011, OSPF met with the parties in the complaint; discussed the status of the preparation for the LARP; confirmed timeframes; listened to the parties' experiences, concerns, and obstacles related to the preparation of the LARP; and took note of suggestions for improvements. Based on this information the mission worked out a course of action that reconfirmed CWRD's support to MOTC in the preparation of the LARP, and the conduct of capacity development. MOTC confirmed that it is following the requirements of Kyrgyz laws and regulations and those specified in the ADB Policy on Involuntary Resettlement (1995). A LARP implementation schedule that had been agreed upon in the meantime between CWRD and MOTC became part of the course of action. The Kyrgyz Government had meanwhile set up an interdepartmental commission tasked with the preparation of a list of properties falling into the right of way in the two villages of Kara Suu and Kara Bulun. The parties still felt that additional activities to support the timely preparation and implementation of the LARP were necessary. In particular there was a need to develop capacity in communication, enhance understanding, and provide parties with skills needed for the LARP process. OSPF discussed this course of action with each party individually⁴ and reached agreement on its implementation. OSPF facilitated orientation sessions about the ADB Accountability Mechanism, the ADB Policy on Involuntary Resettlement with CWRD resettlement specialists as resource persons, principles of communication, disclosure of information, and the conduct of meetings. A 2-day session on communication and negotiation skills was conducted for the two affected communities of Kara Suu and Kara Bulun; local leaders, elders, village organizations, members of the village council, the local police, and members of the interdepartmental commission based in Naryn; local NGOs; and the provincial ombudsman, who had become an important impartial actor in the problem-solving process. Separate capacity development activities were conducted for the complainants to get their documents organized and prepare for the evaluation of assets. The LARP was prepared and implemented in parallel and closely coordinated with the capacity development sessions. The complainants received their last payments on 24 August 2011. OSPF conducted a closure workshop with them on 7 September and determined that they were satisfied with the compensation payments, appreciated the capacity development, and acknowledged that they had more than monetary gains from the complaint.

⁴ <http://www.adb.org/Documents/SPF/First-Course-Action-KGZ.pdf>;
<http://www.adb.org/Documents/SPF/First-Course-Action-KGZ-kyrgyz.pdf>;
<http://www.adb.org/Documents/SPF/First-Course-Action-KGZ-ru.pdf>.