




**Authorized Representative or Assistant (if any).** (Information regarding the representatives, or persons assisting complainants in filing the complaint, will be disclosed, except when they are also complainants and they request confidentiality.)

Complainant represented	Name and designation (Mr., Ms., Mrs.)	Signature	Position/ Organization (If any)	SBD, Horoo 6, Baga Toiruu, 44-204 UB-14201	Telephone number (landline/mobile)	E-mail address
	SUKHGEREL Dugersuren, OYUNTUGS, Tserendorj		Oyu Tolgoi Watch Director 6 Buudal NGO Director		976-7012-2202 976-99185828 976-96091330	<a href="mailto:otwatch@gmail.com">otwatch@gmail.com</a> <a href="mailto:enkhtuyaz@yahoo.com">enkhtuyaz@yahoo.com</a>

#### D. Project

Name	Ulaanbaatar Urban Services and Ger Areas Development Investment Program - Tranche 1 and 2, 3. Mongolia
Location	Ulaanbaatar, Mongolia
Brief description	Strategic fit. The government and the MUB requested Asian Development Bank's (ADB) support to formulate a project that will (i) translate the existing Affordable Housing Strategy (AHS) into implementable plans, investments, and institutional reforms; (ii) increase the supply of AH; and (iii) enhance city livability through the construction of well-integrated and resource-efficient solutions in strategic locations in the ger areas. This will support the Ulaanbaatar City Master Plan. The project will build on existing ADB projects aiming to integrate and upgrade the ger areas and transform Ulaanbaatar into a more inclusive city; and will also build on prior ADB Housing Sector Finance Project and housing loans to the very poor. The project is consistent with ADB's interim country partnership strategy for Mongolia, 2014-2016 as well as with the core themes of green, competitive, and inclusive cities of ADB's Urban Operational Plan.

#### E. Complaint:

What direct and material harm has the ADB-assisted project caused, or will likely cause, to the complainants?

The ADB Ger Area Development Investment Project (GADIP) includes construction of road, sewerage and heating systems in the planned subcenters. The construction phase is causing numerous problems to families already partially affected by the resettlement\land acquisition for these infrastructure projects. Complaints regarding negative impacts from the road construction work are causing the following direct and material harm:

- I. Violation of Mongolian standards on road: Households that have been partially affected and have given up part of their land are now living with a road built within 2 meters from their fence and/or house. Violations of road standards as claimed by complainants: 1) on the safety zone of a road and its components from housing or other buildings; 2) quality of construction materials and work performance; 3) lack of planning on the fortification of road slopes from erosion; 4) lack of construction safety requirements; and a lack of construction phase assessment on community health and safety and mitigation measures is an incomplete list of faults observed by the community. These are resulting in:
  - a) damages caused by road construction heavy equipment list structural damages to housing and other structures: walls, windows, flooring, fences, etc.;
  - b) damage to the value of property which would lead to less value in the case of negotiating a compensation;
  - c) damage to the value of a land plot resulting from partial land acquisition which has left a too small plot, too close to a road;
  - d) loss of interest or justification to maintain a livelihood and\or property in the area
  - e) complete loss of access to property: home, garage
  - f) loss of safe entry\exits routes to property
  - g) road route above family plots located near the bridge connections do not include protection barriers on the road nor fortification of road slopes with potential of cars, trash from the road and stones from slopes falling into family plots.
- II. Violation of safety and noise standards: There appears to be no health and safety impact assessment done for a road to be built within 2-3 meters from residential space. An incomplete list of negative impacts caused by construction heavy equipment, constant vibration, transport vehicle breaking, forceful uphill driving and honking noise which will increase from current level when the road is completed are resulting in:
  - a) loss of physical stability of buildings and furniture
  - b) loss of emotional stability and sense of security due to constant fear of car accidents
  - c) added burden of childcare due constant fear for safety of children
  - d) loss of sleep and rest resulting in deteriorating health conditions
  - e) falls and fractures due to a lack of temporary pedestrian passages
  - f) future pedestrian (especially near the school) accidents due to a lack of planning on pedestrian safety
- III. Non-compliance with the requirements for technical and management monitoring of project implementation on the ground. Despite numerous complaints and adjustments made to the road engineering drawings there has been no review of these for compliance with the relevant standards. This is resulting in:
  - a) Continuing construction of a sub-standard road with potential of major accidents resulting in serious damage to human life and property;

- b) Continuing construction of road pushing into housing areas with a purpose of forcing residents to flee without a compensation with potential to result in complains, court claims, etc;
- c) Attempting to address in a piecemeal manner further hurting affected households with potential to fall into poverty due to loss of land, property\home and livelihood resources;

IX. Non-disclosure of information and a lack of meaningful consultation on potential risks, negative impacts and their mitigation plans: During resettlement process in 2018-2019, the PIU/PMO made calculation and partially acquired land for the road from many of the affected households. The APs have not been informed about the road to be built in less than 5-10 meters from their living quarters and what risks that might entail and what mitigation measures the project will provide. The community in the area were not warned, informed of construction phase impacts, risks and no measures have been taken to ensure security and safety of the community during this temporary impacts.

Have the complainants made prior efforts to solve the problem(s) and issue(s) with the ADB operations department including Resident Mission concerned?  
 **Yes.** If YES, please provide the following: when, how, by whom, and with whom the efforts were made. Please describe any response the complainants may have received from or any actions taken by ADB.

Please note that the project complainants did not have any information about the EIB's role in this project.

**This complaint is about the problem-solving process that is not having any bearing on changing the practices of the project implementers involved in this project: PMO, PIU and borrower entities in implementing and monitoring infrastructure construction sub-projects.**

The construction phase has brought numerous forms of harm and material damage to the resident living along the road and sewerage system routes. PIU's attempts to solve small problems by paying out cost of slashed tires or broken car mirrors, fixing back damaged fences or paying compensation for sustaining injuries are going beyond their capacity and technical ability to handle the issues. The sub-standard design of the road requires a technical evaluation and technical solutions to solve the problems in a sustainable manner protecting residents' health, safety and livelihood resources. "Regardless how high you complain it will still come back to me for solution" is a last resort threat used to prevent most people from joining the complaint.

On August 18, 2020, the Governor of SBD Horoo 14 Mr. B. Delgersaikhan called a meeting at the request of representatives of APs with the PMU, their subcontractor construction companies (NABSAN +2) and NGOs regarding complaints about harassment and intimidation of affected residents by company workers. A police investigation into a physical threat by road company workers should be files at SBD, 14 Horoo Police.

Recommendations and suggestions were given during the meeting aimed at reducing negative impact on residents causing conflict between them and workers. Recommendation to put a phone number of PIU grievance mechanism on the sides of construction company vehicles was ignored. The situation was discussed with the representative of the OSPF in a meeting on September 11, 2020.

Email communications between Oyu Tolgoi Watch and 6 Buudal NGO with PIU\PMO on the previous complaints and seeking information and clarification on new sub-projects are available upon request. Meeting notes attached.

## F. Optional Information

1. What is the complainants' desired outcome or remedy for the complaint?

ADB assistance since 2012 has caused damage to Ger area residents' right to own land and live on it free of charge; land-based family economic activities and is now encroaching on the right to a safe living environment. The reluctance expressed by project implementers to comply with the ADB, EIB and (GCF?) Safeguards Policies continue to hurt thousands of families to be affected by construction of the six (6) sub-centers and their infrastructure. We request that in addition resolving problems associated with the construction impact an investigation be carried out to establish compliance with the construction safety standards but most importantly with road standards. We are seeking the complaints to be resolved in the following manner:

1. Investigate compliance with the ADB standards for road construction and operations;
2. Resettle families where road has pushed in too close to family property where safe livelihood is no longer possible;
3. Carry out additional social impact assessment for households affected by construction work from falling into poverty;
4. Re-evaluate the land and property of people taking into consideration the previous partial land acquisition that led to current smaller plots and damages cause to property to decrease their value; and remedy for lost opportunities;
5. Include no less than one member from each affected community in the Oversight Committee, ensure they have an equal say in the decision-making process.
6. Carry out social impact assessment compliant with the Banks standards, including a gender impact assessment with the participation of the women's group in all other sub-centers for the construction phase.

2. Anything else you would like to add?

Based on the fact that OSPF negotiations with the Ulaanbaatar City Municipality and PMO had no bearing on changing the performance of ADB urban development project impacts on communities we recommend an review by the Independent Evaluation Department of the urban development planning developed and recommended by the ADB against the current status of housing oversupply; increasing seismicity and diminishing water resources to answer the following questions:

1. Is preparing Ulaanbaatar to house 64% of total population a sustainable and justified goal? Or even a correct critical assumption?
2. How the built housing and sub-centers will reduce number of gers up on the hills around Ulaanbaatar?
3. Who will be qualified for ADB created housing credit project? Will the resettled household be offered special conditions, rates?

**Name of the person who completed this form:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

Please send the complaint, by mail, fax, e-mail, or hand delivery, or through any ADB Resident Mission, to the following:

**Complaint Receiving Officer (CRO), Accountability Mechanism**  
ADB Headquarters, 6 ADB Avenue, Mandaluyong City 1550, Philippines,  
Telephone number: +63-2-6324444 local 70309, Fax: +63-2-6362086,  
E-mail: [amcro@adb.org](mailto:amcro@adb.org)

1. Investigate compliance with the ADB standards for road construction and operations;
  2. Resettle families where road has pushed in too close to family property where safe livelihood is no longer possible;
  3. Carry out additional social impact assessment for households affected by construction work from falling into poverty;
  4. Re-evaluate the land and property of people taking into consideration the previous partial land acquisition that led to current smaller plots and damages cause to property to decrease their value; and remedy for lost opportunities;
  5. Include no less than one member from each affected community in the Oversight Committee, ensure they have an equal say in the decision-making process.
  6. Carry out social impact assessment compliant with the Banks standards, including a gender impact assessment with the participation of the women group in all other sub-centers for the construction phase.
- 
2. Anything else you would like to add?
- Based on the fact that OSPF negotiations with the Ulaanbaatar City Municipality and PMO had no bearing on changing the performance of ADB urban development project impacts on communities we recommend an review by the Independent Evaluation Department of the urban development planning developed and recommended by the ADB against the current status of housing oversupply; increasing seismicity and diminishing water resources to answer the following questions:
1. Is preparing Ulaanbaatar to house 64% of total population a sustainable and justified goal? Or even a correct critical assumption?
  2. How the built housing and sub-centers will reduce number of gers up on the hills around Ulaanbaatar?
  3. Who will be qualified for ADB created housing credit project? Will the resettled household be offered special conditions, rates?

Name of the person who completed this form: SUKHGEREL DUBERSUREN  
Signature: [Handwritten Signature] Date: 2020.11.18 (Nov 18, 2020)

Please send the complaint, by mail, fax, e-mail, or hand delivery, or through any ADB Resident Mission, to the following:

**Complaint Receiving Officer (CRO), Accountability Mechanism**  
ADB Headquarters, 6 ADB Avenue, Mandaluyong City 1550, Philippines,  
Telephone number: +63-2-6324444 local 70309, Fax: +63-2-6362086,  
E-mail: [amcro@adb.org](mailto:amcro@adb.org)