

**Asian Development Bank (ADB), Accountability Mechanism, Complaint Form**

*(Add rows or pages, if needed)*

**A. Choice of function - problem solving or compliance review** *(Choose one below)*

**Special Project Facilitator** for problem solving *(Assists people who are directly and materially harmed by specific problems caused, or is likely to be caused, by ADB-assisted projects through informal, flexible, and consensus-based methods with the consent and participation of all parties concerned)*

**Compliance Review Panel** for compliance review *(Investigates alleged noncompliance by ADB with its operational policies and procedures in any ADB-assisted project in the course of the formulation, processing, or implementation of the project that directly, materially, and adversely affects, or is likely to affect, local people, as well as monitors the implementation of remedial action relates to the harm or likely harm caused by noncompliance)*

**B. Confidentiality**

Do you want your identities to be kept confidential?       **Yes**       **No**

**C. Complainants** *(Anonymous complaints will not be accepted. There must be at least two project-affected complainants.)*

Name and designation (Mr., Ms., Mrs.)	Signature	Position/ Organization <i>(If any)</i>	Mailing Address	Telephone number (landline/mobile)	E-mail address

**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)	Mailing Address	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 Project Implementation Unit (PIU) has not changed its old practices which led to the 2018 and 2019 complaints and is not honoring the provisions of the MoU signed between the complainants, PMO and the UB Municipality. While the OSPF is completing mediation with the complainants from Selbe and Bayankhoshuu sub-centers (2018, 2019) new complainants from other sub-centers (Chingeltei) are coming with the same issues such as nondisclosure of information and/or not reliable information; deceiving/misleading information; arbitrary, unprofessional valuation; ineffective project grievance mechanism; including unethical practices listed in Paras 8,9 and 10 of the 2018 are still practiced by the PIU in the process of preparing resettlement/land acquisition for other sub-centers.

1. MoU provisions on land price and compensation to non-title holders are not being honored by the PMO and PIU. The ADB (other development banks involved in developing policies and legal framework for urban development and land management) has disregarded the traditional

“khot ail” format of life style by introducing a land licensing\titling regulation from a sedentary civilization that resulted in issuing land title to only one family out of the 2-3 living on the same plot. It is unknow how many families have gone **homeless** from this process.

2. The requirement to protect people affected by COVID-19 restrictions is not complied with. On the contrary absence due to COVID-19 has been used to cut resettlement compensation.
3. Valuation continues to use arbitrary approach to the process including lack of valuator information. While much improved from a little strip of a paper in 2018 to a full A4 size paper the approach of under valuing residents’ property without a fair or professional justification appears to have become approved standard practice.
4. Land acquisition process carried out in haphazard, unplanned and non-transparent manner: Complainants from Chingeltei believe that they are expected to vacate land as soon as payments are transferred regardless of winter season. Chingeltei complainants state that their lives have been put on hold since December 2019 with no information on the status of resettlement until September 2020, when some had already packed to move. In late September they have received announcement that they should go on with winter preparations.
5. Offering **only cash compensation** with no other support is in violation of ADB Safeguards Policies. A compensation amount of \$35000 is considered a very good deal as a compensation for relinquishing land and a 2-storey house which housed 6 adults and 2 children. A look at the housing market prices reveals that this amount will buy a one-bedroom (2 rooms) apartment in the near center zones and a 2-bedroom apartment outside town.
6. Lack of reliable, meaningful consultation which clearly describes potential risks/impacts and mitigation measures with contact information for designated authorities responsible for addressing resettlement and compensation issues is still a problem cited by all complainants.

**Practices listed below are STILL USED by the PIU\PMO in the consultations and\or negotiations to date:**

7. Using pressure and intimidation through organizing households into groups and appointing a group leader with self interest in the project: Constant phone calls, getting people out of home one by one and misinforming using common statements like: “your neighbors have signed, so you should sign, too”, “if you do not relinquish your land it will be taken without compensation” They are intimidating us with statement that they have the right to evict us.
8. The Oversight Committee (UN Habitat) responsible for protecting our interest is not fulfilling its mandate: on the contrary they are pressuring us to accept the valuation pushed upon us. **There is no information on how the oversight is being implement. The two complainants who were elected to join the oversight and monitoring were not involved in any such activity.**
9. Provoking conflict between neighbors and family members: Your neighbor not agreeing/signing is delaying your compensation” is commonly used to create conflict between neighbors. The little compensation for undervalued land and property is creating infight among household members for the compensation. Using this method to achieve the 80:20 proportion to justify involuntary and\or forced eviction.

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.

In March 2018 a group of complainants affected by Selbe and Bayankhoshuu sub-center work filed with the AM with more joining in 2019 the same complaint. The OSPF is now completing the mediation process with these groups. **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.**

It appears that the key message and position stated to complainants in March 19, 2018 meeting such as “the project implementation status is satisfying; “citizens should to support a public good” “should not to disseminate misleading information about their situation to public”; “there is no possibility to change already approved engineering plans”; “the construction season has to be observed”; “demand to accept valuation prices at face value” with continued misleading non-transparent information disclosure are still the modus operandi with the PIUs. “Regardless how high you complain it will still come back to me for solution” is a threat used to prevent most people from joining the complaint.

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.



#### F. Optional Information

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

ADB assistance in 2013 have already caused damage leading some to homelessness and have not been resolved to date. The reluctance expressed by project implementers to comply with the ADB, EIB and (GCF?) Safeguards Policies continue to hurt thousands of families to be resettled for the six (6) sub-centers and their infrastructure. We request that the In addition, the above positions expressed by the project implementers is seen as no desire to comply the ADB and EIB safeguards policies and thus we request that these violations are investigated and problems are resolved in the following manner:

1. Investigate the property valuation policies practices of the implementers for compliance with the ADB standards; develop and apply a valuation methodology compliant with international standards; incorporate lost value of property caused by the MUB order to stop any new construction or upgrades since 2012; to correct erroneous valuations to allow full replacement cost with livelihood restoration support;
2. Carry out a count of families and home, livelihood survey of non-title holders;
3. Propose solution for protecting all affected households from falling into poverty;
4. Re-evaluate the land and property of people already evicted to provide decent compensation 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 impacts assessment compliant with the Banks standards, including a gender impact assessment with the participation of the women’s group in all other sub-centers.

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)

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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: SURHOGERL DUBERSUREN

Signature: 

Date: 2020.11.18 (Nov 18, 2020)

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