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**Problem-Solving Report of the Special Project  
Facilitator  
Mongolia: Ulaanbaatar Urban Services and Ger  
Areas Development Investment Program – Tranche 1  
(Complaint Received: 28 March 2018)**

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**Asian Development Bank**

## ABBREVIATIONS

ADB	-	Asian Development Bank
AP	-	affected people
EIB	-	European Investment Bank
NGO	-	nongovernment organization
MOU	-	memorandum of understanding
MUB	-	Municipality of Ulaanbaatar City
OSPF	-	Office of the Special Project Facilitator
PMO	-	project management office
SSTA	-	small-scale technical assistance

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## EXECUTIVE SUMMARY

The Ulaanbaatar Urban Services and Ger Areas Development Investment Program (the Project) supports the Ulaanbaatar City master plan in upgrading priority services and economic hubs (subcenters) in *ger* (yurt or traditional tents) areas. Combining spatial and sector approaches, the Project proposes an integrated solution to respond to the growing demand for basic urban services. It involves the development of subcenters as catalysts for growth in the *ger* areas including financing core urban infrastructure and basic services in priority road sections, investments in socioeconomic facilities based on communities' needs, and the improvement of service providers' operations management. It also supports (i) community participation, awareness, and empowerment; (ii) urban planning and subcenter development; (iii) on-the-job training in project management and implementation; and (iv) sector reform initiatives necessary to support the program road map and policy framework. Overall, the Project aims to improve the living conditions in Ulaanbaatar through a network of livable, competitive, and inclusive subcenters in the *ger* areas. With about 1,400 households affected, the investment program is categorized A for involuntary resettlement.

On 28 March 2018, the Office of the Special Project Facilitator (OSPF) received a Complaint from a group of project-affected people alleging damages and negative impacts due to land acquisition and property valuation of the Project. The Complainants were supported by two Mongolia-based nongovernmental organizations. A similar complaint was forwarded to the European Investment Bank (EIB) Project Complaint Mechanism, a cofinancier of the Project. The Complaint to ADB was determined eligible after an OSPF fact-finding mission in April 2018. Review and assessment of the Complaint was conducted from 27 April to 3 May 2018 and finalized in July 2018.

A series of round table discussions was conducted and culminated with the signing of a memorandum of understanding (MOU) on 2 July 2018. The MOU served as the guiding document for the case-by-case negotiations initiated in June 2018<sup>1</sup> and fundamentally concluded on 14 September 2018. Negotiation meetings facilitated by OSPF for each Complainant ranged from a minimum of one to a maximum of eight negotiations on value of assets, livelihood restoration, economic and business reimbursement, transitional and moving assistance, and allocation of land plots to nontitle holders. The OSPF also customized a capacity building program to equip Complainants with communication and negotiation skills prior to the negotiation process. Throughout the problem-solving process, equal engagement of all stakeholders was assured through joint meetings where issues were discussed and addressed. Apart from building parties' trust, the extensive meetings ensured agreed actions are implemented. A total of 93 individual claims were resolved while four remain unresolved as the Complainants demand a compensation package higher than agreed in the MOU.<sup>2</sup>

In consultation with stakeholders, an implementation and monitoring plan was prepared in September 2018 and updated on 12 November 2018 to address the few committed actions that remain unmet. On the basis of the agreed September plan, it was concluded that the problem-solving process for this case had reached its final stage. Thus, this report reflects OSPF actions to 12 November 2018. The OSPF is currently monitoring the implementation of the agreed actions. When the agreed actions in the implementation plan have been completed to the satisfaction of the key stakeholders, OSPF will prepare a Final Report for this case.

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<sup>1</sup> Case-by-case negotiations started in June 2018 at the request of some Complainants and land values adjusted after 2 July 2018 for those Complainants who had concluded negotiations prior to the MOU.

<sup>2</sup> The Project developments such as road alignments were adjusted to avoid directly impacting those Complainants with which the negotiations were not successful.

## I. BACKGROUND

### A. The Project

1. Ulaanbaatar Urban Services and Ger Areas Development Investment Program (the Project) will support the Ulaanbaatar City master plan in upgrading priority service and economic hubs (subcenters) in *ger* (yurt or traditional tents) areas. The Government of Mongolia and the Asian Development Bank (ADB) signed a loan agreement to implement the Project through a multitranche financing facility program. The investment program will be implemented over nine years and will comprise three tranches. Combining spatial and sector approaches, it proposes an integrated solution to respond to the growing demand for basic urban services and develop subcenters as catalysts for growth in the *ger* areas. The program involves financing core urban infrastructure and basic services along priority road sections, investments in socioeconomic facilities based on communities' needs, and the improvement of service providers' operation management. The program will also support (i) community participation, awareness, and empowerment; (ii) urban planning and subcenter development; (iii) extensive on-the-job training in project management and implementation; and (iv) sector reform initiatives necessary to support the program road map and policy framework.

2. The expected impact of the investment program will be improved living conditions in Ulaanbaatar. The expected outcome is a network of livable, competitive, and inclusive subcenters in Ulaanbaatar's *ger* areas. The Project was approved on 17 December 2013. The safeguard categories are A for involuntary resettlement; B for environment; and C for Indigenous People.<sup>3</sup> According to the two land acquisition and resettlement plans prepared for Selbe Subcenter Roads and Infrastructure Component and Bayankhoshuu Subcenter Water Reservoir and Water Supply Component, the Project is affecting 825 landowners (1,400 households) – including 342 fully affected and 458 partially affected.<sup>4</sup>

### B. The Complaint

3. A group of 31 project affected people (AP) supported by Oyu Tolgoi Watch, Zurgaаn Buudal, and Land Acquisition and Citizens' Rights and Interests submitted the Complaint to ADB. The Complaint, received by the Office of the Special Project Facilitator (OSPF) on 28 March 2018, requested problem-solving under the ADB's Accountability Mechanism Policy.<sup>5</sup> The OSPF acknowledged receipt and registered the Complaint on 3 April 2018. The Complainants alleged damages and negative impacts from the land acquisition and property valuation of the Project, including that "their rights are severely violated in the process of land and property valuation for compensation for land acquisition and requested to resolve the following negative impacts on the complainants:

- lack of social impact assessment & meaningful consultation in the process of developing the project & announcement of land acquisition notice without due preparations has caused damages to affected persons;
- lack of consultation on the methodology of valuation;
- information not disclosed, not accessible, deceiving/misinforming citizens;
- lack of official relationship and documentation;
- ADB & European Investment Bank (EIB) safeguards policies have not been complied with;
- land acquisition process carried out in the winter season;

<sup>3</sup> <https://www.adb.org/projects/45007-004/main#project-pds>

<sup>4</sup> <https://www.adb.org/projects/45007-004/main#project-documents>

<sup>5</sup> <http://www.adb.org/site/accountability-mechanism/problem-solving-function/problem-solving-process>

- using pressure and intimidation;
- the Oversight Committee responsible for protecting APs' interest is not fulfilling its mandate; and
- provoking conflict between neighbors & family members.”<sup>6</sup>

4. Complainants initially requested confidentiality but in the interest of the mediation process, they agreed to release their names to the project management office (PMO) through OSPF's local mediation facilitator on 19 April 2018. The same Complaint was lodged with the Project Complaint Mechanism of the EIB, a Project cofinancier.

### **C. Determination of Eligibility**

5. To determine eligibility of the Complaint, the OSPF undertook a desk review of the Project documents and the Special Project Facilitator (SPF) conducted an initial fact-finding mission from 7–9 April 2018. The Project area, including the road alignment which affects many of the Complainants, was visited and meetings were held with Complainants, other community members affected by the Project who volunteered to provide feedback on the Project impacts, ADB Project staff from East Asia Department and Mongolia Resident Mission, Municipality of Ulaanbaatar City (MUB), nongovernment organizations (NGOs) who signed a formal Complaint on behalf of the Complainants,<sup>7</sup> and the Project Management Office (PMO). The SPF determined that the Complaint met the Accountability Mechanism Policy eligibility criteria and was declared eligible for problem-solving on 12 April 2018.

### **D. Review and Assessment**

6. A local mediation facilitator was recruited on 17 April 2018 as part of the OSPF team to facilitate day-to-day activities. The names of the Complainants were released to PMO and other project stakeholders on 19 April 2018. Although the formal Complainants were the 31 signatories to the Complaint letter, during the review and assessment stage, there was an increase in Complainants to 110 households. This was due to additional Complainants' claims submitted to the NGOs requesting to be included in the original Complaint. At the onset, ground rules were agreed between the key stakeholders for case-by-case household negotiations including identifying the issues, ways to convene the negotiation meetings, clarifying the roles of representatives for the Complainants, and preparing official representation letters.

7. A Review and Assessment Mission was undertaken by OSPF in Ulaanbaatar from 27 April to 3 May 2018. The objectives of the Mission included (i) to explore detail history of the Complaint and better understand the issues submitted by the Complainants; (ii) confirm the key stakeholders, identify additional issues, explore parties' individual and shared interests; (iii) map out perspectives and explore stakeholders' readiness in joint problem-solving and facilitate a dialogue between them; and (iv) recommend next steps and course of actions. The review and assessment also included (i) documentation review; (ii) one-on-one and group interviews with the Complainants and PMO; (iii) workshops; and (iv) a round table discussion. The workshops were organized to consult and inform communities in Selbe and Bayankhoshuu areas on the safeguards policies and Mongolian law on land valuation. The round table discussion included representatives from the ADB Project staff, MUB working group, and the PMO with the purpose

<sup>6</sup> Excerpt from an original complaint filed on 28 March 2018 with the Office of the Special Project Facilitator, Asian Development Bank.

<sup>7</sup> A representation letter for two NGOs to support the problem-solving process on behalf of 66 Complainants from Selbe was issued on 28 May 2018. A second representation letter for a third NGO to support seven Complainants from Selbe and 6 Complainants from Bayankhoshuu area was issued on 14 June 2018. The remaining 31 Complainants assured that they would represent themselves in case-by-case negotiations.

of clarifying issues of concern and explore potential agreeable actions to move forward in the problem-solving process.

8. During the same Mission, a round table discussion was conducted with participants from PMO, ADB Project team, and MUB working group facilitated by the OSPF. The MUB, in principle, agreed to the proposed measures to address the key issues from the Complainants, such as (i) options for replacement land for non-land owners; (ii) partial land acquisition does not leave the plot unviable for the residents; (iii) option for replacement land with small plots title holders with small plots and nontitle holders; (iv) livelihood restoration; and (v) process for revaluation of land and assets. It was decided that these issues will be further fleshed out in detail together with all the stakeholders and built into a memorandum of understanding (MOU) between ADB Project team, Complainants, MUB, NGOs, and the PMO. Moving forward, it was agreed that the OSPF local mediation facilitator would facilitate the joint meetings among stakeholders to flesh out the MOU and provide support on a day-to-day basis in this Complaint resolution process.

9. All stakeholders of the problem-solving process reviewed and provided inputs into the review and assessment report and this was finalized in July 2018 and posted on the OSPF website<sup>8</sup> in [English](#) and [Mongolian](#) languages.

## II. PROBLEM-SOLVING PROCESS

### A. Steps to Resolve Issues

10. A series of round table discussions were held between key stakeholders facilitated by the OSPF. An MOU (see Appendix 1) was signed on 2 July 2018 by the ADB Project team, Complainants, NGO representatives, MUB, and PMO outlining the various actions to be implemented, including the responsible parties, to resolve the concerns raised by the Complainants. The MOU served as the guiding document for the case-by-case negotiations facilitated by OSPF between parties, initiated on 15 June 2018<sup>9</sup> and concluded 14 September 2018. The MOU specifies the amounts to be paid per unit of land under varying circumstances, general agreements to be applied to all case-by-case negotiations, timeline for the Mayor's order issuance, contracting and compensation payments to the complainants, vacating land, implementing livelihoods restoration program,<sup>10</sup> conducting training on collaborative problem-solving approach and communication skills, and providing comparable land to nontitle holders who live on the same land plot with the title holders who are Complainants. Activities to resolve issues were as follows:

**(i) Capacity building.** OSPF developed a customized capacity building training program for the Complainants on understanding conflicts, communication skills, preparing for the negotiation, and working as a team to attend negotiation.

<sup>8</sup> <https://www.adb.org/site/accountability-mechanism/problem-solving-function/complaint-registry-year>

<sup>9</sup> Case-by-case negotiations process started in June 2018 at the request of some Complainants and the land value was adjusted after 2 July 2018 for the Complainants negotiated earlier.

<sup>10</sup> ADB funded a supplemental small-scale technical assistance (SSTA) to design the scope and activities of the livelihood improvement program and strengthen the social impact assessment on AHs, including gender impact assessment, and assessment of the losses of livelihoods, economic & business activities in consultation with the AHs and their advisor NGOs. The assessment is based on a sample of 100 affected people which are potentially or highly vulnerable. This report will provide a road map for the pilot livelihood restoration program to be implemented for the project affected people including the complainants.

**(ii) Case-by-case facilitation and day-to-day support.** Although the Complaints were on the issues of land acquisition, relocation and compensation amounts, the nature of each Complaint was unique. Depending on the nature of the Complaint, the OSPF's local facilitator convened and facilitated the negotiation meetings in local language among the Complainant households living in the same land plot, representatives of the PMO, MUB, Land Agency, ADB Project team, valuation companies, and the representing NGOs. Negotiation meeting date, venue, and discussion points were agreed between the parties in advance through a shuttle negotiation approach. Parties negotiated on the assets value, livelihood loss, economic and business activities income loss and reimbursement amount, transitional and moving assistance to be provided to the Complainants, and the allocation of the land plot, transitional and moving assistance to nontitle holders living on the same land plot owned by the title-holders- all based on the general agreement framework stipulated in the MOU signed on 2 July 2018. The number of negotiation meetings with each Complainant ranged from one to eight. Together with the OSPF facilitator, disputing parties conducted joint site visits as needed during the negotiation phase in order to verify the facts and options raised by various parties. PMO and MUB legal department<sup>11</sup> experts were invited to the negotiation meetings as needed when the Complainant's case required technical knowledge and expertise. An extensive list of project related documents, facts, data and other relevant materials were jointly or separately reviewed by the parties throughout the negotiation process. The negotiation agreement was recorded into a formal meeting minutes and signed by all participants of the meeting which will serve as the implementation agreement of each household. The documents were made available in both English and local language. The last negotiation meeting was held on 14 September 2018.

**(iii) Convening joint meetings.** Equal engagement of key stakeholders was assured throughout the problem-solving process. Depending on the representation authority provided to each NGO, NGOs participated in select case-by-case negotiation meetings. NGOs were also engaged in various working-level meetings with MUB, Land Agency, ADB Project team, PMO and Complainants. Discussion points including issues to be addressed were agreed by all stakeholders in advance prior to agreeing on final actions that were discussed during such meetings. Convening extensive working-level meetings among the parties, ensuring timely exchange of information and documentation in advance among the parties, ensuring the agreed actions are implemented with timely follow-up, including engagement of interested parties with varying roles in the meetings, has supported the parties build trust and make this problem-solving process effective.

## **B. Summary of Agreed Actions<sup>12</sup>**

11. From 110 Complainants, 93 claims were resolved<sup>13</sup> in favor of the Complainants through case-by-case negotiations. This means that an agreement was reached on land and asset value to be compensated. Twelve Complainants were found as non-affected, four<sup>14</sup> refused to sell their land because of land legacy and/or unreasonable demands for compensation packages that were much higher than agreed in the MOU, and one passed away.

12. Upon completion of the general and individual negotiation meetings, implementation and monitoring plans were jointly developed by the parties with OSPF facilitation. These include

<sup>11</sup> Mr. T. Ganbold, lawyer of PMO, and Mr. B. Altansukh, legal specialist of the MUB Land Agency.

<sup>12</sup> General Memorandum of Understanding to Resolve the Complaint signed on 2 July 2018.

<sup>13</sup> Summary of Case-by-Case Negotiation Results.

<sup>14</sup> At the request of these 4 complainants, road alignment was shifted to avoid acquisition of their properties. Meeting minutes were recorded to document such agreement and signed by all the participants of the meeting and consecutively PMO sent a written notice to these 4 complainants that they are no longer affected by the project.

timelines for actions leading to payment of compensation comprising (i) ordinance issuance, (ii) concluding contracts, (iii) payment of compensation to all the Complainants, and (iv) official hand-over of the comparable land to the nontitle holders (36 Complainants).

13. Joint meetings between the ADB project team, small-scale technical assistance (SSTA) consultants, NGOs, and PMO to discuss expectations on objectives and outcomes of the SSTA on livelihood restoration were convened and agreed to upgrade the activities to be carried out for the APs based on recommendations from the SSTA report.<sup>15</sup>

### **III. IMPLEMENTATION OF THE COURSE OF ACTIONS AND NEXT STEPS**

14. During an OSPF Mission from 21–25 August 2018, OSPF learned that MUB and PMO were unable to meet some of the most critical deadlines stipulated in the MOU and case-by-case negotiation agreements, most notably compensation payments. In consultation with stakeholders, corrective actions were agreed, and an implementation and monitoring plan was prepared in September 2018. On 12 November 2018, OSPF, in consultation with all the parties, found that a few commitments had not been met and consequently agreed on a new timeline for delivering the agreed actions and the implementation and monitoring plan was updated (see Appendix 2). On the basis of the agreed 12 November plan, it was concluded that the problem-solving process for this case had reached its final stage. Thus, this report reflects OSPF actions to 12 November 2018.

15. The OSPF is currently monitoring the implementation of the agreed actions. The Implementation and Monitoring Plan is a working document and may be periodically revised on the basis of mutual agreement of the stakeholders. When the agreed actions in the implementation plan have been completed to the satisfaction of the key stakeholders, OSPF will prepare a Final Report for this case.

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<sup>15</sup> There have been recommendations on the SSTA study and report by all parties. After TA implementation, the parties will discuss the next steps to upgrade activities prior to scaling up.

## Memorandum of Understanding

### General Memorandum of Understanding for the Problem Solving of a Complaint lodged with the Office of the Special Project Facilitation, Asian Development Bank

This General Memorandum of Understanding for the Problem Solving (the **MoU**) is entered into on July 2, 2018 between the following parties (collectively referred to as the **Parties**, separately referred to as a **Party**):

1. Municipality of Ulaanbaatar City (hereinafter referred to as the **MUB**);
2. Project Management Office of the "Ulaanbaatar Services Ger Area Development Investment Project" (hereinafter referred to as the **PMO**);
3. Oyu Tolgoi Watch, Zurgan Baudal Residents' Rights & Interests Protection Federation NGO and the Citizens' Rights and Interests in Land Acquisition NGO (hereinafter referred to as the **NGOs**);
4. Asian Development Bank's Project Team (hereinafter referred to as the **ADB**);
5. Complainants (hereinafter referred to as the **Complainants**)

#### **Background information:**

Oyu Tolgoi Watch non-governmental organization, Citizens' Rights and Interests in Land Acquisition NGO and local people affected by the Selbe, Bayankhoshuu sub-center development components of the "Ulaanbaatar Urban Services and Ger Areas Development Investment Program -Tranche 1" jointly financed by the Asian Development Bank and the European Investment Bank and implemented by the Municipality of Ulaanbaatar City lodged a complaint in April, 2018 with the Office of the Special Project Facilitation, Asian Development Bank. Complainants think that "...their rights are severely violated in the process of land and property valuation for compensation for land acquisition and requested to resolve the following negative impacts on the complainants<sup>1</sup>:

- Lack of social impact assessment & meaningful consultation in the process of developing the project & announcement of land acquisition notice without due preparations has caused damages to affected persons;
- Lack of consultation on the methodology of valuation;
- Information not disclosed, not accessible, deceiving/misinforming citizens;
- Lack of official relationship & documentation;
- ADB & EIB safeguards policies have not been complied with;
- Land acquisition process carried out in the winter season;
- Using pressure & intimidation;
- The Oversight Committee responsible for protecting affected persons' interest is not fulfilling its mandate;
- Provoking conflict between neighbors & family members..."

<sup>1</sup> Excerpted from an original complaint filed with the Office of the Special Project Facilitation, Asian Development Bank.

Final as of July 2, 2018

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**Objective of this MOU:**

The objective of this MOU is to document the agreement on the principles and key elements that will guide negotiation between the MUB, PMO and the complainants.

The complainants will determine whether they want to have negotiation on a one-on-one basis or as a group.

While this MOU is broken down into segments of negotiation elements, an complainant can request to merge or combine those issues (e.g. asset and livelihoods loss).

One representative from each party shall initial on each page of the MOU to validate the content.

This MOU shall be made five (5) copies in English and Mongolian and each party shall keep one copy of the MOU. English and Mongolian version of the MOU shall have equal standing.

This MOU shall be valid until all actions stipulated in the General Agreement to solve the problem are implemented.

Final as of July 2, 2018

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**General agreement to solve the problems:**

The Parties to the Office of the Special Project Facilitation for the Asian Development Bank (OSPF)-facilitated mediation, facilitation and problem-solving process, hereby agree the following, bringing to resolution the issues in the complaint to OSPF:

#	<i>Mutually agreed actions</i>	<i>Responsible body</i>	<i>Duration/ Deadline</i>
1	<p>1.1 Working Group of MUB discussed the complainants' request to increase the land value and the following proposal<sup>2</sup> is offered to the affected persons:</p> <p>1.1.1 80000MNT per square meter land, for affected households living along the central road - 120000MNT per square meter land in Selbe</p> <p>1.1.2 60000 MNT per square meter land, for affected households living along the central road - 80000MNT per square meter land in Bayankhoshuu</p> <p>1.1.3 Land and property shall not be revaluated</p> <p>1.1.4 Review, revise, and finalize the land and asset valuation; (1) business income or livelihood which the Complainant considers to have been missed or miscategorized; and (2) size of land and properties which the Complainant considers to have been miscalculated in the valuation results.</p> <p>1.1.5 Asset valuation shall be calculated at the full replacement cost<sup>3</sup>, at the current market price</p>	<p>Working Group of the Municipality of Ulaanbaatar City</p> <p>G. Ulziibayar, Head of the Working Group, Director of the Policy, Planning Department</p> <p>D. Enkhtur, Working group member, Director of the Resettlement Division, Land Agency</p> <p>D. Avirmed, Project Coordinator, Project Management Office</p>	2018.06.15-2018.07.31
2	2.1 PMO to finalize and strengthen the social impact assessment, gender impact assessment, assessment of the losses of livelihoods, economic & business activities <sup>4</sup> and carry out supplemental assessment under the ADB funded small scale technical assistance (SSTA) <sup>5</sup> , and the assessments shall include the lost opportunity	D. Avirmed, Project Coordinator, Project Management Office	2018.07.02-2019.12.31

<sup>2</sup> At the recommendation of ADB, verification of the current market price will be made to confirm they correspond to the fair market value.

<sup>3</sup> The calculation of full replacement cost for assets will be based on prevailing market rates for comparable types of structures, cost of labor and transportation. There will be no deduction of depreciation and no deduction for salvagable materials.

<sup>4</sup> Livelihood, economic and business activities refer to any activities within the affected land that provide source of income for the family. For example, source of income from the land itself (fruit-bearing plants/trees that they sell to the market), doing business inside the house, or using their house as shops.

<sup>5</sup> SSTA is approved & consultants are being recruited; NGOs & APs can provide suggestions on the ToR; International consultant to conduct the workshop/ training

Final as of July 2, 2018

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	<p>assessment for previously considered as an affected person as per official cut-off date but no longer affected person now (for example: design changes)</p> <ul style="list-style-type: none"> <li>Develop &amp; implement social impact mitigation plan including restoration measures for the households with livelihood activities on affected land &amp; properties in consultation with the affected persons and their advisor NGOs.</li> </ul> <p>2.2 MUB and PMO will follow ADB's resettlement policy principles<sup>6</sup>, i.e., to enhance, or at least restore the livelihoods of all resettled and economically displaced persons relative to pre-project levels, and to improve the standards of living of the displaced poor and other vulnerable groups.</p> <p>2.3 Assist the affected persons, who are entitled for the state social protection/welfare services programs, but were unable to receive the benefits, to receive relevant services &amp; program benefits</p>	<p>Working Group of the Municipality of Ulaanbaatar City</p> <p>G. Ulziibayar, Head of the Working Group, Director of the Policy, Planning Department</p>	
3	<p>Appoint Z. Enkhtuya, G. Enkhtuya from Selbe and Z. Javzandulam from Bayankhoshuu as affected person representative in the Oversight Committee that is mandated to monitor the implementation of the land acquisition &amp; resettlement within the scope of this project</p>	<p>Working Group of the Municipality of Ulaanbaatar City</p> <p>G. Ulziibayar, Head of the Working Group, Director of the Policy, Planning Department</p>	2018.07.02
4	<p>ADB to continue to provide an orientation on the ADB's Safeguard Policy Statements to the complainants, PMO, PMO consultant teams, MUB and valuation companies.</p>	<p>Asian Development Bank - B. Chinzorig, ADB Resettlement Consultant</p>	2018.05.01- 2018.09.30
5	<p>OSPF to conduct the capacity building training on understanding the conflicts and basic communication skills for negotiation, to the complainants</p>	<p>B. Nandinchimeg, Facilitator of the Office of the Special Project Facilitation, ADB</p>	2018.05.12- 2018.05.13
6	<p>OSPF to conduct the capacity building training on the collaborative problem solving approaches and communication skills, to the PMO, PMO consultant teams, Land Agency and valuation company staff.</p>	<p>B. Nandinchimeg, Facilitator of the Office of the Special Project Facilitation, ADB</p>	2018.07.15- 2018.08.30

<sup>6</sup> ADB Safeguard Policy Statement <https://www.adb.org/sites/default/files/institutional-document/32056/safeguard-policy-statement-june2009.pdf>

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7	PMO & ADB to share the relevant project-related information requested by the NGOs <sup>7</sup> .	D. Avirmed, Project Coordinator, Project Management Office  Asian Development Bank - Arnaud Heckmann, Senior Specialist on Urban Development, Project Officer	2018. 07.31
	7.1 NGOs to prepare & submit a list of information & materials to request from the PMO & ADB	D. Sukhgerel, Chair, OT Watch NGO	2018. 06.19
	7.2 PMO & ADB to provide the requested information to the NGOs	D. Avirmed, Project Coordinator, Project Management Office  Asian Development Bank - Arnaud Heckmann, Senior Specialist on Urban Development, Project Officer	2018. 07.31
8	Organize a joint meeting between the ADB, MUB, PMO, complainants and their representatives (NGOs) and if necessary, invite representatives from Audit Agency, Anti-Corruption Agency, State Specialized Inspection Agency, Treasury Department of MUB, City Council members as observers to ensure the transparency of the problem-solving process	Working Group of the Municipality of Ulaanbaatar City  G. Ulziibayar, Head of the Working Group, Director of the Policy, Planning Department	2018.07.02
9	Carry out "Due Diligence" for the project & implement proposed recommendations as corrective actions 9.1 Present the findings and recommendation related to the affected persons and allow the affected persons to monitor the implementation of the recommendations.	Working Group of the Municipality of Ulaanbaatar City  G. Ulziibayar, Head of the Working Group, Director of the Policy, Planning Department  D. Enkhtur, Working group member, Director of the	2018.05.01- 2018.12.31

<sup>7</sup> ADB may withhold the disclosure of the requested document if it falls within the policy exceptions of ADB's Public Communications Policy paragraph 97, as amended from time to time

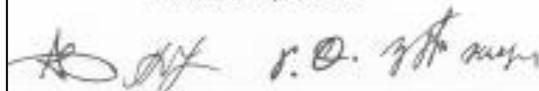
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		Resettlement Division, Land Agency D. Avirmed, Project Coordinator, Project Management Office Arnaud Heckmann, Senior Urban Development Specialist, Project Officer, Asian Development Bank	
10	Negotiate & resolve each complainant's claims case by case in line with the ADB's Safeguard Policies and standards – there are 110 complainants living at 78 land parcels	Working Group of the Municipality of Ulaanbaatar City	2018.06.15-2018.07.31
	10.1 Make a schedule & negotiate the claims of the complainants	G. Ulziibayar, Head of the Working Group, Director of the Policy, Planning Department D. Avirmed, Project Coordinator, Project Management Office Facilitated by B. Nandinchimeg, Facilitator of the Office of the Special Project Facilitation, ADB	
	10.2 According to the ADB's safeguard policies, MUB and PMO to provide a 6 months transition period assistance amounting to 1,800,000 MNT (300,000 MNT/per month x 6 months) for households whose houses are fully affected by land acquisition. a. Land owner whose house is fully affected and has to relocate b. Non-land owner (considered as a separate household) who is living in the same house of the landowner (either households who live in gers on the land of landowner, living for free or paying a rent) and the house owned by the landowner is fully affected and has to relocate.	Working Group of the Municipality of Ulaanbaatar City G. Ulziibayar, Head of the Working Group, Director of the Policy, Planning Department D. Avirmed, Project Coordinator, Project Management Office	2018.06.15-2018.07.31

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<p>c. Non-land owner who owns the fully affected ger or house (either households who live in gers on the land of landowner, living for free or paying a rent) and has to relocate</p> <p>d. Non-land owner who does not own the fully affected ger or house (either households who live in gers on the land of landowner, living for free or paying a rent) and has to relocate.</p> <p>10.2.1 At the request of the affected households, PMO resettlement specialists will consult with the AHs and assess the need to provide additional support (e.g. due to weather conditions and other influencing factors).</p> <p>10.2.2 MUB and PMO to provide 250,000 MNT for moving to each household, whose houses are fully affected by land acquisition, and households who live in ger on the land of landowner, living for free or paying a rent</p> <p>10.2.3 Transition period assistance shall be transferred to the land owner's account, and the land owner is obliged to transfer the transition period assistance to other non-land owners entitled to such assistance within 7 calendar days after the acceptance of the transition period assistance. MUB, PMO and Land Agency shall not be liable for any dispute arising from such transfer of transition period assistance.</p>		
<p>10.3 Land &amp; property shall be fully acquired if the remaining land qualify the following criteria:</p> <p>a. The remaining land is equal to or smaller than 350m<sup>2</sup></p> <p>b. The remaining land has irregular shape, unfeasible to build house or other structures</p> <p>c. The condition of the remaining land is unfeasible to continue normal residence and/or business activity to generate income</p> <p>d. Distance between the affected person's house and the pit latrine at the remaining land exceeds the acceptable standard distance which may negatively affect the health of the affected persons</p> <p>e. Newly allocated land shall not be acquired in the near future (3-5 years)</p> <p>f. Provide land certificate for the newly allocated land</p>	<p>Working Group of the Municipality of Ulaanbaatar City</p> <p>G. Ulziibayar, Head of the Working Group, Director of the Policy, Planning Department</p> <p>D. Enkhtur, Working group member, Director of the Resettlement Division, Land Agency</p> <p>D. Avirmed, Project Coordinator, Project Management Office</p>	<p>2018.06.15-2018.07.31</p>

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<p>10.4 Replacement land shall be offered as an option for the compensation of the land, &amp; the replacement land shall be offered in the following sequence:</p> <ol style="list-style-type: none"> <li>Land-plot owners</li> <li>Non-plot owners, vulnerable people (multiple non-title holders that live on one land parcel)</li> <li>Other affected persons</li> <li>"Population &amp; Households Registration Notebook" and official letter of reference by the Khoroo Administration shall be used to verify the multiple households that live on the same land parcel, being separate households. Residential address on the national identification card must show the relevant affected land plot address.</li> </ol>	<p>Working Group of the Municipality of Ulaanbaatar City</p> <p>G. Ulziibayar, Head of the Working Group, Director of the Policy, Planning Department</p> <p>D. Enkhtur, Working group member, Director of the Resettlement Division, Land Agency</p> <p>D. Avirmed, Project Coordinator, Project Management Office</p>	<p>2018.06.15-2018.07.31</p>
<p>10.5 If the complainant has small land and less structures on the land, the following options shall be offered to the complainant</p> <ol style="list-style-type: none"> <li>Get comparable replacement land with the land certificate equivalent to the affected land size and receive cash compensation for the property</li> <li>Based on the informed decision of a household, they have an option to receive proposed cash compensation for the affected land and property</li> <li>Get land parcel larger than the affected land size in Nalaikh, Khan-Uul, Songinokhairkhan districts and receive cash compensation for the property</li> </ol>	<p>Working Group of the Municipality of Ulaanbaatar City</p> <p>G. Ulziibayar, Head of the Working Group, Director of the Policy, Planning Department</p> <p>D. Enkhtur, Working group member, Director of the Resettlement Division, Land Agency</p> <p>D. Avirmed, Project Coordinator, Project Management Office</p>	<p>2018.06.15-2018.07.31</p>
<p>10.6 The following general principles shall be applied when offering the replacement large land to the complainants</p> <ol style="list-style-type: none"> <li>Resolve the issues of the basic services, school &amp; kindergarten in these resettlement areas outside of UB either within the scope of Tranche 2 of US-GADIP and reflect in the MUB budget for 2019</li> </ol>	<p>Working Group of the Municipality of Ulaanbaatar City</p>	<p>2018.06.15-2018.07.31</p>

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	<p>b. PMO and MUB shall assist and send an official letter to register and enroll the children of the complainants, who moved to the resettlement areas outside of UB, at schools and kindergartens</p> <p>c. Complainant has chosen from the options, thus temporary housing shall not be provided.</p>	<p>G. Ulziibayar, Head of the Working Group, Director of the Policy, Planning Department</p> <p>D. Enkhtur, Working group member, Director of the Resettlement Division, Land Agency</p> <p>D. Avirmed, Project Coordinator, Project Management Office</p>	
<p>10.7</p>	<p>Grant the complainants the priority privilege to participate in the social/affordable housing scheme in Selbe &amp; Bayankhoshuu under the proposed Ulaanbaatar Green Affordable Housing &amp; Resilient Urban Renewal Project funded by the ADB, and other housing projects implemented by MUB such as social housing.</p>	<p>Working Group of the Municipality of Ulaanbaatar City</p> <p>G. Ulziibayar, Head of the Working Group, Director of the Policy, Planning Department</p> <p>D. Avirmed, Project Coordinator, Project Management Office</p>	<p>2018.07.02</p>
<p>10.8</p>	<p>Discuss and resolve the issues of the complainants, whose remaining land is larger than 350m<sup>2</sup> with normal shape, but house will be demolished (part of the land &amp; property is affected by US-GADIP &amp; and the remaining land &amp; property is affected by the Affordable Housing Project) and the complainant is incapable of building new house; the complainants, whose land is affected by the road construction under the US-GADIP from the front, and affected by the dam protection/buffer zone from the north.<sup>8</sup></p>	<p>Working Group of the Municipality of Ulaanbaatar City</p> <p>G. Ulziibayar, Head of the Working Group, Director of the Policy, Planning Department</p> <p>D. Enkhtur, Working group member, Director of the</p>	<p>2018.06.15-2018.07.31</p>

<sup>8</sup> Reflect this provision in the Loan Agreements of the Ulaanbaatar Green Affordable Housing & Resilient Urban Renewal Project funded by the ADB.

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	Resettlement Division, Land Agency D. Avirmed, Project Coordinator, Project Management Office	
10.9 Compensation for the land & property shall be paid 100% to the complainants prior to moving. a. Affected persons are not obliged to demolish the house & clean the land b. If the affected persons received the compensation 100%, he/she is obliged to obey the contract. c. Materials shall be sent to the Mayor's ordinance issuing process within 7 calendar days after the affected person signs on a negotiation sheet and all required materials are submitted by the affected person. d. Mayor's ordinance to pay the compensation shall be issued within 10 calendar days if all materials are provided and free from any inconsistencies. e. Contract shall be concluded within 7 business days after the Mayor's ordinance to pay the compensation is issued and the affected person notified the account information. f. MUB will attempt to pay within 14 calendar days after signing the contract, but not exceeding 21 calendar days g. Affected households will attempt to vacate the land and take any salvageable materials with them within 14 calendar days after signing the contract and receiving the compensation 100%, but not exceeding 21 calendar days. h. If the land has not been vacated by a complainant within 14 calendar days after signing the contract and receiving the compensation 100%, pursuant to the Clause 57.4 of the Article 57 of the Law on Land, compulsory eviction measures shall be taken and eviction expenses shall be imposed on a guilty person. i. In case the compensation is not transferred within stipulated timeframe, administrative sanctions shall be imposed on a relevant responsible civil servant.	Working Group of the Municipality of Ulaanbaatar City G. Ulziibayar, Head of the Working Group, Director of the Policy, Planning Department D. Enkhtur, Working group member, Director of the Resettlement Division, Land Agency D. Avirmed, Project Coordinator, Project Management Office OT Watch NGO Zurgan Buudal Residents' Rights and Interests Protection Federation NGO Citizens' Rights and Interests in Land Acquisition NGO	Until all land acquisition and resettlement activities are completed under the "Ulaanbaatar Urban Services' Ger Area Development Investment Program" Project

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	<p>j. Provision of 10.9 of this MoU shall be included in the Contract to acquire the land with compensation concluded between the affected person and the land agency.</p>		
<p>11</p>	<p>MUB Working Group, the Oversight Committee and the complainant NGOs shall monitor the implementation of this Agreement until the all issues related to the land acquisition &amp; resettlement of all affected persons are resolved and the OSPF facilitator shall monitor the Agreement implementation until 110 complainants' claims are fully resolved. If there are outstanding issues, PMO/MUB will ensure that corrective actions will be carried out to meet the overall resettlement objective.</p>	<p>Working Group of the Municipality of Ulaanbaatar City                  G. Ulziibayar, Head of the Working Group, Director of the Policy, Planning Department                  Oversight Committee                  D. Avirmed, Project Coordinator, Project Management Office                  OT Watch NGO                  Zurgan Buudal Residents' Rights and Interests Protection Federation NGO                  Citizens' Rights and Interests in Land Acquisition NGO</p>	<p>2018.06.15-2018.08.31</p>

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Agreed between the Parties and signed on July 2, 2018.

For and on behalf of the **Municipality of Ulaanbaatar City:**

Ulziibayar Gonchig, Head of the Working  
Group, Director of the Policy, Planning  
Department

Enkhtur Dogsom, Working group member,  
Director of the Resettlement Division,  
Land Agency

For and on behalf of the **Project Management Office of the "Ulaanbaatar Urban Services  
Ger Area Development Investment Project:**  
Avirmed Dangaa, Project Coordinator

For and on behalf of the **Oyu Tolgoi Watch, Citizens' Rights and Interests in Land  
Acquisition, and Zargaan Buudal Residents' Rights & Interests Protection Federation  
NGOs:**

Sukhgerel Dugersuren, Chair, OT Watch  
NGO

Oyuntugs Tserendorj, Chair, Zargaan  
Buudal Residents' Rights & Interests  
Protection Federation, NGO

Ganpurev Sergelenbat, Chair, Citizens'  
Rights and Interests in Land Acquisition  
NGO

For and on behalf of the **Asian Development Bank's Project Team:**

Arnaud Heckmann, Senior Urban  
Development Specialist, Project Officer

**Complainants:**

#	First name/Surname	Affected residency address	Signature
1	Oyun-Erdene Enebish	ChD, 14th Khoroo, Khandgait, 4-60	<i>[Signature]</i>
2	Tungalag Mandbar	ChD, 14th Khoroo, Khandgait, 5-61	<i>[Signature]</i>
3	Batkhuuyag Radnaa	ChD, 14th Khoroo, Khandgait, 5-71	<i>[Signature]</i>
4	Jigjidsuren Adiyasuren	ChD, 18th Khoroo, Yargait 2-16	<i>[Signature]</i>
5	Oyunbold S	ChD, 18th Khoroo, Yargait 2-16	<i>[Signature]</i>
6	Oyuntuya Samdan	ChD, 18th Khoroo, Yargait 2-16	<i>[Signature]</i>
7	Dorjgochoo P	SBD, 14th Khoroo, Khandgait	<i>[Signature]</i>
8	Purevdorj L	SBD, 14th Khoroo, Khandgait	<i>[Signature]</i>
9	Gerelmaa S	SBD, 14th Khoroo, Khandgait 17-103A	<i>[Signature]</i>
10	Bat-Erdene Batsukh	SBD, 14th Khoroo, Khandgait 17-83A	<i>[Signature]</i>
11	Sumiya Altansukh	SBD, 14th Khoroo, Khandgait 17-83B	<i>[Signature]</i>
12	Algirmaa N	SBD, 14th Khoroo, Khandgait 19-37B	<i>[Signature]</i>

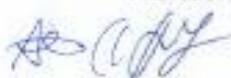
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13	Tsendsuren Tsagaan	SBD, 14th Khoroo, Khandgait 25-125	Уугуйял
14	Bayartogtokh Gantumur	SBD, 14th Khoroo, Khandgait 26-168A	Гантумур
15	Burmaa Dulmaa	SBD, 14th Khoroo, Khandgait 26-168B	Бурмаа
16	Battulga Ravzana	SBD, 14th Khoroo, Khandgait 28-212	Батгалга
17	Saran Ravzana	SBD, 14th Khoroo, Khandgait 28-212	Саран
18	Battsetseg Ravzana	SBD, 14th Khoroo, Khandgait 28-212A	Батсэцэг
19	Narantsogt Ul-Oldokh	SBD, 14th Khoroo, Khandgait 29-17B	НТ
20	Byambasuren Lkhamsuren	SBD, 14th Khoroo, Khandgait 29-240	Бямбаасүрэн
21	Dulbadrakh Byambasuren	SBD, 14th Khoroo, Khandgait 29-240	Дулбадрах
22	Tumenbayar Byambasuren	SBD, 14th Khoroo, Khandgait 29-240	Түмэнбаяр
23	Badral Ochir	SBD, 14th Khoroo, Khandgait 29-241	Бадрал
24	Demberel B	SBD, 14th Khoroo, Khandgait 29-244	Дэмбэрэл
25	Tumurbaatar Gombo	SBD, 14th Khoroo, Khandgait 29-244	Тумурбаатар
26	Enkhtuya O	SBD, 14th Khoroo, Khandgait 29-273	Энхтүяа
27	Lkhagvasuren D	SBD, 14th Khoroo, Khandgait 29-274A	Лхажвасүрэн
28	Munkhzaya D	SBD, 14th Khoroo, Khandgait 29-274A	Мунхзаяа
29	Shirendev J	SBD, 14th Khoroo, Khandgait 29-274A	ШирэнDEV
30	Davaakhuu Ul-Oldokh	SBD, 14th Khoroo, Khandgait 29-274B	Даважуу
31	Davaadoo Bandi	SBD, 14th Khoroo, Khandgait 30-103	Даважуу
32	Dulamsuren Davaadoo	SBD, 14th Khoroo, Khandgait 30-103	Дуламсүрэн
33	Tserenkhand T	SBD, 14th Khoroo, Khandgait 30-275	Цэрэнханд
34	Purevsuren S	SBD, 14th Khoroo, Khandgait 30-276	Пүрэвсүрэн
35	Altantuya Noosroi	SBD, 14th Khoroo, Khandgait 30-277	Алтантүяа
36	Bat-Erdene Samdan	SBD, 14th Khoroo, Khandgait 30-278	Бат-Эрдэнэ
37	Batchimeg S	SBD, 14th Khoroo, Khandgait 30-278	Батчимэг
38	Erdenschimeg Dorjnamjin	SBD, 14th Khoroo, Khandgait 30-278	Эрдэнэчимэг
39	Narmandakh	SBD, 14th Khoroo, Khandgait 30-280	Нармандах
40	Gonchigtseren Mira	SBD, 14th Khoroo, Khandgait 30-280B	Гончигтсэрэн
41	Jaalsuren Janchiv	SBD, 14th Khoroo, Khandgait 30-280B	Жалсуурэн
42	Myagmarsuren Janchiv	SBD, 14th Khoroo, Khandgait 30-280B	Мягмарсүрэн
43	Sukhbold Perenlei	SBD, 14th Khoroo, Khandgait 30-281B	Сүхболд
44	Buyandelger Battugs	SBD, 14th Khoroo, Khandgait 30-285	Буйанделгер
45	Gundegmaa Tsevefmaa	SBD, 14th Khoroo, Khandgait 30-285	Гундегмаа
46	Amartuvshin T	SBD, 14th Khoroo, Khandgait 30-286	Амартувшин
47	Altansukh A	SBD, 14th Khoroo, Khandgait 30-286B	Алтансүх
48	Narmandakh L	SBD, 14th Khoroo, Khandgait 30-286B	Нармандах
49	Turmunkh Tumurzurkh	SBD, 14th Khoroo, Khandgait 30-286B	Түрмүнх
50	Bayart Byambadorj	SBD, 14th Khoroo, Khandgait 30-288	Баярт
51	Khatanbaatar Badamdorj	SBD, 14th Khoroo, Khandgait 30-292	Хатанбаатар
52	Tungalag Luvsan	SBD, 14th Khoroo, Khandgait 30-311A	Тунгалэг
53	Bujinkhorloo J	SBD, 14th Khoroo, Khandgait 31-294A	Буйинхорлоо
54	Purevdorj Davaakhuu	SBD, 14th Khoroo, Khandgait 31-302B	Пүрэвдорж

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55	Baasankhuu Khand	SBD, 14th Khoroo, Khandgait 31-303	Баясанхүү Ханд
56	Borkhuu Chuluumbaatar	SBD, 14th Khoroo, Khandgait 31-303	Боркхуу Чулуумбаатар
57	Gansukh Mandakh	SBD, 14th Khoroo, Khandgait 31-304	Гансүх Мандах
58	Lkhagva Baatar	SBD, 14th Khoroo, Khandgait 31-304	Лхэгва Баатар
59	Oyungerel Mandakh	SBD, 14th Khoroo, Khandgait 31-304	Ойунгерел Мандах
60	Gankhuu Dashzeveg	SBD, 14th Khoroo, Khandgait 31-307	Ганхүү Дашзэвэг
61	Chuluumbaatar Begzjav	SBD, 14th Khoroo, Khandgait 31-308	Чулуумбаатар Бэгзжав
62	Enkhmunkh Zinamider	SBD, 14th Khoroo, Khandgait 32-315	Энхмөнх Зинамидер
63	Enkhtuya Zinamider	SBD, 14th Khoroo, Khandgait 32-315	Энхтуяа Зинамидер
64	Oyuntags Tserendorj	SBD, 14th Khoroo, Khandgait 32-315	Ойунтагс Тсэрэндорж
65	Boldmaa Genden	SBD, 14th Khoroo, Khandgait 32-335	Болдмаа Гэнден
66	Erdenebat Dashtseren	SBD, 14th Khoroo, Khandgait 33-338	Эрдэнэбат Даштсэрэн
67	Khishignyam Galya	SBD, 14th Khoroo, Khandgait 33-339	Хишигням Галья
68	Nasanjargal Buted	SBD, 14th Khoroo, Khandgait 33-340	Насанжаргал Бүтэд
69	Amarbayasgalan Bavalka	SBD, 14th Khoroo, Khandgait 33-341	Амарбаясгалан Бавалка
70	Bavalka O (4 households)	SBD, 14th Khoroo, Khandgait 33-341	Бавалка О (4 хувиуд)
71	Burelkhuu	SBD, 14th Khoroo, Khandgait 33-341	Бүрэлхүү
72	Pagmadulam Bavalka	SBD, 14th Khoroo, Khandgait 33-341	Пэгмадулам Бавалка
73	Urantsetseg Purevsuren	SBD, 14th Khoroo, Khandgait 33-342	Урантсэсэг Пүрэвсүрэн
74	Altan-Erdene Sainnorov	SBD, 14th Khoroo, Khandgait 33-343	Алтан-Эрдэнэ Сэйнноров
75	Altanzul Sainnorov	SBD, 14th Khoroo, Khandgait 33-343	Алтанзул Сэйнноров
76	Badam Oirov	SBD, 14th Khoroo, Khandgait 33-347	Бадам Ойров
77	Jambalsuren Urtnasan	SBD, 14th Khoroo, Khandgait 33-347	Жамбалсүрэн Уртнасан
78	Munkhbat Dagvadash	SBD, 14th Khoroo, Khandgait 33-349	Мөнхбат Дагвадаш
79	Duinkharjav Ts	SBD, 14th Khoroo, Khandgait 33-350	Дуинхаржав Цэ
80	Enkhtuya Ganbat	SBD, 14th Khoroo, Khandgait 33-350	Энхтуяа Ганбат
81	Davaasuren D	SBD, 14th Khoroo, Khandgait 34-394	Давасүрэн Д
82	Narantsetseg Suriya	SBD, 14th Khoroo, Khandgait 35-410	Нарантсэсэг Сүрия
83	Narangerel Jadamba	SBD, 14th Khoroo, Khandgait 35-709	Нарангерел Жадамба
84	Munkhtuya Badarchin	SBD, 14th Khoroo, Khandgait 35-715B	Мөнхтуяа Бадарчин
85	Enkh-Amgalan Davaa	SBD, 14th Khoroo, Khandgait 35-738	Энх-Амгалан Даваа
86	Nyamsambu Davaa	SBD, 14th Khoroo, Khandgait 35-738	Нямсамбу Даваа
87	Otgonbayar Demberel	SBD, 14th Khoroo, Khandgait 35-738	Отгонбаяр Дэмбэрэл
88	Munkhbayar Vladimir	SBD, 14th Khoroo, Khandgait 40-471	Мөнхбаяр Владимир
89	Mandakhtsolmon N	SBD, 14th Khoroo, Khandgait 40-472	Мандахтсолмон Н
90	Amgalan Khandsuren	SBD, 14th Khoroo, Khandgait 41-487A	Амгалан Хандсүрэн
91	Amarjargal Khandsuren	SBD, 14th Khoroo, Khandgait 41-487B	Амаржаргал Хандсүрэн
92	Khandsuren Dorj	SBD, 14th Khoroo, Khandgait 41-487B	Хандсүрэн Дорж
93	Oyungerel Jamiyan	SBD, 14th Khoroo, Khandgait 41-488	Ойунгерел Жамиян
94	Ulziigerel Ladiimar	SBD, 14th Khoroo, Khandgait 41-488	Улзийгерел Ладимар
95	Tserenpagma Turnenjargal	SBD, 14th Khoroo, Khandgait 42-513	Тсэрэнпэгма Туренжаргал
96	Bayansan Purevdorj	SBD, 14th Khoroo, Khandgait 42-514	Баясан Пүрэвдорж

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97	Altandari Badamdorj	SBD, 14th Khoroo, Khandgait 515B	<i>Altandari</i>
98	Munkhsaruul Badamdorj	SBD, 14th Khoroo, Khandgait 515B	<i>Munkhsaruul</i>
99	Enkhzaya Tseveenravdan	SKhD, 9th Khoroo, BBU 10-14	<i>Enkhzaya</i>
100	Tsogtbileg Purevjav	SKhD, 9th Khoroo, BBU 10-15	<i>Tsogtbileg</i>
101	Davaasuren R.	SKhD, 9th Khoroo, BBU 10-17	<i>Davaasuren</i>
102	Davaakhuu Rentsendavaa	SKhD, 9th Khoroo, BBU 10-17A	<i>Davaakhuu</i>
103	Batgerel L.	SKhD, 9th Khoroo, BBU 11-11	<i>Batgerel</i>
104	Dorjpalam Tserendorj	SKhD, 9th Khoroo, BBU 11-12	<i>Dorjpalam</i>
105	Javzandulam Zandan	SKhD, 9th Khoroo, BBU 12-16	<i>Javzandulam</i>
106	Gantugs Rahad	SKhD, 9th Khoroo, BBU 12-23	<i>Gantugs</i>
107	Rahad Bazarragchaa	SKhD, 9th Khoroo, BBU 12-23	<i>Rahad</i>
108	Munkhtur Zandan	SKhD, 9th Khoroo, BBU 12-36	<i>Munkhtur</i>
109	Lkhagvadorj Enebish	SKhD, 9th Khoroo, BBU 2-19	<i>Lkhagvadorj</i>
110	Byambatsogt Zorigoo	SKhD, 9th Khoroo, BBU 8-19A	<i>Byambatsogt</i>

In the presence of the Office of the Special Project Facilitation mediator/facilitator  
Nandinchimeg Batsaikhan

*Nandinchimeg*

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**UPDATED IMPLEMENTATION AND MONITORING PLAN**

#	<i>Implementation &amp; monitoring actions</i>	<i>Responsible body</i>	<i>Duration/ Deadline</i>	<i>Status as of Nov 12, 2018</i>
1	<p>86 cases have been resolved in favor of the complainants. In relation to these case-to-case negotiation agreements, OSPF shall monitor the implementation of the following:</p> <p>1.1 Mayor's order issuance and the signing of the contract between the Land Agency and the complainants must be completed within the relevant timeframe to enable the full compensation to be paid to 86 complainants by October 5, 2018.<sup>1</sup></p> <p>1.2 Offer options for moving out of the site and agree on the date (case-to-case).</p>	<p>Working Group of the Municipality of Ulaanbaatar City</p> <p>G. Ulziibayar, Head of the Working Group, Director of the Policy, Planning Department</p> <p>D. Enkhtur, Working group member, Director of the Resettlement Division, Land Agency</p> <p>D.Avirmed, Project Coordinator, Project Management Office</p>	<p>2018.10.05</p> <p>2018.10.25</p>	<p>New timeline has been set by the MUB and PMO</p> <p>Nov 25, 2018</p>
2	<p>2.1 Municipality of Ulaanbaatar City to provide a written assurance about its commitment to implement the MoU and additional implementation actions specified in this plan.</p>	<p>G. Ulziibayar, Head of the Working Group, Director of the Policy, Planning Department</p>	<p>2018.08.23</p>	

<sup>1</sup> Subject to an official letter sent by the MUB WG Chair on August 23, 2018

3	3.1 Carry out supplemental assessment under the ADB funded small scale technical assistance (SSTA) <sup>2</sup> , to finalize and strengthen the social impact assessment on AHs, including gender impact assessment, and assessment of the losses of livelihoods, economic & business activities <sup>3</sup> in consultation with the AHs and their advisor NGOs. The assessment is based on a sample of 100 affected people which are potentially or highly vulnerable. Below is the report schedule (each report will be shared with the NGOs for their feedback):	SSTA consultant team	2018.07.02-2019.01.20	
	3.1.1 Share the scope, content and work plan for social impact assessment	SSTA team	2018.09.20	3.1.1 The SSTA scope and TOR of consultants were already provided to the NGOs in June-July 2018
	3.1.2 Provide comments on the scope, content and work plan for social impact assessment	NGOs and community representative, ADB, PMO	2018.09.15	3.1.2 This refers to the scope, content and work plan of the livelihood support plan (LSP) which includes the social impact assessment of the 100 sample households. The inception report was submitted to ADB on 28 September 2018.
	3.1.3 Draft social impact assessment report including proposal for livelihoods, economic & business restoration and improvement	SSTA	2018.10.31	3.1.3 The draft LSP which includes the SIA and needs assessment and the results of the consultation with the

<sup>2</sup> SSTA is approved consultants are already mobilized. NGOs & APs provided suggestions on the ToR; International external livelihood monitor to conduct the workshop/training

<sup>3</sup> Livelihood, economic and business activities refer to any activities within the affected land that provide source of income for the family. For example, source of income from the land itself (fruit-bearing plants/trees that they sell to the market), doing business inside the house, or using their house as shops.

activities in consultation with the affected persons and their advisor NGOs.			sample AHs is in advanced stage of preparation
3.1.4 Report to the affected people on the definition of poverty and vulnerability,	SSTA team	2018.10.31	3.1.4 Based on the extensive consultations with sample AHs the definitions of 'poverty' and 'vulnerability' have been revised and updated including AHs' perspectives and life situations. This update of the definitions has had direct impact on the final number of AHs
3.1.5 Review and comment on draft report for social impact assessment	SSTA team	2018.12.31	3.1.5 The draft reports are being revised to incorporate initial comments from ADB and will be shared by 20 <sup>th</sup> December 2018, with Advisor NGOs for observations and comments
3.1.6 Finalize social impact assessment report incorporating comments	SSTA team	2019.01.20	3.1.6. All relevant and appropriate comments on the LSP will be reviewed and included in the final version of the LSP.
3.2 Assessments of the lost opportunity for previously considered as an affected person as per official cut-off date but no longer affected person now if any: 3.2.1 Identify any complainants that are affected no longer 3.2.2 Assessment of the lost opportunity 3.2.3 Discussion and agreement of the lost opportunities	SSTA team  PMO	2018.09.30  2018.09.05	

	3.2.4 Develop and implement mitigation plan for lost opportunities (this can be implemented in coordination with 3.5. below) or compensation for the lost opportunities			
	3.3 Estimation of the necessary budget to extend the TA scope to all affected people that are potentially vulnerable, highly vulnerable and to the complainant and to the implement the livelihood improvement activities	SSTA, PMO	2018.10.10	Estimation of the necessary budget completed and ADB has initiated steps to obtain the additional resources required to implement the expanded livelihood support program upon completion of the current SSTA.
	3.4 Additional resources to be seek from ADB, to cover the up- scale the SSTA scope and to support the implementation of livelihood improvement activities	Arnaud Heckmann, Senior Urban Development Specialist, Project Officer, Asian Development Bank	Commence by 2019.05.01	ADB will implement the expanded livelihood support program upon completion of the current SSTA, through ADB's (HQ) internal Technical Assistance fund resources. ADB's internal approval of the TA will be completed by March 31 <sup>st</sup> 2019, and the implementation of the TA will commence by 1 <sup>st</sup> May 2019.
	3.5 Implement social impact mitigation plan including restoration measures for the households with livelihood activities on affected land & properties in consultation with the affected persons and their advisor NGOs.	SSTA consultants, PMO/MUB, ADB NGOs and communities representative	2019.05-2021.04	
4	4.1 Prepare a report on how many affected persons, who are entitled for the state social protection/welfare services programs, but were	Working Group of the Municipality of Ulaanbaatar City	2018.10.15	

	unable to receive the benefits, received the relevant services & program benefits.	G. Ulziibayar, Head of the Working Group, Director of the Policy, Planning Department  D.Avirmed, Project Coordinator, Project Management Office		
5	<p>5.1 Appoint Z. Enkhtuya, G. Enkhtuya from Selbe and Z. Javzandulam from Bayankhoshuu as affected person representative in the LAR Working Group (WG) that is mandated to monitor the implementation of the land acquisition &amp; resettlement within the scope of this project</p> <p>5.1.1 Officially re-issue the Mayors Resolution on the Establishment of LAR Working Group and include Z. Enkhtuya, G. Enkhtuya and Z. Javzandulam in the Working Group</p> <p>5.1.2 Provide information on the LAR WG mandate, activities, role of the affected persons' representatives to the representatives of AHs</p>	<p>Working Group of the Municipality of Ulaanbaatar City</p> <p>G. Ulziibayar, Head of the Working Group, Director of the Policy, Planning Department</p> <p>PMO</p> <p>G. Ulziibayar, Head of the Working Group, Director of the Policy, Planning Department</p>	<p>2018.07.02</p> <p>2018.09.15</p> <p>2018.09.20</p>	
6	6.1 Carry out "Due Diligence" for the project & implement proposed recommendations as corrective actions. Present the findings and recommendation related to the affected persons and allow the affected persons to monitor the implementation of the recommendations.	<p>Working Group of the Municipality of Ulaanbaatar City</p> <p>G. Ulziibayar, Head of the Working Group, Director of the Policy, Planning Department</p> <p>D. Enkhtur, Working group member, Director of the Resettlement Division, Land Agency</p>	<p>2018.05.01-2018.12.31</p>	

	<p>6.1.1 Presentation of the findings to the AHs and agreement on the implementation of the recommendations and corrective actions</p> <p>6.1.2 Implementation of the recommendations and corrective actions</p> <p>6.1.3 Monitoring of the implementation of the recommendations and corrective actions</p>	<p>D. Avirmed, Project Coordinator, Project Management Office</p> <p>Arnaud Heckmann, Senior Urban Development Specialist, Project Officer, Asian Development Bank</p> <p>MUB/PMO, AHs, ADB</p> <p>MUB/PMO</p> <p>AHs and their representative NGOs, MUB/PMO, ADB</p> <p>MUB LAR WG</p>	<p>2018.09.05</p> <p>2018.12.31</p> <p>2018.12.31</p>	
7	<p>7.1 Comparable land shall be handed over to 36 non-title holders by October 15, 2018</p> <p>7.2 Cadastre plan drawing and the land certificate shall be issued to 36 non-title holders by October 15, 2018.</p>	<p>Working Group of the Municipality of Ulaanbaatar City</p> <p>G. Ulziibayar, Head of the Working Group, Director of the Policy, Planning Department</p> <p>D. Enkhtur, Working group member, Director of the Resettlement Division, Land Agency</p> <p>D. Avirmed, Project Coordinator, Project Management Office</p>	2018.10.15	November 25, 2018

8.	8.1 PMO and MUB shall ensure that all children of the complainants, who moved to the resettlement areas are enrolled at schools and kindergartens.	G. Ulziibayar, Head of the Working Group, Director of the Policy, Planning Department D. Avirmed, Project Coordinator, Project Management Office	2018.10.05	Support letter has been issued by the MUB to 1 complainant upon request.
9.	<p>9.1 Grant the complainants and all AHs the priority privilege to participate in the social/affordable housing scheme in Selbe &amp; Bayankhoshuu under the proposed Ulaanbaatar Green Affordable Housing &amp; Resilient Urban Renewal Project (AHURP) funded by the ADB, and other housing projects implemented by MUB such as social housing by 2020/2021.</p> <p>9.1.1 Include in the MOU the commitment of MUB to provide the priority privilege to participate in the social/affordable housing scheme in Selbe &amp; Bayankhoshuu subcenters</p> <p>9.1.2 Inform the complainants and AHs the progress of AHURP</p> <p>9.1.3 Start the involvement of the complainants and AHs in the AHURP</p>	<p>Working Group of the Municipality of Ulaanbaatar City G. Ulziibayar, Head of the Working Group, Director of the Policy, Planning Department D. Avirmed, Project Coordinator, Project Management Office</p> <p>MUB</p> <p>AHURP PMO, MUB and ADB</p> <p>AHURP PMO, MUB and ADB</p>	<p>2018.07.02</p> <p>2018.07.02</p> <p>on semi-annual basis until the project implementation starts</p> <p>When the project starts in 2020/2021</p>	