

INTERNATIONAL EXTERNAL RESETTLEMENT MONITORING CONSULTANT TERMS OF REFERENCE

I. OBJECTIVE AND PURPOSE OF THE ASSIGNMENT

1. The Government of the Kyrgyz Republic with the support of the Asian Development Bank (ADB) will be implementing the Issyk-Kul Ring Road Improvement Project (the project) that covers the rehabilitation of the existing 75.2 km of the ring road from Barskoon Village (km 140+600) to Karakol City (km 215+827) in Issyk-Kul Oblast in the Kyrgyz Republic. The proposed rehabilitation will widen the existing two-lane road to a four-lane road. It will also include the replacement or repair of existing bridges and culverts and the construction of a new bridge, culverts, rest areas, bus stops, and pedestrian walkways and installation of streetlights, safety islands and other elements to improve road safety. The Executing Agency (EA) for the project is the Ministry of Transport and Communications (MOTC) of the Kyrgyz Republic. The Implementation Agency (IA) is the Project Implementation Unit (PIU) under the MOTC (MOTC PIU).
2. The project must ensure that ADB Safeguards Policy Statement 2009 (SPS) and national requirements on involuntary resettlement are followed, and all involuntary resettlement activities are streamlined into project procurement plan and implementation schedule. Project readiness filters have been applied, and implementation ready Land Acquisition and Resettlement Plan (LARP) based on the detailed design has been prepared during the project processing.
3. The objective of the assignment is to carry out external monitoring in parallel with the implementation of the ADB/ EA-endorsed Land Acquisition and Resettlement Plan (LARP) and its internal monitoring in compliance with ADB SPS 2009 and local legislation. The main goal of external monitoring is to assess relevance, efficiency, effectiveness and impact of the LAR processes and to suggest any corrective measures, if necessary. The monitoring specialist will monitor and verify LARP implementation to determine whether resettlement goals have been achieved, livelihood and living standards have been restored and provide recommendations for improvement, if needed. The consultant's scope of work will also include analysis of site conditions, compensation disbursement, and grievance redress procedures.
4. The Consultant is expected to submit Quarterly Reports, and LARP compliance reports, the latter to indicate whether the compensation program has been carried out based on the provisions of the LARP, Kyrgyz laws and ADB policy, and with confirmation of affected persons satisfaction. The ADB accepted and approved LARP compliance report for any agreed section of the road is a precondition to the commencement of civil works in the section to which it pertains.
4. The Client will select International External Monitoring Consultant (IERMC) for the implementation of three key tasks:
 - (I) Task 1: prepare Compliance Reports confirming full implementation of the project LARP and/or corrective action plan (CAP) and Compliance Reports of CAPs implementation in accordance with the requirements of ADB SPS and final approved LARPs, any corrective action plans and addendums, Kyrgyz legislation and good practice; in scopes of external monitoring, IERMC will ensure that APs have been able to at least restore their livelihoods and living standards, assess the effectiveness of public consultations and communications with APs and the management of the grievance redress process, review the project impacts on vulnerable groups and assess the effectiveness of the mitigation measures adopted.
 - (II) Task 2: verify semi-annual and annual monitoring reports prepared by the EA/IA, identify cases of unanticipated impacts, if any, and recommend preparation of a corrective action plan, as needed; and
 - (III) Task 3: any other tasks as may be required and as directed by the EA/IA.

II. SCOPE OF WORK

Task 1:

5. As a neutral third party, the IERMC is expected to:

- (i) Ensure the handover the 14.2 km LAR-free section 1 to the contractor at the contract commencement date as specified in SDDR;
- (ii) Act as an advisor to the EA and IA in LAR related matters, including provision of guidance to the staff of EA and IA in review of engineering and supervision consultants' scope of work, work progress, and deliverables;
- (iii) Support EA and IA during the LARP/CAP implementation activities, provide guidance and suggest corrective measures, if needed;
- (iv) Verify that resettlement has been implemented in accordance with the approved final Land Acquisition and Resettlement Plan (LARP) and ADB's Safeguards Policy Statement (SPS 2009) and that compensation has been fully paid according to agreed entitlements;
- (v) Monitor and evaluate the schedules and the achievement of targets related to land acquisition and resettlement activities;
- (vi) Ensure that resettlement objectives are met and affected people's (AP) livelihoods and living standards are restored or enhanced;
- (vii) Review the project impacts on vulnerable and severely affected groups and assess the effectiveness of the mitigation measures adopted;
- (viii) assess the effectiveness of public consultations and communications with APs and the management of the grievance redress process
- (ix) Verify monitoring results/findings of the internal monitoring carried out by MOTC PIU (including the excluded impacts during the implementation due to design adjustments); and
- (x) Assess resettlement relevance, efficiency, effectiveness and impact drawing both on policies and practices and suggest any corrective measures, if necessary
- (xi) Review all compensation tallies and verify that compensation has been provided to all APs in the amounts defined in the LARP and in the AP contracts;
- (xii) Conduct an AP satisfactory survey at field level with a 20% (minimum) random sample of the APs, including assessment of whether resettlement objectives have been met (sampling procedure to be described and all vulnerable APs are to be surveyed)
- (xiii) Conduct a survey of 20% (minimum) random sample of APs who registered grievances, and evaluate functioning of the grievance redress process in accordance with the provisions of the LARP (sampling procedure to be described);
- (xiv) Conduct surveys of APs who incurred damages resulting from construction works under the Project, to identify the level of satisfaction with compensation;
- (xv) Provide a description of lessons learned and recommendations for improvements;
- (xvi) Provide an overall assessment of LARP implementation and recommendations to ADB regarding the provision of a no-objection letter to commence civil works.

Task 2 and Task 3:

6. The External monitor will be involved in ongoing monitoring of the resettlement efforts by the EA/IA. The scope of the external monitoring will include but not limited to the following:
- (i) Monitor the progress of land acquisition and resettlement activities against the targeted performance indicators;
 - (ii) Verify claims through a random check at the field level to assess whether resettlement objectives are met;

- (iii) Identify the strengths and weaknesses of the resettlement objectives and approaches, and implementation strategies, including institutional issues;
- (iv) Evaluate the adequacy of compensation given to the APs as well as livelihood opportunities and incomes and quality of life of APs;
- (v) Review and verify semi-annual and annual monitoring reports, check status of grievances, complaints, and unanticipated impacts, and suggest the need in preparation of a corrective action plan;
- (vi) Other tasks as required and requested by EA/IA.

III. EXTERNAL MONITORING METHODOLOGY AND PROCEDURE

7. The following research methodologies and procedures are necessary for monitoring and evaluation of LARP preparation, implementation and post-implementation activities:
 - (i) Desk review (secondary data analysis);
 - (ii) Sample quantitative survey (face to face interviews); and
 - (iii) Participatory rapid assessment (focus groups, key informant interviews, direct field observations);
 - (iv) field visits, as necessary.
8. The monitoring and evaluation of LARP progress against the targeted performance indicators will be based on data from secondary and primary sources. IERMC, with assistant's support, will ensure field visits and interviews with a representative sample of the APs.
9. In general, the external monitoring involves the review of project LARP implementation process to ensure that activities are implemented in accordance with the approved LARP (short-term monitoring). This will be used as basis for issuing the Notice-To-Proceed to Works Contract Award.
10. Before the start of monitoring process, the IERMC shall prepare the monitoring framework, which shall define the monitoring indicators, data collection methods (both qualitative and quantitative) and sources, as well as the survey tools for each task defined within this ToR.

IV. IMPLEMENTATION ARRANGEMENTS AND TIMELINE FOR ASSIGNMENT

11. Regardless of the nature of employment (temporary/occasional), IERMC is required to agree on the methodology, approaches, and expected results with the MOTC PIU Social Safeguard Specialist prior to the commencement of each task. Compliance Reports will be submitted to ADB for endorsement.
12. Reports and materials prepared based on the results of task completion must be approved by the MOTC PIU Social Safeguard Specialist before being submitted to the ADB.
13. IERMC is also required to maintain regular contact (e-mail/online meetings) with the MOTC PIU Social Safeguard Specialist between periods of direct involvement to ensure continuity of coordination and consistency of actions. In collaboration with the MOTC PIU Social Safeguard Specialist, IERMC prepares a schedule of tasks, including dates for methodology preparation, field visits, and report submission, which is approved by EA.
14. Principal place of services is the Implementing Agency's office at the Ministry of Transport and Communications of the Kyrgyz Republic with intermittent visits to the construction sites when required.
15. The IERMC will be engaged for 3-person-months until the end of the project, which may be further extended.

V. REPORTING REQUIREMENTS

16. The IERMC is expected to prepare and submit to IA and ADB the following deliverables:
- (i) Inception Report incorporating methodology and workplan
 - (ii) LARP Compliance Reports (LARP implementation external monitoring);
 - (iii) Verification of semi-annual monitoring reports with recommendation on the need of corrective action plans, if any;
 - (iv) CAP compliance report for cases of unanticipated impact, if needed;
 - (v) Any other reports, monitoring activities, as needed.

VI. QUALIFICATION REQUIREMENTS

17. The IERMC should have a minimum work experience of five (5) years in international projects as a social safeguards and resettlement specialist; prior experience of external monitoring will be considered as an asset. S/he should have advanced degree in Sociology or related social sciences. Proven knowledge and experience with ADB Safeguard Policy Statement (2009) and procedures for safeguards, especially in the areas of social impact assessment, poverty assessment, core labor standards, land acquisition, and resettlement. The specialist should have experience in ADB-funded projects or projects funded by multilateral agencies in the transport sector (at least 3 projects). The specialist should also have experience in multi-sectoral teams and have good communication skills. The specialist must have experience in similar geographical areas and be fluent in written and spoken English. Knowledge of Russian and Kyrgyz languages and work experience in Central Asia is an advantage.