

Social Monitoring Report

Bi-Annual Report
July to December 2018
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GEO: Batumi Bypass Road Project
Financed by the Asian Development Bank and Asian
Infrastructure Investment Bank

Prepared by SMEC International Pty Limited for the Roads Department of the Ministry of Regional Development and Infrastructure of Georgia and the Asian Development Bank.

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Abbreviations

ADB	Asian Development Bank
AIDS	Acquired Immune Deficiency Syndrome
AIIB	Asian Infrastructure Investment Bank
AP	Affected Person
AIDS	Acquired Immune Deficiency Syndrome
CR	Compliance Monitoring
CSC	Construction Supervision Consultant
DP	Displaced Person
EMC	External Monitoring Consultant
EWB	East-West Highway
GoG	Government of Georgia
HH	Households
HIV	Human Immunodeficiency Virus
IA	Implementing Agency
IP	Indigenous People
IR	Involuntary Resettlement
LARF	Land Acquisition and Resettlement Framework
LARP	Land Acquisition and Resettlement Plan
LE	Legal Entity
MFF	Multi-tranche Financing Facility
RDMRDI	Ministry of Regional Development Infrastructure
NGOs	Non-Government Organizations
PAM	Project Administration Manual
PCP	Public Communication Policy
PPE	Personal Protection Equipment
SMR	Social Monitoring Report
SPRSS	Summary Poverty Reduction and Social Strategy
SPS	Safeguard Policy Statement, 2009
STI	Sexually Transmitted Illnesses
USD	United States Dollar

Glossary

Compensation: Payment made in cash or kind to the project affected persons/households at replacement cost of the assets acquired for the project, which includes the compensation provided under the Land Code of the Republic of Georgia (GE Rules for Expropriation of Ownership for Necessary Public Need July 23, 1999, Civil Procedural Code of Georgia, November 14, 1997, Public Register (No 820-Il; December 19, 2008, Recognition of Property Ownership and other subsequent rules that refers stipulated in the Land Acquisition and Resettlement Plan (LARP).

Cut off Dates: These are the dates on which censuses of the project affected persons and their assets to be affected are commenced in a particular area. Assets like houses/ structures and others which are created after the cut-off dates, and the persons or groups claiming to be affected, become in eligible for compensation and assistance.

Displaced Person (DP): Any person who has to involuntarily change his/her place of residence and/or workplace or place of business/livelihood from the current location as result of the project. This may include moving out from his/her land or building.

Encroacher: A person who has extended his property into public land; a person who has trespassed on government land, adjacent to his/her own land or asset, to which he/she is not entitled, and derives his/her livelihood or extended his/her property prior to the cutoff date.

Entitlement: Refers to mitigation measures, which includes cash payments at replacement cost or through replacement land equal in value/ productivity to the plot lost and at location acceptable to APs where feasible as stipulated in the LARP. Entitlements include compensation for structure (permanent & temporary), crops, trees, business, wage, etc., for which compensation is already paid.

Household: A household is a group of persons who commonly live together with common in comes and take their meals from a common kitchen.

Income Restoration: Refer store-building the capacity of the project affected household store-establish income sources at least to restore their living standards to the pre-acquisition levels.

Indigenous Peoples: Indigenous Peoples are those who are identified in particular geographic areas based on these four characteristics: (i) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others; (ii) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories; (iii) customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and (iv) an indigenous language, often different from the official language of the country or region.

Involuntary Resettlement: The unavoidable displacement of people and/or impact on their livelihood, assets, and common property resulting from development projects that create the need for rebuilding their livelihoods, sources of income, and asset bases.

Legal Entity: Legally registered enterprise established by two or several individuals or companies vested with its separate property, rights and liability such as a limited liability partnership (LLP), and joint stock company (JSC).

NGO: Non-Government Organizations (NGO) are private voluntary organizations registered with Georgian Government. There are number NGOs working in Georgia performing activities to relieve suffering, promote the interests of the poor, protect the environment, provide basic social services, or undertake community development, etc.

Participation/Consultation: Defined as a continuous two-way communication process consisting of: 'feed-forward' the information on the project's goals, objectives, scope and social impact implications to the project beneficiaries, and their 'feed-back' on these issues (and more) to the policy makers and project designers. In addition to seeking feedback on projects specific issues, the participatory planning approach also serves these objectives in all development projects: public relations, information dissemination and conflict resolution.

Physical Cultural Resources: Defined as movable or immovable objects, sites, structures, groups of structures, and natural features and landscapes that have archaeological, paleontological, historical, architectural, religious, aesthetic, or other cultural significance. Physical cultural resources may be located in urban or rural settings, and may be above or below ground, or underwater. Physical cultural resources are important as sources of valuable scientific and historical information, as assets for economic and social development, and as integral parts of a people's cultural identity and practices. Their cultural interest may be at the local, provincial or national level, or within the international community.

Project-Affected Person/Household/Legal Entities: Persons/households/Legal Entities whose livelihood and living standards are adversely affected by acquisition of lands, houses, and other assets, loss of income sources and the like, due to undertaking of the project.

Rehabilitation: Refers to improving the living standards or at least re-establishing the previous living standards, which may include re-building the income earning capacity, physical relocation, rebuilding the social support and economic networks.

Relocation: Moving the project-affected households/Legal Entities to new locations and providing them with housing, water supply and sanitation facilities, lands, schools, and others social and healthcare infrastructure, depending on locations and scale of relocation.

Replacement Cost: The Asian Development Bank's Safeguard Policy Statement (SPS) 2009 describes "replacement cost" as the method valuation of assets that helps determine the amounts insufficient replace lost assets and cover transaction costs. In applying this method valuation, depreciation of structures and assets is not taken into account. For losses that cannot easily be valued or compensated for in monetary terms (e.g. access to public services, customers, and suppliers; or to fishing, grazing, or forest areas), attempt share made to establish access to equivalent and culturally acceptable resources and earning opportunities. Where domestic law does not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures necessary to meet the placement cost standard.

Land Acquisition & Resettlement Plan (LARP): A time-bound action plan with a budget, setting out resettlement policy, strategy, objectives, options, entitlements, actions, approvals, responsibilities, monitoring, and evaluation.

Severely Affected Households: As per SPS 2009 households/ entities losing more than 10% of his/her income/productive assets called severely affected.

Squatter: Household or person occupying public lands without legal arrangements with the Government of Georgia or any of its concerned agencies is a squatter to the lands.

Stakeholder: Refers to recognizable persons, and formal and informal groups who have direct and indirect stakes in the project, such as affected persons/households, shop owners, traders in road side markets, squatters, community-based and civil society organizations.

State Land: State lands are public lands those are not recorded in the name of any private citizen/entity of the country. Local & Regional Governments of respective region is the custodian of all state lands within their jurisdiction.

Vulnerable Household: Households with an average per capita income below poverty line are considered vulnerable and are entitled to get the vulnerability allowance. It includes very poor, women headed household, old aged and handicapped.

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1 INTRODUCTION

1.1 Objective of the Report

1. This Semi-Annual Social Safeguards Monitoring Report for Batumi Bypass Road Project in Georgia covers the period from July to December 2018. The objective of the report is to provide an overview of the progress made in the implementation of the land acquisition and resettlement (LAR) tasks in the second half of 2018. It provides information on social safeguards activities related to the preparation and implementation of the LAR plans (LARP) as well as safeguards issues raised during construction period and social impact mitigation measures. It describes the project's performance in dealing with community consultation and stakeholders' participation, impacted assets registration/records and compensation processes, and grievances received and redressed. Lessons learned and the recommendations for the implementation of safeguards component of the project in the next stage of the program are summarized at the end of the report.

1.2 Background Information

2. Georgia, due to its geographic location, provides the shortest transit link between Central Asia and Europe. Transport plays a pivotal role in supporting the national economy, and development of the transport infrastructure is vital to increasing economy of the region through reduced transport costs and increased transit revenue. The coastal road on the Black Sea links Turkey to the south with the ports of Batumi and Poti, and onwards to Tbilisi, the Georgian capital in the east of the country. Because of heavy traffic on this road, there has been a significant increase in traffic congestion and accidents, particularly in Batumi and Kobuleti during the tourist season.

3. Batumi Bypass road once was included in tranche 2 under Multi-tranche Financing Facility (MFF) in 2009 as part of the entire East-West Highway (EWH), with financing from ADB. For this purpose, a LARP was prepared during feasibility stage in 2009 by the Road Department under the Ministry of Regional Development Infrastructure in Georgia (RD-MRDI). The objectives of the LARP preparation for the bypass road construction was to assess project impacts and to plan for required compensation and rehabilitation measures of the project Affected People (APs). Later in 2011, the idea of this bypass road construction was dropped due to some cost considerations. However, again in 2015, the borrower aspirant to upgrade the entire EWH. Afterwards, ADB agreed to finance the project on request of the client to revive & finance for the bypass road project. Finally, with ADB agreement, RDMRDI started preparatory activities with preparation/updating of required documents. This was followed by implementation of LARP by RD, MRDI since, August 2016. In fact, the physical construction works started in March 2018 after signing contract on 29 August 2017 between RD and the contractor (Joint Venture POLAT YOL & MPA) and Construction Supervision Consultant (CSC) mobilized in September 11, 2017 and started their activities with the design review.

4. The project road is designed to bypass the city of Batumi to the east, and because of the topography and urban landscape that it traverses, includes five tunnels and twenty-one bridges. The road was originally designed by the South Korean engineering firm, Sambo, in 2010. The construction of the road is currently under implementation as a single civil works contract and funded by ADB (Loan 3520-GEO) and AIIB (Loan 8328-GEO).

1.3 Objective and Coverage of the Monitoring

5. The major objective of this SMR is to analyze the implementation status of the LARPs and other associated social safeguards issues includes handing over the road's Right of Way (RoW) to start construction of the bypass road.
6. The ultimate objectives of the monitoring report are to:
 - a. verify status of resettlement implementation for the project that complies with the approved LARF & LARPs;
 - b. verify status of up to date compensation payment to APs;
 - c. verify implication of grievance redress mechanism to solve AP 's grievances & status of grievances received from the APs/local people so far;
 - d. satisfaction of APs with the process of their compensation & amount of compensated; and
 - e. Other social safeguards issues such as: wage laborers, labor issues, HIV/AIDS, grievances/complains received during construction/resolved etc.

1.4 Methodology Followed under Monitoring Program

7. The monitoring has been conducted mostly relay on the project documents LARF, LARPS, LARP addendum, CRs, monthly & quarterly reports etc. through review & analyze, compilation of necessary data from aforesaid documents. In addition, consultant also had conducted consultations/meetings among the APs and other project stakeholders of the project through regular site visits. Such consultations & meeting conducted with & assistance of the CSC, Contractors, EMC, RD, PIU of MRDI and relevant other project stakeholders. The findings from the aforesaid consultations/meetings has been incorporated in this 2nd. Bi-Annual SMR document in a cumulative manner.

1.5 Social Safeguard/Resettlement Categorization

8. Prior to civil works implementation, the projects selected for construction or development to be Screened and Classified using ADB's classification system as follows:
 - Category A: Projects proposed for construction or development, will fall under this category, if, it caused a significant involuntary resettlement impacts with a physical displacement of 200 or more persons from their residences, or 200 or more persons lose 10% or more of their productive or income generating assets, or more persons or 200 or more persons experience a combination of both
 - Category B: Any proposed subproject that includes involuntary resettlement impacts but are not deemed significant considering loss of shelter/houses or productive or income generating assets will be considered for category B.
 - Category C: A proposed subproject that has no involuntary resettlement impact.
9. As per ADB's Safeguard Policy Statement, Batumi Bypass Road Project falls under Category A, considering the significant involuntary resettlement issues. The project has no impact on indigenous people or the communities.

2 OVERVIEWS OF THE LARPs AND ASSOCIATED IMPACTS

2.1 LARPs and Allied Documents Preparation

10. LARP prepared by MRDI, during feasibility stage was further updated/finalized in 2016 based on the feasibility study and prepared two implementations ready LARPs fulfilling requirements of ADB's SPS, 2009. These two LARPs were prepared dividing the total 13.7 Km long bypass road into two sections:

LARP-1 for Section 1 covers Km. 0+000 to 6+700, and

LARP-2 for Section 2 covering Km. 6+700 to 13+700.

11. These updated LARPs were approved by ADB in mid-2016. These LARPs are currently under implementation, started from August & September 2016. Afterwards, preparation an addendum for both the LARPs/ sections was required due to emergence of some new impacts (to include or exclude) caused due to adjustments of right of way (RoW) through design considerations considering the existing condition. This has been followed by preparation of LARP compliance monitoring reports (CR) by an External Monitoring Consultant (EMC), deployed by the RD, MRDI to comply the project policy. Till the reporting period, EMC prepared three (3) CRs; two of them for LARP-1 covering partial sections Km.1+750 to 2+250 (CR-2) and for partial sections Km. 0 to 0+700 & 2+250 to 6+700 (CR-2) for LARP-1 and CR-1 covering partial section Km. 6+700 to 12+830 for LARP-2. These CRs prepared only for the encumbrance free road sections where LARPs already implemented i.e. completed compensation payment to APs.

12. The main objective of the EMC deployment was to verify whether LARPs have been implemented in compliances with the policy adopted in the LARF & LARP and compensation payment status. Accordingly, CRs prepared for the LARPs, reflecting the results of monitoring and evaluation of the implementation of land acquisition and resettlement (LAR) activities of the bypass road in accordance and compliance with the LARPs and its Addendum.

2.2 Pending LARP Implementation Tasks

13. Following approval of LARPs, finances will be provided to the EA. Prior to the distribution of LARP finances to the APs, with legalization of APs legalizable according to the active legislation will be finalized and all APs may sign a contract agreement indicating that they accept the compensation proposed to them. If an AP does not sign the contract the case will be passed to the appropriate court to initiate expropriation proceedings. This will be done after the compensation amount, determined according to the valuation methodology outlined in this LARP, is to be deposited in escrow account. Escrow accounts will also be established for absentee APs.

2.3 Conditions for Project Implementation

14. Based on ADB policy/practice, the approval of project implementation will be based on the following LAR-related conditions:

- (i) **Signing of Contract Award:** No civil works contract will be awarded until all land acquisition and resettlement required for the contract have been completed and all project affected people have been compensated in accordance with the provisions of the LARP.
- (ii) **Notice to Proceed to Contractors:** Conditional to the full implementation of Batumi bypass LARP (legalization of legalizable owners, and full delivery of

compensation and rehabilitation allowances), verified by a compliance report submitted by the External Monitor.

2.4 Summary Impact of LARPs

15. This has been mentioned earlier that after getting approval of LARP, implementation started and during implementation an addendum was required to prepare, due to consideration of some changes in inventory of losses not envisaged during project preparation/finalization of LARPs. Finally, some changes of impacts were found, which also were considered during implementation through conducting additional survey & assessment. After completion of LARPs implementation for the partial sections of the road, the EMC prepared three CRs (2 for Section-1 & 1 for section-2) separately for the both sections, where compensation payment completed. Summary of the LAR impacts based on the approved LARPs/Sections plus LARP's Addendum is presented in the table below.

Table 2-1: Summary of Project's LAR Impacts by LARPs

N	IMPACT CATEGORY	SECTION 1 (7KM)	SECTION 2 (6.7KM)	ADDENDUM	TOTAL
1	Total affected households	245	524	20	789
2	Land acquired (in sqm)	157,145	245,778	56,495	459,418
3	Agricultural (in sqm)	131,735	146,422		278,157
4	Residential (in sqm)	116,622	196,678		131,300
5	Commercial (in sqm)	59,370	40,944		100,314
6	Household to be physically displaced	69	300	9	378
7	Severely Affected HH	193	369	21	583
8	Vulnerable HHs	92	184	5	281

2.5 Project Policy and Entitlement Matrix

16. The legal and policy framework of the project on land acquisition and resettlement has been adopted to assist the APs and/or households for their lost land and assets, income and livelihood resources. Expropriation of land through eminent domain will not be applied unless approach for acquisition through negotiated settlement fails. Compensation eligibility is limited by a cut-off date as mentioned in the LARPs for this project (the time of survey & measurement of the affected properties, valuation, socioeconomical study etc.), and this date was clearly communicated to the public and to the APs during public meetings. APs will be entitled for compensation or at least rehabilitation assistance under the Project are (i) all land users (traditionally using agricultural land) /registered land owners and tenants losing land irrespective of their title, (ii) tenants and sharecroppers irrespective of formal registration, (iii) owners of buildings, crops, plants, or other objects attached to the land; and (iv) persons losing business, income, and salaries.

2.6 LARP Implementation Arrangements

17. ADB is the funding agency and RDMRDI is the Implementing Agency (IA) of the Project. RDMRDI has the lead responsibility for road construction, as well as implementation of this LARP through the Resettlement Unit (RU) under the Resettlement and Environmental Protection Division, RDMRDI. A Land Acquisition and Resettlement Commission (LARC) will be assisting RU in all LAR activities. In addition, RU will be assisted by LAR Team in the rayon level involving also the local self-government bodies. In addition, a number of other government departments will play an instrumental role in the updating and implementation of Batumi bypass LARP. The National Agency of Public Registry (NAPR) within the Ministry of Justice will be assisting the Project through registration of land ownership and its transfer through acquisition agreement from landowners to the RDMRDI. The local government at Rayon and village level will also be involved. Among them: Ministry of Economy and Sustainable Development (MOESD), Ministry of Economy and Finances of Adjara Autonomous Republic, Road Department of Adjara, local governments of municipalities, specialists of territorial organs.

2.7 Consultation Participation & Grievance Redress Mechanism

18. A Grievance Redress Mechanism has already been established from the period of Census starting date and is available locally to allow APs to appeal any disagreeable decision, practice or activity arising from any project preparation and implementation activity. Grievance Redress Committees (GRCs) at local level involving the local government officials, representative of APs, representatives of local NGOs and consultant. APs were fully informed, through consultation meetings and representatives of territorial organs of local government, on their rights and on the procedures for addressing complaints whether verbally or in written during consultation, survey, and time of compensation, as well as throughout project implementation. Care will always be taken to prevent grievances rather than going through a redress process.

19. Consultation with likely APs in the project affected areas was conducted during the feasibility study of the Project. At the preparation of Batumi bypass LARP in detail design stage, all likely APs (available on site) were consulted through community level meetings and through individual contact at the time of census, socioeconomic survey and detail measurement survey. It will be continued throughout the remaining implementation period.

2.8 Cost and Financing

20. The land acquisition and resettlement cost estimate under the LARPs & Addendum includes eligible compensation, resettlement allowances and support cost for implementation of corresponding LAR tasks. The support cost, which includes administrative expense, is part of the overall project cost. Contingency provisions (@ 10% of the total cost) have also been included to take into account variations from this estimate at the negotiation for contract agreement level. In case of any over-run-in cost, RDMRDI will provide additional funds as needed in a timely manner. RDMRDI through the approval of Ministry of Finance will be responsible for allocating the LAR Budget in advance as part of their overall annual budget planning. Items of LAR cost estimate under the LARPs & Addendum of are as follows:

- (i) Compensation for agricultural, pasture, and commercial land at replacement value
- (ii) Compensation for structures and buildings at their replacement cost
- (iii) Compensation for business/employment loss
- (iv) Compensation for crops and trees

- (v) Assistance for severely affected AHs
- (vi) Assistance for vulnerable groups for their livelihood restoration
- (vii) Cost for implementation of LARP

2.9 Monitoring

21. The main objective of implementation of the LARPs for Batumi Bypass Road is to improve or at least restore the social and livelihood resources of the APs at their pre-project level. The process of implementation should ensure that this objective is achieved over a reasonable time with allocated resources. Therefore, monitoring of the process of updating Batumi Bypass Road LARPs, its implementation and delivery of institutional and financial assistance to the APs has been designed as an integral part of the overall functioning and management of the Project. RU of RDMRDI will ensure the execution of timely monitoring of the monitoring and evaluation (M&E) indicators (process, delivery and impact indicators) of LAR tasks. The purpose of the Monitoring and Evaluation (M&E) is to provide feedback to all stakeholders on progress made in view of a timely and comprehensive implementation of the LARP and to identify problems as early as possible to facilitate timely adjustment of implementation arrangements. The objectives are to: (i) ensure that the standard of living of APs are restored or improved; (ii) ascertain whether activities are in progress as per schedule and the timelines are being met; (iii) assess whether the compensation, rehabilitation measures are sufficient; (iv) identify problems or potential issues; and (v) identify methods to rapidly mitigation of problems.

3 LARP IMPLEMENTATION

3.1 General

22. Having approval of both the LARPs by ADB, actual implementation of LARPs started in August 2016. At the beginning, RDMDRDI had required to prepare an addendum due to emergence of some additional impacts not envisaged during LARP preparation. The major reasons of this addendum preparation were:

- During the survey/inventory of assets, some owners/APs of the affected properties didn't allow the survey team to record their inventory. After careful discussions/negotiations during LARP implementations they were convinced and this resulted in additional resettlement needs.¹
- Some owners of residential apartments were closed to alignment & they complained to RD and in certain cases (when distances are 50 m or less²) and agreed with the claims resulted additional resettlement cases.
- Some APs fails to produce required documentary evidences at the time of LARPs preparation for inclusion and later date during implementation they collected & produce some of them legalized later managed to legalize their loft spaces on the attic managed to legalese these spaces, which required additional survey.

¹ In LARP for Sections 1 and 2 (see note under Tables II-1), 2 and 8 plots respectively are listed where surveyors were not allowed to enter. Allowances for this not measured /surveyed land plots was not evaluated in main LARPs and allowances were not estimated and paid. But these issues will certainly be addressed by this Addendum, as currently there are not any remaining properties were full DMS has not been done. All remaining land plots are already measured and redressed with this Addendum.

² Per city planning standards СНиП 2.07.01-89, II-12-77Article 6.19, the distance from the edge of the main carriageway of the trunk road to the line regulating the residential development should be taken at least 50 m, whereas in case of the application of noise protection devices that ensure the requirements of СНиП II-12-77, at least 25 meters.

- One family cemetery necessitated to relocate & required new assessment.

23. Taking into account of the aforementioned situation, the project team prepared an Addendum in August-September 2017 and got its approval for the under implementation LARPs for both Sections 1 and 2.

24. However, after completion of compensation payment by RDMRDI, following project conditionality, the EMC prepared three CRs till December 2018 for the partial sections are:

CR-1: Partial section Km. 6+ 700 to 12+830 for Section-2 under LARP-2,

CR-2: Partial section Km 1+750 to 2+250 for section-1 under LARP-1, and

CR-3. Partial Sections Km.0 to 0+750 & Km. 2+250 to 6+700 under LARP-1.

25. The physical construction activities of the bypass road started in March 2018 after signing contract between RD and the contractor (Joint Venture POLAT YOL & MPA) on 29 August 2017 with subsequent approvals of all the CRs in due course by ADB & RDMRDI. On the other, hand the CSC has mobilized in September 11, 2017 and started their activities with the design review. Subsequently, CSC, mobilized their two Social & Resettlement Specialists (National & international) respectively in in March & mid-October 2018. The responsibility of the CSC Social Specialists is to monitor the LARP related & other social safeguards issues covering the total project implementation periods on behalf of the RDMRDI and to produce monitoring reports periodically for the RDMRDI to submit to ADB in addition to monthly & quarterly reports, as well.

3.2 Implementation Status of LARPs

26. The implementation of the LARP-1 for section-1 Km. (0+000 to 6 +700) for the bypass road started having ADB approval in August 2016. Subsequently, an addendum was prepared by RDMRDI covering some additional impacts envisaged during implementation. This has happened, because of some land plots even were under the same ownership/user, inventoried separately due the unclear borders, overlaps between the lands, etc. at the time of LARPs preparation. During implementation, such cases was required corrections by the IA/RDMIRD with necessary survey/investigations, new measurements etc. for all overlapping of the land plots pertains to uniting several land plots in one plot under the same ownership/user. While the changes in the impacted area pertains to additional studies, performed during the implementation process. This resulted certain changes in numbers of total affected land plots, area, and number of APs etc.

27. However, till the reporting period (December 2018), EMC prepared 3 LARP compliance reports (CRs); CR-2 (km. 1+700 to 2+250), CR-3 (Km.0 to 0+ 750; & 2+250 to 6+700) for partial sections-1 under LARP-1 & CR-1 for partial (Km. 6+700 to 12+830) section-2 under LARP-2. These aforesaid sections of the road were handed over to the contractor for construction. It is worthwhile to mention that till the reporting date, there are some part/section (Km. 00 to 0+750) under section-1 and (Km. 12+830 to 13+700) not yet completed Compliance Monitoring supposed to conduct by the EMC. Once complete, this will be monitored in connection to social safeguards issues in due course & will be included in next SMR.

3.3 LARPs Implementation Status up to the Reporting Period

28. Implementation status of the LARPs for the aforesaid partially completed sections under LARPs 1 & 2 assessed under the current report prepared by the CSC Consultant for RDMRDI.

This SMR has been prepared reflecting the implementation status, only for the completed & handed over Parts of the bypass road to contractor for construction.

29. The table 3 below, shows comparison among the approved LARPs and combining LARPs & Addendum as finally updated documents for compensation payment. It reveals from the following table-3 that in connection to LARP-1, number of affected plots were 574, with a total land area of 249,889 sqm., which has increased to 591 plots with total land areas of 267,604 Sqm. in combined LARP-1 & Addendum. But marked no changes with the number of HHs/APs. But the number of affected households, remains same (217 HHs) in both documents. On the other hand, combining the LARP & Addendum compared to LARP-2, under section-2, land plots decreased to 1,135 with an increase of land area to 388,688 sqm. While the number of APs decreased from 402 to 400. These changes also marked for the instances of APs affected with structures, crops/perennials, relocation requirements etc. and entitlement for other allowances admissible under the project/LARP policy. These changes have caused for the aforesaid documents, have been stated above in detail. Information in detail may be seen in the tables below.

Table 3-1: Comparison of LAR Impacts between the Approved LARPs and LARP Plus Addendum by LARPs

Project Impacts	LARP-1 for Section-1: Entire section (Km 0+000 to 6+700)		LARP-2 for Section-2: Entire section (Km 6+700 to 13+700)	
	As per approved LARP	Combining LARP & Addendum	As per approved LARP	Combining LARP & Addendum
No of affected Plots	574	591	1,143	1,135
Affected land Area in sqm.	249,889	267,604	384,044	388,688
No. of affected HHs	217	217	402	400
No. of affected HHs with structures	80		170	135
Crops & perennials	170		295	176
HHs to relocate	69	77	300	298
HHs Severely impacted	193		369	150
Vulnerable HHs impacted	92	22	184	79

30. The current implementation status is concerned, the table 4 below, shows the finally estimated impacts on APs combining LARPs & addendum with their land and other associated impacts. These APs were planned to pay their due compensations & other benefits during implementation following the project policy. It is important to note that at this stage of project implementation, RDMRDI, the IA made compensation payment to the APs for their lost properties only for the sections cleared to make encumbrance free for handing over to start construction activities by the contractor. To comply ADB policy, EMC also conducted compliance monitoring exercise with required report preparation, which subsequently approved by ADB for those sections, completed LARPs implementation and compensation payment as well.

31. However, till the reporting periods (beginning of implementation in August 2016 through December 2018), the road sections remain unimplemented (implementation ongoing) are: from Km. 0+750 to 1+ 750 under LARP-1 for section-1 & 12+ 830 to 13+ 700 for LARP2 under section-2. These sections of the road are currently under implementation but yet to complete compensation payment. Foregoing the aforesaid remaining sections of the road, this report assessed implementation status furnishing the results in the table-4 below with the

implementation for the completed parts of the road only. It has revealed from the concerned table that there are some differentiations between the combined LARPs & addendum regarding the number of affected plots, land areas and number of APs with other associated impacts mentioned in the LARPs plus addendum (for completed parts of the road and actual implementation of LARPs combining LARP & addendum, stated in the EMC report. The major causes of such changes were due to errors in cadastral measurements, which required additional survey on some significant numbers of APs and their properties. The aforesaid survey & investigations resulted some changes, which reflected in the EMC Reports in detail.

32. It may be seen from the below table, in case of LARP-1 for section-1, (implementation completed partial road sections) affected a total 527 land plots with land area of 231,024 sqm. affecting 187 household/APs. These land area, number of plots & number APs further decreased respectively to 229,127 sqm. land area comprising 339 plots, affecting 185 HHs These above changes happened during final updating of inventories through preparation of addendum and additional surveys as per requirements. The major causes of such changes were due to requirements of additional survey further for some cases with overlapping, wrong calculation/survey or other disputes as mentioned in the above section of the report. However, finally 339 plots comprising 229,127 sqm land area belong to 185 HHs found affected. All these APs for their lost properties were made compensation with other resettlement & rehabilitation benefits admissible under the project policy. This means, LARP-1, for the aforesaid sections are deemed to be completed till the reporting period.

33. Similarly, for the LARP-2, a total of 620 plots comprising 294,711 sqm. land area affected a total 175 HHs for the cleared road section. While compared it to combined LARP and addendum for the same sections, these has decreased to 422 plots comprising 293, 046 sqm. land but increased in affected HHs numbers to 178. These changes found during LARP implementation through final checking with the APs list & inventory of affected properties due to the same reason mentioned above. All these APs for their lost properties were made compensation with other resettlement & rehabilitation benefits admissible under the project policy. This means, LARP-2, for the aforesaid sections also is deemed to be completed till the reporting period.

Table 3-2: Implementation Status by LARPs 1 & 2 with Comparison of LAR Impacts between the Approved LARPs and LARP Plus LARPs Addendum for the Partial Road Selections up to the reporting period.

Project Impacts	LARP-1 & Addendum for Section-1 (Completed Parts of the Road sections 0 to 0+750, 1+50 to 2+250 & 2+250 to 6+700 only)		LARP-2 & Addendum for Section-2 (Completed Parts of the Road section 6+700 to 12+830 only)		Implementation Status
	As per approved LARP only	Combining LARP & Addendum	As per approved LARP only	Combining LARP & Addendum	
No of affected Plots	527	340	620	422	Payment made to all & implementation completed
Affected land Area in sqm.	231,024	229,127	294,711	293,046	Payment made to all & implementation completed
No. of affected HHs	187	185	175	178	Payment made to all & implementation completed

No. of affected HHs with structures	163	161	135	134	Payment made to all & implementation completed
Crops & perennials	158	157	176	176	Payment made to all & implementation completed
HHs to relocate	67	66	44	50	Payment made to all & implementation completed
HHs Severely impacted	180	180	160	160	Payment made to all & implementation completed
Vulnerable HHs impacted	77	11	74	14	Payment made to all & implementation completed

3.4 Temporary Land Acquisition and Compensation Payment Status

34. In connection to bypass road construction, it has assumed that contractor might require some land temporary basis during construction outside ROW, in addition to already acquired lands for road's ROW by the RD. This temporary land acquisition will be required by the contractor to use for the purpose to construct diversion roads and establishment of office, living quarters for the staffs, stake yards, plants warehouse, site camps etc. in addition to land already acquired by the RD for road construction, LARPs did not covered these temporary land requirements of the contractor. But it has been mentioned in the LARPs that compensation should be paid as per policy of the LARP for such temporary impacts, if required/ found any, during construction.

35. In compliance of the above conditionality, up to the last reporting period (June 2018), the Contractor has hired/rented 22,606 sqm. land with three existing buildings from Techno service, Ltd for establishment of the Campsite. In addition, 70,035 sqm. Land also rented in from the Ministry of Finances and Economics of the Republic Adjara for installation of plants. All the above rented in lands & buildings, contractor made payment dully following the agreement between the parties concerned.

36. During the current reporting period (July-December 2018) in addition to above, the Contractor has rented/ hired some additional land plots from Mr. _____ and Mrs. _____ for widening temporary access road at Bridge N11 location and for storing explosives respectively. The detailed evidences/records & information, in connection to rental process, quantity of land area rented, payment status etc. was not provided us by the Contractor. Despite numerous requests from us for this information, they were found reluctant to provide the required documents.

3.5 Issues Identified during Construction at Project Area

37. During ongoing road construction, some issues & concerns were reported by the local residents relating damage/threats to their houses, tree cutting, using land beyond acquisition boarder, excess noise & vibration, dust pollution etc. These issues were verified with necessary discussions with the concerned house/plot owners. Among concerns/issues found true, contractor has been advised to take necessary mitigation measure for proper solution of such problems with negotiation with the concerned parties & paying compensation, as necessary. If not under the Jurisdiction of Contractor, those cases to be referred to RD for timely & proper mitigations.

38. All these temporary issues/concerns furnished in the table below in summary form, since beginning of the project implementation up to the current reporting period.

Table 3-3: Status of Issues Identified & Current Status of Resolution

SI No.	Date of Issue	Location	Description of issue	Measures taken	Current Status
1	25.05.2018	Km12	HH Mr. [redacted] expressed dissatisfaction due to close location with RoW.	Pursuant to the decision of the Commission monitoring of environmental parameters were on-going.	The results of monitoring are submitted to the Employer.
2	05.6.2018	Km11-km12	Three HHs (Mr. [redacted], Mr. [redacted] and Mrs. [redacted]), residing nearby road expressed dissatisfaction in regards with on-going activities.	Case was sent to RD requesting the commission to study the issue	In two cases (Mr. [redacted] and [redacted]) additional consultations are on-going. Mr. [redacted] A [redacted] request concerning acquisition of the house was denied.
3	28.07.2018	Km13+040	Mr. [redacted] resident expressed dissatisfaction due to excess dust, noise and damage of water supply and sewage pipes.	The observations and recommendations are sent to RD and this case will be discussed by commission.	
4	11.08.2018	Km8+600	Exit portal of the tunnel N4 residents expressed discontent due to necessity of demolition of water basin which is in the RoW. This basin is used as main water supply to 12 families located outside of RoW. Main request of residents is relocation of water basin instead of demolition it.	Alternative place was selected by the Engineer and Contractor. Design was approved by the Employer.	Construction activities shall have commenced.
5	20.08.2018	Km7+460	Mr. [redacted] residing at the adjacent of section km7+460 expressed dissatisfaction as the	The observations and recommendations are sent to RD and this case will be discussed by commission.	

SI No.	Date of Issue	Location	Description of issue	Measures taken	Current Status
			Project road shall block access to his house. He is also concerned by construction activities on-going close to his house.		
6	29.08.2018	Km0+520	Mrs. [redacted] resident nearby road section expressed concerns about close location with RoW of Project road, even though at the mentioned section construction activities are not yet commenced	The case explanations with recommendations and further decision to be made by Commission.	It was decided to acquire the house. Negotiations are on-going.
7	06.09.2018	Km8+820	Mr. [redacted] resident requested construction of access road to his remaining land plot. As per his statement, RD acquired the house with residential land plot (406 sq. m.) from which he had access to his remaining land plot (2597 sq. m).	Alternatives of access road was considered by the Engineer.	The Contractor was instructed to provide detailed design.
8	27.09.2018	Km6+500	During setting out of the exit of evacuation shaft N2 of Tunnel N3, Mr. [redacted] claimed, he is the land user of the territory where design considers construction of the exit of the shaft.	The territory was measured, and relevant information was sent to the Employer for future instructions.	
9	10.2018	km4+180	Mr. [redacted] has requested construction of access road to his	The Contractor was instructed to provide detailed design.	

SI No.	Date of Issue	Location	Description of issue	Measures taken	Current Status
			remaining portion of land parcel		
10	10.2018	km2+280	Mr. [redacted] on behalf of his sister Ms. [redacted] has requested construction of access road to his remaining portion of land parcel	Construction works access road shall be considered in details during construction activities.	
11	30.10.2018	km7+540	Mr. [redacted] has referred to the Consultant declaring that land plot used by him was not wholly acquired by the Project.	As follow up, the issue, representatives of the resettlement division of RD and Consultant have inspected the Site mutually with Mr. [redacted].	As a result, based on provided survey drawings the Engineer prepared the plan and sent to RD for future study and actions.
12	16.11.2018	km9+010	Excavation works of cut at section for construction of temporary access road to Bridge N10 caused development of landslide in the land plot of Mr. [redacted].	Slope protection measures are under consideration	
13	27.11.2018	km5+520 - km5+540	Contractor's and Consultant's representatives identified that part of the land plot owned by citizen [redacted] located within Row is not acquired.	Representatives and the Contractor and the Consultant have recorded the quantity of cut trees. Relevant act with all required documents is submitted to Road Department.	
14		Territory of P15	Slope cutting caused threats to a residential house, as Engineer's instructed Contractor proposed soil nailing as slope strengthening method which was	Currently, negotiations with the owner of the land plot located on the slope is on-going for getting permission for slope strengthening.	

SI No.	Date of Issue	Location	Description of issue	Measures taken	Current Status
			approved by the Engineer.		
15	5-12-18	km5+520 - km5+540	One Mr. [redacted] has claimed that during tree cutting and site clearance at section Contractor has damaged land	The complaint provided documents proving the land use which will be considered by the Engineer and will report in the next monthly report	
16	17-12-18	km0+400	Local resident claimed that they were using land plots which currently falls within RoW of the Project road.	However, none of them had documents to substantiate their claim of land use or ownership and were explained the land acquisition procedures & were referred to relevant authorities	
17	18-12-18	km0+400	Mrs. [redacted] residing adjacent road section expressed dissatisfaction of stone falling on her house & tree cutting belong to her land.	Local authorities do not confirm use of mentioned plot by Mrs. [redacted]. During site monitoring the issues, couldn't confirm about her complain/concern.	
18	20-12-18	Tunnel N5	One Mr. [redacted] resident on top of Tunnel N5 has expressed dissatisfaction due to increased noise and vibration caused by blasting works. Particularly, Mr. [redacted] is afraid that vibration may damage his residential house.	The Contractor was instructed to ensure vibration monitoring at the mentioned section and provide the results.	
19		Bridge N11.	One local residents in Makhvilauri expressed dissatisfaction due to damage of local road used by the Contractor as an access to construction site of	As a solution the Contractor offered them to allocate minibus for transportation their children from home to school and vice versa.	

SI No.	Date of Issue	Location	Description of issue	Measures taken	Current Status
			Bridge N11, which caused difficulties for their children to go to school and the area is covered by mud after rain.	The negotiations are on-going,	
20		km12+100- km12+600	One Local residents at the adjacent of section expressed dissatisfaction due to high noise caused by drilling rig at stone column construction Site.	Engineers advised, contractor to monitor regularly & conduct night shift operations of the stone column construction works.	
21		km8+600 (exit portal of tunnel N4)	At section km8+600 relocation works water basin fixed within the RoW was completed. The mentioned water basin was used as main source of drinking water by several families residing outside the RoW.		

39. Pictures of some issues/concerns of the local residents in some locations presented below.



Danger of slope collapse at P15 of BR-11



Meeting with local residents at section km0+400



View of Mrs. [redacted] house and land plot claimed by her under ownership



Condition of access road in dry weather and rainy day

3.6 Consultation and Participation

40. The RDMRDI/PIU, CSC, EMA contractor etc. to conduct meaningful consultation with APs, their host communities, and civil society/other stakeholders during project implementation of the project with relevant aspects of social safeguard issues in general and involuntary resettlement impacts in particular. Meaningful consultation is a process that: (i) begins early in the project preparation stage and to be carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making process, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues. Consultation should be carried out in a manner commensurate with the impacts on affected communities. The RDMRDI and other implementation agencies involved in the project should pay attention to the need of disadvantaged or vulnerable groups, especially those below the poverty line, the landless, the elderly, female headed households, women and children, Indigenous Peoples, and those without legal title to land.

41. Up to this reporting period, series of consultations were conducted since project preparation through implementation of the project to date. The project found affected a significant number of households/persons or entities due to land acquisition and resettlement for project. As a result, LARPs were prepared conducting necessary public consultation & ensuring public participation as required following the approved LARF from initial stage of the project preparation to till implementation of LARP. All these consultation and participation carried out as framed in the approved LARF and LARPs of the projects.

42. At this stage of LARP implementation of this project, consultations are conducting adequately & on regular basis among the APs and concerned stakeholders of the project. Such consultations process will also be continued throughout the period of LARP implementation. Pictures of some consultation inserted below followed by Consultation conducted at different project locations by type of participants, number s of participant, issues consulted, including brief of outcome of consultations is presented in the table-6, below.

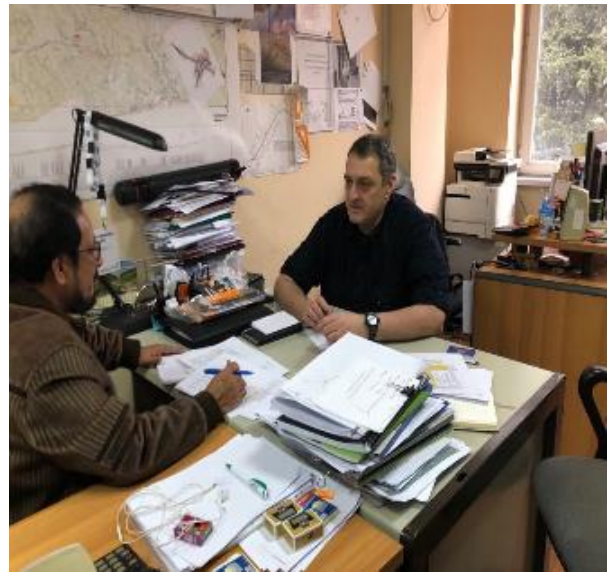
Photographs of Some Consultations



View of Mrs. T's house



Discussions with Mrs. T concerning her complains



Meeting in RD's office on 22 Nov. 2018 with Mr. Archil Jorbenadze



Consultants Meeting with the Contractor & visiting dining arrangements & kitchen



Consultant visiting site, while had a discussions with a HHs Head & family residing closed to the road alignments

Table 3-4: Summary of Consultations for Batumi Bypass Road Project by the CSC, until the Reporting Period

Consultation dates	Place of Consultations	No. of Participants	Type of Participants	Issues consulted	Brief Outcome of consultations
14-16 April 2018	Site	10	APs	Relocation issues	APs were consulted to expedite relocation of their structures due to handed over of section km6+700-km12+830 to the Contractor for construction
16 May 2018	Km12	5	Locals at the site adjacent area	Contractor accidentally damaged water supply pipe	The water supply pipe was replaced later
25 May 2018	Km12+470	4	Locals at the site adjacent area	Disturbance of Mr. ႁ ; family by noise and air pollution caused by construction activities.	As the house is located to close to RoW letter recommending RD acquisition of the house was issued.
5 June 2018	Km11-km12	5	Locals at the site adjacent area	Disturbance of residents at the Site Adjacent area	Some of the houses were identified close to RoW and letter recommending RD acquisition of the house was issued.
28 July 2018	Km13+040	2	APs	Mr. ႁ ; family resident at section km13+040 of main road at the adjacent territory of CL308 expressed dissatisfaction due to excess dust, noise and damage of water supply and sewage pipes.	The observations and recommendations are sent to RD and this case will be discussed by commission.
11 August 2018	Km8+600	12	Locals at the site adjacent area	At section km8+600 at the exit portal of the tunnel N4 residents expressed discontent due to necessity of demolition of water basin which is in the RoW. This basin is used as main water supply by 12 families located outside of RoW. Main request of residents is relocation of water basin instead of demolition it.	The Contractor's relocated water basin
20 August 2018	Km7+460	1	AP	Mr. ႁ ; residing at the adjacent of section km7+460 expressed dissatisfaction as the Project road shall block access to his house.	Access road will be constructed
29 August 2018	Km0+520	3	AP	Mrs. ႁ ; resident nearby section km0+581 of CL103 Ramp expressed concerns about close location with RoW	Letter was sent to RD recommending acquisition of the house
06 September 2018	Km8+820	2	AP	Mr. ႁ resident in village Mnatobi requested construction of access road to his remaining portion of land parcel.	Access road will be constructed
10 October 2018	km4+180	2	AP	Mr. ႁ ; has requested construction of access road to his remaining portion of land parcel	Access road will be constructed

Consultation dates	Place of Consultations	No. of Participants	Type of Participants	Issues consulted	Brief Outcome of consultations
10 October 2018	km2+280	2	AP	Mr. S acting on behalf of his sister Ms. T has requested construction of access road to his remaining portion of land parcel	Access road will be constructed
23 Oct. 2018	At her house premises	5	AP, RD's legal expert & consultant	During dismantling of building within RoW her house/property was damaged due to dismantling of building within RoW..	During site check we found out that dismantling works that caused the damage to her property was advised to contact by local municipality
13 Nov. 2018	At Contractor's office, Batumi	5	Contractor's Manager, relevant engineers & consultants	Discussed them different labor issues & checking health safety & hygienic issues of labors & staffs vising dinning , food preparation, living rooms, toilet facilities etc.	Was fruitful discussions & found everything up to the mark,
16 November 2018	km9+010	3	Locals at the site adjacent area	Excavation works of cut at section for construction of temporary access road to Bridge N10 caused development of landslide processes in the land plot of Mr. T .	Slope protection measures are under consideration
22 November 2018	RD Office Tbilisi	4	RD & PIU Resettlement Unit officials		
27 November 2018	km5+520-km5+540	5	Locals at the site adjacent area	Contractor's and Consultant's representatives identified that part of the land plot owned by citizen , located within Row is not acquired.	Representatives and the Contractor and the Consultant have recorded the quantity of cut trees. Relevant act with all required documents is submitted to Road Department.
10 Decembere 2018	km12+100- km12+600	5	Locals at the site adjacent area	Local residents at the adjacent of section have been expressing dissatisfaction due to high noise caused by Contractor's drilling rig at stone column construction Site.	
17 December 2018	Km0+400	6	Locals at the site adjacent area	Residents have claimed that they were using land plots which currently falls within RoW of the Project road. However, none of them had documents to substantiate their claim of land ownership & use.	They were explained the producers and terms of land acquisition and were referred to relevant authorities.
20 December 2018	Tunnel N1	1	Locals at the site adjacent area	Mr. C resident on top of Tunnel N5 has expressed dissatisfaction due to increased noise and vibration caused by blasting	Vibration monitoring will be conducted.

Consultation dates	Place of Consultations	No. of Participants	Type of Participants	Issues consulted	Brief Outcome of consultations
				works. Particularly, Mr. [] is afraid that vibration may damage his residential house.	
24 December 2018	Bridge N11	8	Locals at the site adjacent area	Local residents in Makhvilauri expressed dissatisfaction & concern due to damage of local road used by the Contractor as an access to construction site of Bridge N11. They pointed out that it is difficult for their children to go to school and their movement as well, being the area become muddy during & after the rain.	As a solution, the Contractor offered them to allocate minibus for transportation their children from home to school and vice versa. The negotiations are on-going.

4 GRIEVANCE REDRESS MECHANISM & GRIEVANCE REDRESS STATUS

4.1 Formation of Grievance Redress Committee

43. A GRM for the project already been established, abide by the LARF policy and currently are working to allow the APs to appeal any disagreeable decision, practice or activity arising from land or other assets compensation, or any other aspect of project implementation. APs have been fully informed of their rights and of the procedures for addressing complaints, whether verbally or in writing, during consultation, survey etc. and they will also be informed at time of payment of compensation.

44. A Grievance Redress Committee (GRC) under the GRM also established at the community level (village/community authority) to resolve complaints and grievances through community participation. The Local GRC was established on 14 June 2016, to receive written as well as verbal grievances. The GRC has been formed with representatives from RDMRDI, local Gamgeoba, APs, women APs, and appropriate local NGOs to allow voices of the affected communities to be heard and ensure a participatory decision-making process. GRC decisions will be on a majority basis and will be publicized among the local communities. If the complainants are not satisfied with the GRC decisions, they can always file their cases in court.

45. GRCs formed with an office order from the Ministry of MRDI comprising the following persons/officials:

Representatives of local authorities (Gamgeoba):

1. Merab Mgeladze – Gamgebeli of Kveda Sameba
2. Ilia Kurtskhalidze – Gamgebeli of Akhalsheni
3. Gela Khabadze – Gamgebeli of Mnatobi
4. Beglar Abashidze – Gamgebeli of Makhvilauri
5. Shalva Zakaradze – Gamgebeli of Batumi - 2
6. Gocha Devadze – Gamgebeli of Batumi - 1

Representatives of Roads Department of Adjara:

1. Mamuka Ghelekva – Resettlement consultant of Adjara Bypass Road
2. Merab Gvarishvili – Roads Department of Adjara (GRC Secretary)
3. Giorgi Iremashvili – Senior Specialist on Resettlement and Environmental Protection Division, with special mission in Adjara Region.
4. Giorgi Gvaramadze – Advisor of Head of Department RDMRDI.

Representatives of Local NGOs

1. Georgian National Academy of Science, Land Resource Management Commission (NGO)
2. Institute of development of regional and local government (NGO)

Representatives of Local Community

1. Guram Iremadze – Village Sameba
2. Elguja Guguladze – Village Peria
3. Nugzar Dumbadze – Khelvachauri rayon
4. Pezli Tsulukidze - Khelvachauri rayon

4.2 Grievances Received & Redressed-Updated Status

46. From beginning of LAPs implementation up to the current reporting period, a total of 59 APs/ persons have submitted 14 categories of grievances to the GRC, out of which 37 grievances have been resolved as of December 2018, since beginning of LARP implementation. Among the total 59 complaints, 19 complaints were received with requesting to include their residential structures or land plots for acquisition for the project, out of which 5 cases has finalized. In addition, 8 APs requested correction of their property ownership, as the borders were wrongly demarcated. So far all of them have solved. Another 8 APs requested for proper information about assessment criteria and other related issues. All 5 grievances about procedures to acquire mortgaged property have been solved. Total six applications were received from the people requesting re-measurement/re-assessment of affected property, out of which 4 of them are solved. Details of grievances resolution status stated in the table-7 below.

Table 4-1: Summary of the Grievances by Category with Status of Resolution

N	Nature of Grievances	NO OF Total Grievances	RESULT		REMARKS
			Measures Taken	Resolved	
1	Correction of ownership of affected properties	8	8	8	In favour of APs
2	Request of information	8	8	7	APs were given required information in all cases
3	Negotiations about mortgaged property	5	5	5	In favour of APs
4	Request to be involved in distribution of compensation for common property	1	1	1	Denied
5	Submission of letter	2	2	2	
6	Request of additional compensation	2	2	2	In one case AP was expropriated. In another case after explanation AP received compensation
8	Potential hazard to residential house	3	3	0	Both cases will be monitored during construction by SC
9	Request to stop acquisition	1	1	1	
10	Providing information	1	1	0	

N	Nature of Grievances	NO OF Total Grievances	RESULT		REMARKS
			Measures Taken	Resolved	
11	Re-measurement/re-assessment of property	6	6	4	4 APs accepted compensation after clarification. 2 cases are sent to Court for expropriation
12	Recalculation of compensation	2	2	2	After clarification both APs agreed to receive proposed amount
13	Inclusion in affected list	20	20	5	2 requests were satisfied, one case was avoided by design solution, in two cases request denied.
14	Compensation for the damaged land plot	1	1	0	
	Total	59	59	37	

47. Out of 59 grievances most of the grievances are received from Batumi (36 Nos), 8 grievances are from Makhinjauri and 3 - from Khelvachauri. Remaining nine grievances are from different villages along the project road.

Table 4-2: Summary of Grievances by Location

N	LOCATION	NO OF TOTAL GRIEVANCES	RESULT		REMARKS
			Measures Taken	Resolved	
1	Batumi	36	36	24	
2	vil. Tsinsvla	2	2	2	
3	vil. Makhvilauri	2	2	2	
4	vil. QvedaSameba	1	1	1	
5	borough Makhinjauri	8	8	3	
6	borough Khelvachauri	3	3	2	
7	vil. Salabauri	3	3	1	
8	vil. Feria	2	2	1	
9	vil. Gantiadi	2	2	1	

N	LOCATION	NO OF TOTAL GRIEVANCES	RESULT		REMARKS
			Measures Taken	Resolved	
	Total	59	59	37	

5 OTHER COMPLIANCE ISSUES

5.1 Maintaining core labor Standard

48. According to the monthly report (December,2018) of the Contractor found that they have has employed 49 foreign and 170 Georgian workers plus 60 workers from two Subcontractors companies.

49. The Contractor did not provide information following the sub-clause 6.22 of GCC requested by the CSC Engineer neither verbal request nor complied to the letter N5015001/2/225 Dated 03.07.2018) to check the Contractor's compliance with requirements of relevant clauses of GCC.

50. The Contractor has 10 hours working day (from 8 a.m. to 7 p.m.) plus alternative Sundays which accounted for 60-70 hours per week, which is not complying with the requirement of Georgian Labour Code sets maximum 48 working hours per week. In such instance, Contractor should compensate overtime working hour's reasonable higher rate or to allow an employee day-off. To check the compliance with the requirements of Labour Code, Contractor was instructed to provide Contracts and time sheets. However, until now the Contractor did not take any active steps to follow this instruction. Moreover, the Contractor has requested to take consent of the CSC Engineers to work during night. CSC Engineers also requested the Contractor to provide CSC detailed schedule of their works plan describing how they are going to comply with the requirements of local regulations

51. During the reporting period some of the Contractor's employees have expressed dissatisfaction as their Contracts were terminated without prior notification in warning. This is also the violation of requirements of Georgian labour code. The Contractor denied the facts and are still reluctant to provide aforementioned information to enable the CSC Consultant to monitor the Contractor's compliance with the requirements of Contract conditions.

5.2 Child Labor in the Project Activities

52. During field monitoring period, no child labor (below the age of 18 years) were found engaged in the project works.

5.3 Forced or Compulsory Labor

53. All workers are deployed according to their eligibility and willingness. The female workers who are mostly engaged in cooking and cleaning are also deployed based on their eligibility and willingness.

5.4 Discrimination in Respect to Employment

54. During monitoring, no discrimination identified among the workers in terms of gender, locality, nation or religion, wages/salary.

5.5 Health and Safety and HIV/AIDS Awareness Program

55. The current monitoring also found that the Contractor has arranged a medical office and employed Doctors for the treatments of the staffs/employees of the contractor.

56. The Contractor has appointed an accident prevention officer at the Site, who is responsible for maintaining safety and protection against accidents. He was found available on site every day.

57. The Contractor has instructed to comply with the requirements of clause 6.7 of GCC and include an alleviation programme for Site staff and labour and their families in connection to Sexually Transmitted Infections (STI) and Sexually Transmitted Diseases (STD) including HIV/AIDS under this programme for submission under Sub-Clause 8.3.

58. During reporting period, the Contractor's doctor provided information for the workers about HIV/AIDS and Sexually transmitted diseases and the information campaign program as well. Furthermore, Contractor's HSE specialist organized trainings of worker on various issues, such as: use of personal protective equipment, fire emergency, driving safety and first aid.

5.6 Accident Record Log

59. Up to the reporting period eleven (11) different types of incident happened those mentioned in the table-9 below stating description of incidents measure taken and follow up action.

Table 5-1: Accident Log

	Date	Accident	Current status
1	June, 2018	Unknown insect sting on a worker's arm. The inflammation was revealed in time.	The Contractor's relevant specialist implemented necessary corrective measure.
2	18.07.2018	At the Site of Concrete Plant brake system of the truck damaged.	Vehicles were technically checked; The head of auto fleet was strictly instructed to take care of timely repairing of the vehicles.
3	25.07.2018	At section km12+780 truck turned back and caused the damage of the right side glass and wind glass.	To prevent such accidents in future drivers were instructed to take into consideration the wetness of loading material. The truck should be loaded with dry soil and then wet soil in order to prevent soil adhere to the board.

	Date	Accident	Current status
4	08.08.2018	During excavation at section km12+270 explosives were found.	The activities were stopped, workers were evacuated, and Police was called.
5	24.08.2018	During stripping of topsoil at section km7+100-km7+400 guns and other explosive material was found	The activities were stopped, workers were evacuated, and Police was called.
6	21.09.2018	At the territory of concrete plant driver closed the door of the car while the foreman was holding on it and damaged his hand.	The foreman was taken to hospital and his hand was bandaged.
7	22.09.2018	At the territory of concrete plant during installation of reinforcement steel cages the worker did not pay attention to the bars and damaged his right eye area.	The worker received relevant treatment and continued working
8	10.10.2018	At the campsite the Employee had chest pain.	He was quickly hospitalized, and his health condition is satisfactory after treatment.
9	17.11.2018	Due to heavy rain construction site was washed out. The construction works were conducted by means of crane. During lifting the weight the crane lost stability and turned over. Nobody was injured.	Workers were given training on safety.
10	12.12.2018	During cutting of the tree the worker made sharp movement to prevent the damages and slipped and fell on already cut tree.	He was immediately transported to hospital. On the same day he was sent home with minor injuries.
11	20.12.2018	In Makhvilauri two dump trucks faced each other. One of the drivers moved aside while there was not enough width of road. The truck slipped turned over and fell in the yard of local resident.	The road sign was installed. The Drivers were given safety education. Property of local resident is to be restored.

60. In addition to above, during consultations with public, the CSC Engineer was informed by the residents that as a result of blasting works, rock flown from the blasting area damaged roof of the house in the distance of 120m away. Despite the fact, that the incident has occurred on December 20, 2018. Despite request from CSC Engineers, Contractor didn't provide the Engineer more detailed reports on the incidents including taken preventive measures the Contractor. But they were found reluctant to provide the same to the CSC Consultant. So, more attention with precautionary measures is required by the Contactor to prevent such incidents further in future.

6 SAFEGUARDS COMPLIANCE STATUS

6.1 Status of Recruitment/Mobilization of Safeguard Team

61. CSC Consultants mobilized two positions of Social/Resettlement Specialist, of them one National (NRS) and one International Social/Resettlement (IRS) for the project in March & October 2018 respectively. They are currently continuing their works and are assisting/supporting RDMRDI with constant monitoring, in connection to resettlement program implementation with other social safeguards issues of the project. However, input of the IRS has a provision of 12 months intermittent inputs over the project implementation, while the NRS with 24 months. The RDMRDI established a Resettlement Division & Resettlement Unit at the PIU level with requisite officers & staffs from beginning of the project to carry out & support to implement resettlement & rehabilitation of APs and other safeguards issues of the project covering total project implementation periods

6.2 Project Social Safeguard Performance

62. From the beginning of the project implementation to till the current reporting period, 'PIU's RU team are working. Since, mobilization of CSC consultant's Experts in March & October 2018 are working on social/resettlement safeguards issues. Both the PIU & CSC experts are conducting required survey/investigations at the project site with necessary consultation with the stakeholders including beneficiary and affected people of the subproject with monitoring considering social safeguard issues. However, till the reporting periods, all the APs have been paid their due compensation with proper resettlement & rehabilitations for the partial road sections and already handed over to the contractor. The contractors are carrying out physical construction on those sections of the road. The remaining road sections currently under implementation of LARP through paying compensation to the APs. However, CSC's Resettlement Specialists are constantly monitoring resettlement & social safeguards issues, accordingly, they are preparing & submitting monthly, quarterly & Biannual monitoring reports to RDMRDI/PIU regularly.

63. No Bi-Annual Social Monitoring Report prepared since start of LARP implementation to June 2018. So as required, after mobilization, IRS with assistance of the NRS & guidance from RDMRDI/PIU prepared First Bi-Annual Social Monitoring Report covering the periods from beginning of project implementation to June 2018. This current report be considered as the second Social Monitoring Report in connection to LARPs implementation & related social safeguards issues of the project.

6.3 Compliance with Safeguard Covenants of Loan Agreement

64. Covenants of the loan agreement between ADB and MRDI that related to resettlement & social safeguards presented below in a tabular Matrix form with the status of compliances up to the reporting period.

Table 6-1: Status of Resettlement and Social Safeguard Issues Related to Loan Covenants as of 30th June 2018

Covenant	Safeguard Applicability	Status of Compliance
<p><u>Implementation Arrangements:</u> The Borrower, RDMRDI, the IA shall ensure that the Project is implemented in accordance with the detailed arrangements set forth in the PAM & agreement between the parties. Any changes to the PAM shall become effective only after approval of such change by the Borrower and ADB. In the event of discrepancy between the PAM and the Loan Agreement, the provisions of this Loan Agreement shall prevail.</p>	<p>Loan Agreement between RDMRDI and ADB</p>	<p>Complied with.</p>
<p><u>Grievance Redress Mechanism:</u></p> <p>RDMRDI shall establish a Grievance Redress Mechanism (GRM), acceptable to ADB, and also to establish local GRC to receive and resolve complaints/grievances or act upon reports from APs or stakeholders any other issues, including grievances due to resettlement.</p>	<p>ADB Loan Agreement</p>	<p>Following loan covenant, MRDI completed formation of GRM. And GRC also formed under the GRM of the Batumi Bypass Project with necessary approval from competent Authority. The GRM & GRC are in place and functioning at the Project & Local levels to resolve complaints/grievance of the stakeholders & APs, as required.</p>
<p><u>Resettlement:</u></p> <p>The Borrower, RDMRDI shall ensure that:</p> <p>a. The project involves involuntary resettlement shall be carried out in accordance with the Land Acquisition & Resettlement Framework (LARF) agreed upon between the Borrower and ADB, that prepared LARP & other documents with updates based on Borrower's prevailing Acquisition of Property Ordinance with subsequent amendments & ADB's SPS, 2009.</p>	<p>ADB Loan Agreement</p>	<p>Two LARPs prepared & updated by RDMRDI abide by the ADB & GOG policy following detail design and were approved by ADB.</p>

Covenant	Safeguard Applicability	Status of Compliance
<p>b. The LARP that has been prepared and agreed by the Borrower and ADB, for the project, shall be updated and provided to ADB for review and clearance following detailed design and prior to civil works contract award;</p>	<p>ADB Loan Agreement</p>	<p>LARPs prepared & updated and get approved by ADB prior to civil works contract. Moreover, during implementation, Social safeguard issues include land acquisition and resettlements were furthermore verified by RDMRI's relevant team, for design completed/ implementation ready LARPs, which necessitated to prepare an addendum. Accordingly, a detail review of impacts conducted through required surveys/investigations, measurements of affected disputed properties with the full satisfaction of APs & prepared an addendum to LARPs. Subsequently LARPs & Addendum has been implemented.</p>
<p>c. Conduct Compliance Monitoring of Implemented LARPs.</p>	<p>As per ADB Loan Agreement</p>	<p>After completion of LARP implementation with addendum for partial road sections with completion of compensation payment to APs, LARPs Implementation compliance Monitoring were done by an External Monitoring Consultant (EMC) conducting required Survey, they prepared three Compliance Reports (CR) for the partial road sections. These CRs endorsed by MRDI & subsequently, approved by ADB</p>
<p>d. All affected persons are given adequate opportunity to participate in the resettlement planning and implementation;</p>	<p>ADB Loan Agreement</p>	<p>Complied with</p>

Covenant	Safeguard Applicability	Status of Compliance
e. The LARPs are disclosed to the affected persons, who are compensated and assisted prior to displacement from their houses, land and assets, before commencement of Civil Works;	ADB Loan Agreement	Complied with
f. additional assistance is provided for vulnerable groups;	ADB Loan Agreement	Complied with
g. works contracts under the Project include requirements to comply with the RPs;	ADB Loan Agreement	Provision included in the bidding documents of the Works contracts.
h. implementation of the LARPs is monitored internally by the PIUs with assistance from CSC and reported monthly, Quarterly & SMR to the RDMRDI who shall report the results semiannually to ADB; and	ADB Loan Agreement	Complied
i. affected person(s) have an opportunity to express grievance at appropriate levels, and that local officials are instructed to resolve disputes and implement measures promptly in accordance with the grievance redress process outlined in the LARF & LARPs	ADB Loan Agreement	Ensured and APs are availing those opportunities duly, as requires & where applicable.

7 CONCLUSIONS

65. The Batumi Bypass Road Project implementation is ongoing, where resettlement & safeguards compliance is an important and highly valued aspect. The beginning of the project's social safeguard aspects started from the feasibility study through conducting necessary census and survey of the project affected people to prepare LARF & LARP. Subsequently, LARPs were finalized/updated based on the detailed design covering resettlement and social safeguard issues. A total of two LARPs and one LARF were prepared for the project, harmonizing ADB's SPS 2009 and GOG policy standards for the land acquisition and resettlement of the APs. The LARPs in due course, was approved. During LARP implementation, preparation of an addendum to LARPs was necessary to make some corrections of inventory of affected properties pertaining to existing condition. The LARPs implementation program started by RDMRDI, since last half of 2016. The implementation of LARPs, as mentioned in the LARF, LARPS and project conditionality is complying with provisions to monitor both internally & externally of the entire resettlement implementation. In this connection, LARPs implementation compliance monitoring was conducted and prepared three CRs for the implementation completed parts of the road. And this is the second Bi-Annual Social Monitoring Report (covering the period of July-December 2018) prepared by the CSC Consultant for RDMRDI by the CSC's International Resettlement Specialist. However, monthly & quarterly progress monitoring report are regularly producing and submitting by the NRS, since her mobilization in March 2018.

66. In sum, it may be concluded that the RDMRDI teams working hard to make payment (compensation and other additional grants and benefits) to the APs timely with mitigation of grievances. Till date, the LARP implementation for the partial sections comprises almost of the road ROW completed with required relocation of affected households before handed over to the contractor for construction. It was revealed from the monitoring of LARPs implementation, substantial progress in connection to LARP implementation has been done in compliance to the ADB & project policy. It may be mentioned that a small portion of remaining road alignments still under implementation. It is expected that implementation for this portion, will also be completed soon. Once implementation complete, EMC will conduct their compliance monitoring activities and is expected to submit their report as soon. Hopefully, the next (Third) by-Annual Report, which will be due in next July 2019 & will be possible to incorporate total picture of the LARP implementation status.