

# Social Monitoring Report

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Bi-Annual Report  
January to June 2020  
July 2020

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
AIB	Asian Infrastructure Investment Bank
AP	Affected Person
AIDS	Acquired Immune Deficiency Syndrome
CR	Compliance Report
CSC	Construction Supervision Consultant
DP	Displaced Person
EMC	External Monitoring Consultant
EWH	East-West Highway
GoG	Government of Georgia
HH	Household
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 820-11s; 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 and 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 roadside 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 (SMR) for the Batumi Bypass Road Project in Georgia covers the period from January to June 2020. 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 first half of 2020. 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.

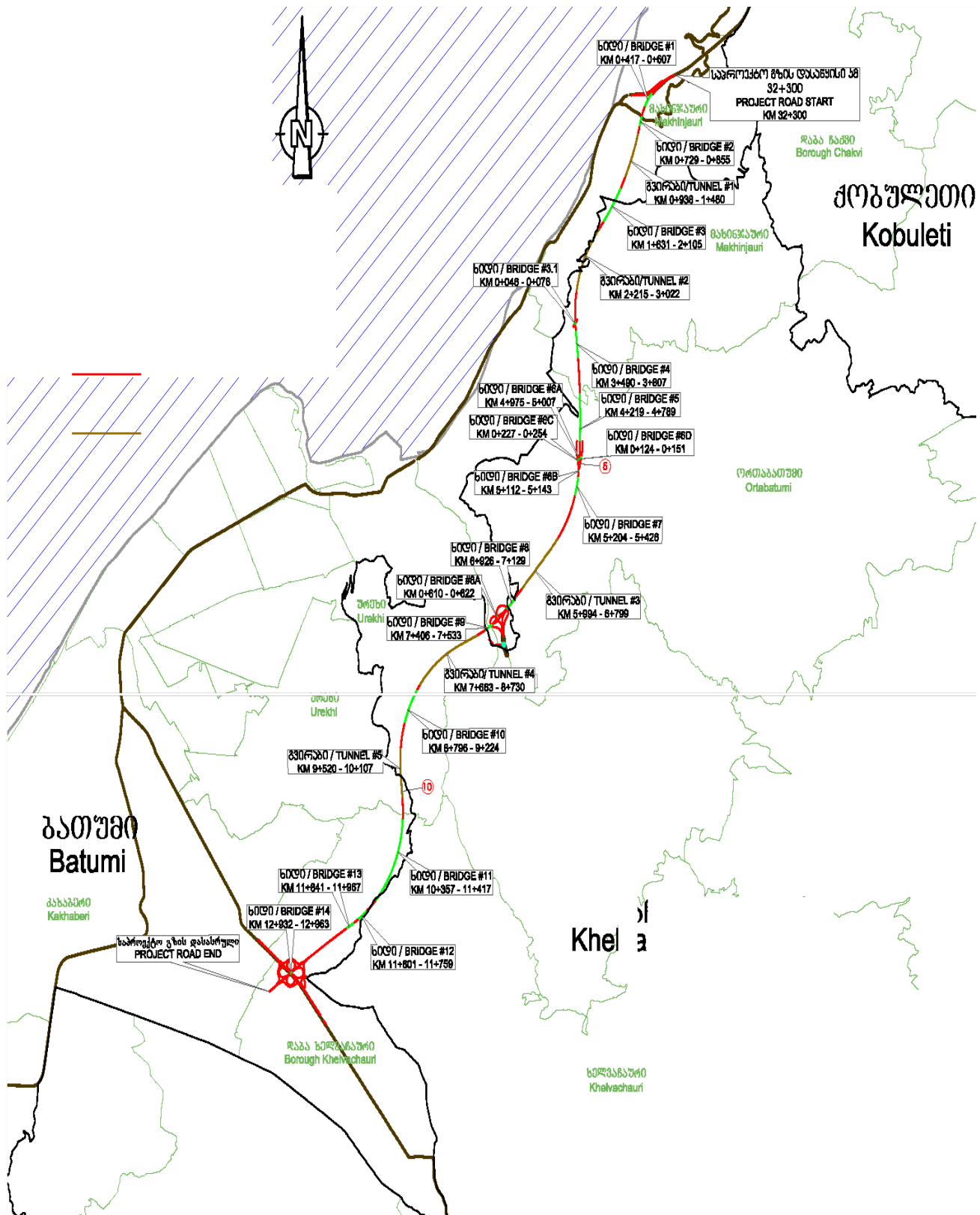
### **1.2 Background Information**

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 as tranche 2 under multi-tranche financing facility (MFF) project in 2009 as part of the entire East-West Highways (EWH), with financing from ADB. For this purpose, a land acquisition and resettlement plan (LARP) was prepared during feasibility stage in 2009 by the Roads Department under the Ministry of Regional Development Infrastructure of Georgia (RDMRDI). 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 (AP). Later in 2011, the idea of this bypass road construction was dropped due to some cost considerations. However, again in 2015, the borrower aspired to upgrade the entire EWH. Afterwards, ADB agreed to finance the project on request of the client to revive and 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 the contract on 29 August 2017 between RD and the contractor (Joint Venture POLAT YOL & MAPA). The construction supervision consultant (CSC) was mobilized on 11 September 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 nineteen 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).

Figure 1-1. Project Location Map



### 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 and 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 rely on the project documents LARF, LARPS, LARP addendum, compliance reports (CRs), monthly and quarterly reports, etc. through review & analysis, compilation of necessary data from aforesaid documents. In addition, the consultant also conducted consultations/meetings with the APs and other project stakeholders of the project through regular site visits. Such consultations and meetings conducted with assistance of the CSC, Contractors, EMC, RD, PIU of MRDI and other relevant project stakeholders. The findings from the aforesaid consultations/meetings had been incorporated in this semi-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 Safeguard Policy Statement, the Batumi Bypass Road Project falls under **Category A**, considering the significant involuntary resettlement issues. The project has no impact over 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 Safeguard Policy Statement (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 km0+000 - km6+700, and

**LARP-2 for Section 2** covering km6+700 - km13+700

11. These updated LARPs were approved by ADB in mid-2016. These LARPs are currently under implementation, started from August until September 2016. Afterwards, preparation of an addendum for both the LARPs/ sections was required due to emergence of some new impacts (to include or exclude) caused by adjustments of RoW through design considerations considering the existing condition. This has been followed by preparation of LARP CRs by an External Monitoring Consultant (EMC), deployed by the RDMRDI to comply the project policy. Till the reporting period, EMC prepared four (4) CRs:

CR1 – covering LARP section 2 from km6+700 to km12+830

CR2 – covering LARP section 1 from km1+750 to km2+250

CR3 – covering LARP section 1 from km0+00 to km0+700 and from km2+250 to km6+700

CR4 – covering LARP section 2 from km12+830 to km13+340

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

13. Following approval of LARPs, financing 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 was also be established for absentee APs.

### 2.2 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:** Civil works contract will be awarded after approval of final LARP.
- (ii) **Notice to Proceed to Contractors:** Conditional to full implementation of Batumi Bypass LARP (legalization of legalizable owners, and full delivery of compensation and rehabilitation allowances) on the specific section, verified by a compliance report submitted by the External Monitor.

## 2.3 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 be prepared 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 and assessment. After completion of LARPs implementation for the partial sections of the road, the EMC prepared four CRs (2 for Section-1 & 2 for Section-2) separately for 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

## 2.4 Project Policy and Entitlement Matrix

16. The legal and policy framework of the project on LAR 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 and 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' 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 LAR 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.

## **2.5 Consultation Participation and Grievance Redress Mechanism**

18. A Grievance Redress Mechanism (GRM) 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.

## **2.6 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 and 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 households (AHs)
- (vi) Assistance for vulnerable groups for their livelihood restoration
- (vii) Cost for implementation of LARP

## **2.7 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 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 was 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 did not 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.<sup>1</sup>
- Some owners of residential apartments were close to alignment and they complained to RD and in certain cases (when distances are 50 m or less)<sup>2</sup> and agreed with the claims resulted additional resettlement cases.
- Some APs failed to produce required documentary evidences at the time of LARPs preparation for inclusion and later date during implementation they collected and produced some of them legalized later managed to legalize their loft spaces on the attic managed to legalese these spaces, which required additional survey.
- One family cemetery necessitated to be relocated and required new assessment.

23. After completion of compensation payment by RDMRDI, by the end of reporting period (30 June 2020) EMC prepared four CRs. After approval of CRs the partial road sections were handed over to the Contractor for construction.

- ✓ CR1 – covering LARP section 2 from km6+700 to km12+830.
- ✓ CR2 – covering LARP section 1 from km1+750 to km2+250.
- ✓ CR3 – covering LARP section 1 from km0+00 to km0+700 & from km2+250 to km6+700.
- ✓ CR4 – covering LARP section 2 from km12+830 to km 13+340

24. 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 on 11 September 2017 and started their activities with the design review. Subsequently, CSC, mobilized their two social and resettlement specialists (National & international) respectively in in March and mid-October 2018. The responsibility of the CSC Social Specialists is to monitor the LARP related & other social safeguards issues covering the total

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<sup>1</sup> Owners of 10 land plots did not allow the surveyors to enter. Hence, allowances for this not measured /surveyed land plots was not evaluated in original LARPs but were included in the addendum.

<sup>2</sup> 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.

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 LARPs Implementation Status up to the Reporting Period

25. 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 and handed over parts of the bypass road to contractor for construction.

26. 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.

27. As of 30 June 2020 the Contractor has access to the following section of the construction site:

- ✓ 14 March 2018 - km 6+700 - km 12+830.
- ✓ 30 April 2019 - km0+850 – km1+750.
- ✓ 15 October 2018 - km0+000-km0+650 and km2+250-km6+700.
- ✓ 30 April 2019 - km0+850 – km1+750.
- ✓ 21 October 2019 - km12+830 - km13+325 except land plot with cadastral code 05.35.22.723 at section km12+860 - km12+980.

28. Table below is focused on the implementation status of the handed over sections. As it is visible there is some difference between the impacts planned under LARPs versus actual implementation. 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 are reflected in the EMC Reports in detail.

**Table 3-1 Implementation Status of LARPs 1 and 2**

Project Impacts	Section 1 (Except Section km0+650-km0+850)		Section 2 - km6+700-km13+340 (Except One Land Plot)		Implementation Status
	As per Approved LARP only	Actual Implementation	As per approved LARP only	Actual Implementation	
No of affected Plots	527	340	1135	896	Implementation completed
Affected land Area in sqm.	231,024	229,127	388,688	379,066	Implementation completed
No. of affected HHs	187	185	400	448	Implementation completed
No. of affected HHs with structures	163	161	409	407	Implementation completed
Crops & perennials	158	157	264	264	Implementation completed



Project Impacts	Section 1 (Except Section km0+650-km0+850)		Section 2 - km6+700-km13+340 (Except One Land Plot)		Implementation Status
	As per Approved LARP only	Actual Implementation	As per approved LARP only	Actual Implementation	
HHs to relocate	67	66	298	298	Implementation completed
HHs Severely impacted	180	180	371	129	Implementation completed
Vulnerable HHs impacted	77	11	185	79	Implementation completed

### 3.3 Land Acquisition Issues Raised During Construction Activities

29. During implementation of the works, several claims were received from residents concerning the adverse impacts of Project road. Therefore, considering the actual site situation, requirements of EIA, LARP and ADB policy the following houses were additionally included in LARP:

**Table 3-2 List of the Houses Included in the LARP**

No	Name	Surname	Location	Category of Impact	Status
1			Km12 stone column construction area	The house was located within 6m from the road edge. The APs were undertaking negative impact of construction activities such as high noise levels, air pollution, dust and vibration. As it was impossible to mitigate such impacts the Contractor temporarily relocated the family before completion of acquisition procedures.	Included in LARP
2			Bridge 12-13	Due to close location with the RoW.	Included in LARP
3			Bridge 12-13	Due to close location with the RoW.	Included in LARP
4			Km9+600 top of tunnel N5	As a result of Preconstruction survey, it was identified that the house was depreciated and living there was dangerous for the family members. Vibration caused by blasting may have negatively impacted the stability of the house. Therefore, the family was temporary relocated since the commencement of blasting at the mentioned section (May 2019) before completion of acquisition procedures.	Included in LARP

30. It is stated in LARP that “The ROW, including an allowance for buffer zone per government regulation (for houses and land plots) extends 25m, measured from the edge of carriageway to the adjoining property boundary.” Moreover, clause 476 of EIA requires that houses within the 25m distance from the road edge should be included in LARP.

31. The mentioned issue was discussed during the visits of ADB mission and as per their and instruction of the Employer the Engineer updated the list of the structures located in the distance of 25m from the road edge and submitted to the Employer for further actions.

**Table 3-3 List of Non-compliant Structures Within the Distance of 25m from Road Edge**

No	Name	Surname	Chainage (km)	Distance from Edge	In LARP Yes/No	Remarks
1			0+785	19.9	No	The process of inclusion in LARP is in progress.
2			1+000	24.7	No	The process of inclusion in LARP is in progress.
3			0+960	0.0	No	This case will be processed after completion of portal design of Tunnel No. 1.  The construction method will be selected based on the soil type. Based on this impacts will be assessed and relevant mitigation measures adopted like temporary resettlement, etc.
4			1+620	21.4	Yes	
5			1+640	19.6	Yes	
6			1+770	24.4	No	The process of inclusion in LARP is in progress.
7			1+680	15.4	Yes	
8			1+700	16.6	Yes	

No	Name	Surname	Chainage (km)	Distance from Edge	In LARP Yes/No	Remarks
9		T	1+880	13.8	Yes	<b>Acquired during the reporting period.</b>
10			2+950	6.93	No	This case will be processed after completion of portal design of Tunnel No. 2 (Horizontal distance 25m, vertical distance 22.6m). The construction method will be selected based on the soil type. Based on these impacts will be assessed and relevant mitigation measures adopted like temporary resettlement, etc.
11			2+950	6.93	No	The structure is not residential and belongs to the same owner.
12			4+520	17.7	Yes	
13			4+600	10.5	No	The negotiations with the property owner about compensation amount are on-going. The family was temporary relocated. Temporary relocation agreement completed in June 2020 as there are no construction activities implemented adjacent to house.
14			4+660	21.3	Yes	<b>Acquired during the reporting period.</b>

No	Name	Surname	Chainage (km)	Distance from Edge	In LARP Yes/No	Remarks
15			8+640	19.2	No	The process of inclusion in LARP is in progress.
16			10+745	8.12	No	The process of inclusion in LARP is in progress.
17			11+000	24.2	No	The process of inclusion in LARP is in progress.
18			11+160	25.88	No	The process of inclusion in LARP is in progress.
19			11+200	6.75	No	The process of inclusion in LARP is in progress.
20			11+300	16.36	No	The process of inclusion in LARP is in progress.
21			11+460	22.5	Yes	
22			2+290	19.9	No	The process of inclusion in LARP is in progress. Not included in the original list of EIA.
23			11+880	20.7	No	<b>The family is dissatisfied with the offered compensation.</b> Note: Not included in the original list of EIA.
24			4+660	9.34	Yes	<b>Acquired during the reporting period.</b>

32. Furthermore, additional land acquisition was required for relocation works of high voltage electric lines, construction of tunnel shafts and piling system at the entrance portal of Tunnel No.2. The progress is as follows:

**Table 3-4 Status of Land Acquisition for Relocation of High Voltage Electric Lines, Tunnel Shafts and Pile System at the Entrance Portal of Tunnel No. 2**

No	Section	Cadastral Code	Status
<b>Relocation of High Voltage Electric Lines</b>			
1	Km12+769	05.35.22.510	Acquired
2	Km6+040	22.22.16.084	Acquired
3	Km4+680	22.22.09.741	Not acquired
4	Km4+680	22.22.09.742	Not acquired
5	Km4+320	Km4+320	BOT – no need of acquisition
6	Km0+660	05.34.25.637	Not acquired
<b>Construction of Tunnel Shafts</b>			
1	No.1 shaft of Tunnel No.2 (km2+508)	05.34.22.585	Already acquired
2	No.2 shaft of Tunnel No.3 (km6+500)	22.22.16.249	Not acquired
3	No.4 shaft of Tunnel No.4 (km8+440)	Not registered land plot	Not acquired
<b>Pile System at the Entrance (km2+250 – km2+310) of Tunnel No.2</b>			
1	km2+250 km2+310	22.21.09.530	Acquired
2	km2+250 km2+310	22.21.09.353	Not acquired
3	km2+250 km2+310	22.21.09.381	Not acquired

### 3.4 Temporary Resettlement and Land Leasing Cases

33. During the project implementation several cases have been identified where the negative impact caused by construction activities could not have been mitigated by other measures but temporary resettlement of impacted households (HHs). Totally there are sixteen on-going cases of temporary relocation out of which ten are completed.

34. Relocation agreements of three families temporarily relocated from the BR-05 area in early August 2019 have completed. The reason for relocation was excess noise levels which were proved by site measurements. Violations of safety standards were observed regarding the case of ( ) family as mobile equipment was operating next to the house. On 6 August 2019, all the families received notification for temporary relocation, after which on 7 August 2019 ( ) family was relocated in the rented residence. Families of ( ) and ( ) were relocated on 10 August 2019.

35. During the reporting period houses of [redacted] (distance from RoW 16.20m) and [redacted] (distance from RoW 9.34m) were acquired. In case of [redacted] (distance from RoW 5.2m) acquisition procedures have extended as the family is not happy with the offered compensation amount. The repeated assessment of the property from Samkharauli National Forensics Bureau is awaited. Temporary relocation agreement of Bzekenava family completed as there is no activities implemented by the Contractor on Bridge No. 5.



**Photos from construction site**

36. On 8 December 2019 temporary embankment, that was arranged for installation of the beams for Bridge No.12&13 located at km12+970-km12+000 settled and caused bulging of the ground that damaged the residential houses located nearby. Totally 6 residential houses were affected. In order to ensure safety of the residents, the Contractor immediately arranged their temporary resettlement. As on reporting period three houses were acquired by the Employer. The acquisition procedures of remaining three houses extended as there are mistakes in land registration documents.

37. In March 2020 negative impact of tunnel construction activities was observed on the house of [redacted] located at section km8+167, 40m above the Tunnel No. 4 arch. The house is wooden and built without proper foundation and high levels of vibration were observed during field measurements. Considering the hazard, the Contractor temporarily relocated AH for three months. The family returned to the house by the end of June 2020 after the field measurements proved that there was no vibration from the tunnel blasting activities. The inspection identified that the house did not receive structural damage from blasting works.

38. In June 2020 family of [redacted] was temporarily relocated from the Bridge No. 4. [redacted] requested temporary relocation before commencement of the construction activities in February 2020. She stated that two of her family members have mental disorders and are identified as disabled people. They require special care and sleep during daytime and even slight change of noise levels during construction activities will disturb their normal daily routine. The family was relocated upon commencement of construction activities at the adjacent section on 8 June 2020.

**Table 3-5 Temporary Resettlement Cases Identified during Project Implementation**

No	Name, Surname	Location	Duration of Agreement	Category of Impact	Status	Follow up
1		Km12 stone column construction area	02.02.2019 02.02.2020	Excess noise	Completed	Included in LARP. <b>Acquired</b>
2		Km 9+800 Tunnel No. 5	20.05.2019 20.12.2019	During preconstruction survey the Engineer's and the Contractor's teams observed that the house was structurally so damaged that it may not stand even small vibration.	Completed	Included in LARP. <b>Acquired</b>
3		Bridge No. 5	08.08.2019 08.05.2019	Excess noise levels, dust, vibration caused by pile drilling machine. Safety issues as the house is directly bordering the construction site.	Completed	Included in LARP. <b>Acquired</b>
4		Bridge No. 5	14.08.2019 15.05.2019	Excess noise levels, dust, vibration caused by pile drilling machine	Completed	Included in LARP. <b>Acquired</b>
5		Bridge No. 5	12.08.2019 15.05.2019	Excess noise levels, dust, vibration caused by pile drilling machine	Completed	Acquisition procedures are on-going. The Agreement completed as there are no construction activities implemented by the Contractor on Bridge No. 5.

No	Name, Surname	Location	Duration of Agreement	Category of Impact	Status	Follow up
6		Bridge No. 12-13	11.12.2019 11.05.2020	Settlement of temporary embankment caused land building that damaged the structure of the house	Completed	Included in LARP. <b>Acquired</b>
7		Bridge No. 12-13	11.12.2019	Settlement of temporary embankment caused land building that damaged the structure of the house	On-going	Included in LARP. <b>Acquired</b>
8		Bridge No. 12-13	11.12.2019	Settlement of temporary embankment caused land building that damaged the structure of the house	On-going	
9		Bridge No. 12-13	11.12.2019	Settlement of temporary embankment caused land building that damaged the structure of the house	On-going	
10		Bridge No. 12-13	11.12.2019 11.07.2020	Settlement of temporary embankment caused land building that damaged the structure of the house	Completed	Included in LARP. <b>Acquired</b>
11		Bridge No. 12-13	11.12.2019 11.07.2020	Settlement of temporary embankment caused land building that damaged the structure of the house	Completed	Included in LARP. <b>Acquired</b>
12		Km8+167 (Tunnel No. 4)	23.03.2020 23.06.2020	High levels of the vibration were observed putting in	Completed	No vibration is observed in the house and there is



No	Name, Surname	Location	Duration of Agreement	Category of Impact	Status	Follow up
				danger the house stability.		no structural damage from blasting activities.
13	†	Bridge No. 4	08.06.2020	Noise will disturb people with disabilities in the house.	On-going	

39. For construction of the road, bridge and diversion roads and establishment of campsites, the project may require some lands outside ROW. LARPs do not cover diversion roads, camp sites and quarries. According to the LARP, compensation would be paid as per policy of the LARP for the temporary impacts if found during construction.

40. Currently, the Contractor has hired 22,606 sqm territory with three buildings from Technoservice, Ltd for establishment of the Campsite and 70,035 sq. m. from the Ministry of Finances and Economics of the Republic Adjara for installation of plants.

41. Furthermore, the Contractor entered rental agreements with local residents for various purposes. The summary of rental agreements is provided in the table below.

**Table 3-6 Summary of Temporary Impacts**

No	Name	Surname	Location	Area S	Status	Purpose of Land Use
1			Makhvilauri	70	Completed	Local diversion road (BR-11/P19)
2		-	Makhvilauri	300	Completed	Local diversion road (BR-11/P19)
3		.	Makhvilauri	5004	Completed	Local diversion road (BR-11/P19)
4			Makhvilauri	750	Completed	Material Storage Area
		-				

### 3.5 Issues Identified during Construction at Project Area

42. 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 and proper mitigation.

43. In February 2020, settlers of residential blocks located in the distance of 80-150m from the Project RoW have conducted several demonstrations obstructing the construction activities at the

Stone Column Construction site. According to the residents the houses were built about 60-70 years ago and were cracked due to construction activities. As per visual inspection the observed cracks are old. This is also proved by the conclusion of Samkharauli Expertise Bureau which was issued for one of the houses and backdates the commencement of the construction activities.

44. The Engineer and the Contractor tried to explain the protestants that since the Apartment buildings are at a considerable distance from the Project bridge, the impacts of the construction work could not have adversely affected the condition of the buildings. To prove this vibration measurements were also carried out. However, residents refused to believe that vibration measuring device showed the true numbers.

45. The protest movement was headed by local NGO. The demonstrations took place on 12th, 15th, 19th, 24th, 25th and 28th February 2020 and continued throughout March obstructing construction activities.

46. Particularly, the following local residents have joined the protests:

No	Name	Distance from RoW	Claim	Measures Taken Before the Protests
1	Partnership "Makhvilauri 2012" c/c 05.35.22.060	76.6m	They claim that the cracks were developed in the apartment building due to vibration from stone column drilling machine	By field measurement no vibration was observed.
2	Partnership "Megobroba 2012" c/c 05.35.22.561	176.23m	They claim that the cracks were developed in the apartment building due to vibration from stone column drilling machine	By field measurement no vibration was observed.
3	Partnership "Megobroba 2012", c/c 05.35.22.356	91.68m	They claim that the cracks were developed in the apartment building due to vibration from stone column drilling machine	By field measurement no vibration was observed.
4	Partnership "Makhvilauri Sakhli 17", c/c 05.35.22.343	91.68m	They claim that the cracks were developed in the apartment building due to vibration from stone column drilling machine	By field measurement no vibration was observed.
5	Not registered apartment building	129.59m	They claim that the cracks were developed in the apartment building due to vibration from stone column drilling machine	By field measurement no vibration was observed.
6	I	64.88m	She is living adjacent to the section where land bulging damaged several houses.	For monitoring the impact of construction on her house the Contractor has installed benchmarks. The monitoring showed there is no impact on the house.
7		Local road	He claims that cracks have developed in the house due to vibration caused by movement of the Contractor's	Not measured by the Contractor as he did not raise any claim till March 2020.

No	Name	Distance from RoW	Claim	Measures Taken Before the Protests
			heavy equipment on the local road.	
8		Local road	He claims that cracks have developed in the house due to vibration caused by movement of the Contractor's heavy equipment on the local road.	Not measured by the Contractor as he did not raise any claim till March 2020.
9		Local road	He claims that cracks have developed in the house due to vibration caused by movement of the Contractor's heavy equipment on the local road.	Not measured by the Contractor as he did not raise any claim till March 2020.
10			She claims that her house destroyed as she did not have access road due to construction activities of the Project road.	Site investigation showed and on one side the access road was temporarily blocked due construction activities of the culvert at Bridge No. 11, however she still had access road from another side. This fact irritated Mrs. and she stated that she will not use another access road as she does not want to pass by the houses of several neighbours. This was followed by several demonstrations organized by citizen I

47. To support the Engineer and the Contractor's teams and solve the issues the Deputy Chairmen of Road Department together with the representatives of the Engineer, the Contractor and the local Government have met the local residents on 3 March 2020. At the meeting it was decided that vibration would be measured by Independent Laboratory device as the protestants did not trust the device of the Contractor.

48. The vibration measurements were conducted on 10 March 2020 by vibration measurement device from Bridge Testing Centre of Georgian Technical University and were followed up by the meeting with Government of Adjara. In mid-March Road Department sent Levan Samkharauli Expertise Bureau to make final assessment of the houses and determine whether they are impacted by construction activities or not. The local residents requested to measure the vibration during operation of two drilling rigs. However, it was delayed as one drilling rig was broken down.

49. Finally, on May 3, representatives of Road Department visited the Site together with the vibration measurement equipment from Bridge Testing Centre of Georgian Technical University. The vibration was measured during operation of two stone column rigs. National Forensics Bureau named after Levan Samkharauli will analyze the existing condition of the structures and results of vibration measurement and will issue its conclusion.



**Demonstrations at the Stone Column Construction Site**



**Meeting with locals on 3 March 2020**



**Vibration measurements conducted on 4 May 2020**

50. The local residents adjacent to Bridge No. 3 have also expressed dissatisfaction due to excess levels of vibration caused by drilling machine and excavator which according to their opinion resulted in development of the cracks in their houses. As a follow up on 5th and 7th March vibration measurements have been carried out in the presence of Project Manager from RD during operation of drilling rig and excavator. Field measurements did not show any high levels of vibration.



**Vibration measurement at Bridge No. 3 Area**



51. Excavation works of Tunnels No.3 and No.4 commenced in September 2019. During the reporting period monitoring of the houses in the structural and cosmetic damage risk zones of Tunnel No. 3 and Tunnel No. 4 were on-going. The Contractor implementing monitoring of vibration caused by blasting works in different houses. Since October 34 complaints (4 during May) were received from local residents claiming that new cracks were developed in their houses due to tunnel construction activities. Out of 34 complaints so far 6 are closed after the measurements of the vibrations. The complainants were living out of the defined risk zones around 300-400m away from the tunnel construction areas and the measurements did not show any vibration during blasting. Other cases are closely monitored by the Contractor and after completion of blasting activities the final assessment will be issued.

52. In April 2020 Mr. [redacted] claimed that the land plot under his ownership was damaged due to the construction activities (BR-10). In accordance to the agreement between the Contractor and citizen [redacted] the Contractor dumped the soil in the land plot of citizen [redacted] whose land plot is bordering the land plot of the Complainant ([redacted]). As per [redacted] statement the border between the land plots was violated and part of the soil was placed in the land plot of citizen [redacted] damaging perennial plants. The Contractor was instructed to carry out the necessary survey works to identify the border between the land plots, remove the dumped soil if placed within the boundary of the complainant's plot, and ascertain the damage incurred by the Complainant. In May the land plots were measured, and it turned out that the dumped material was within the border of citizen [redacted] with whom the Contractor had agreement. However, during the rain the dumped soil will be washed out and slid in the neighboring land plot. Considering this fact, the Contractor was instructed to remove the dumped soil. By 21 June 2020 the Contractor has removed the soil dumped in [redacted] land plot and constructed entrance in the land plot by car.



**Removal of dumped soil from land plot**



**Entrance in the land plot by car**

53. Local residents have raised some issues concerning damage to their properties caused by construction activities. These issues require the Contractor's follow-up. However, despite the Engineer constant reminders and engagement they still remain unresolved. These issues are summarized in table below:

**Table 3-7 Summary of Pending Social Issues Raised by the Local Residents**

No.	Reference No.	Subject and Description	Follow-up
1	5015001/2/1101 dated 04.11.19	adjacent to stone column area expressed dissatisfaction as her land plot was flooded due to inadequate drainage at the construction site. As a result, plants and fence were damaged, and drainage channels inside the land plot were blocked by material from the construction site.	The Contractor reported by letter No. GEO/BB/965-20 dated 14 March 2020 that he could not access the land plot and some of the damage was not caused by construction activities. However, during a site inspection the Engineer's representative observed otherwise. Currently the channels are cleaned, and the fence has been restored by the Contractor. Compensation for the damaged plants is remaining.
2	5015001/2/1107 dated 05.11.19	The land plot of , was flooded. As stated by the Complainant harvest	
2	5015001/2/1215 dated 30.12.19	, resident adjacent to stone column area was expressing dissatisfaction as her land was flooded due to inadequate drainage at the construction site.	The Contractor did not report any actions taken by him. During site inspection of the Engineer the complainant reported that she did not receive any damage, however, she cleaned her land plot and yard from the flood material by herself.

No.	Reference No.	Subject and Description	Follow-up
3	5015001/2/1235 dated 18.01.20	resident adjacent to entrance portal of tunnel No. 5 complains that the material from the construction site slid onto his land plot. Moreover, large stones also rolled down onto the land plot. As a result, plants were damaged.	No actions reported by the Contractor.
4	5015001/2/1233 dated 18.01.20	residing adjacent to exit portal of tunnel No. 3 is complaining that polluted water from the tunnel site is directly flowing into his land plot. The flooding also damaged the access road to the land plot.	The Contractor reported in letter No. GEO/BB/964-20 dated 14 March 2020 that the land plot was cleaned, and the large stones were removed. Water was also diverted from the land plot. However, during a site inspection it was observed that the land plot is still being flooded from the construction site. Furthermore, the polluted water from the tunnel construction site is causing withering of the trees. The access road also needs to be restored.
5	5015001/2/1270 dated 07.02.20	resident adjacent to bridge No. 8 is complaining that her land plot was flooded several times due to pipes of inadequate size inserted by the Contractor with the purpose of construction access road to the Site.	The Contractor reported by letter GEO/BB/946-20 dated 5 March 2020 that an additional pipe was installed, and outlets were widened. Since then the land plot of the complainant was not flooded again. However, due to frequent flooding prior to the remedial works, several mandarin trees have withered. The Complainant is requesting compensation for damaged trees.
6	5015001/2/1322 dated 17.03.20	is complaining that his land plot, crops and house were damaged due to construction activities.	No actions reported by the Contractor.
7	5015001/2/1321 dated 17.03.20	is complaining that due to tunnel blasting activities his water basin is damaged, and he is left without water supply. He also claims that cracks have appeared in his house and his access road is damaged.	No actions reported by the Contractor.
8	5015001/2/1358 dated 03.04.20	is complaining that the Contractor violated the RoW border and used part of his land plot for construction of an access road.	No actions reported by the Contractor.





**Flooded land plot owned by adjacent to stone column construction site**



**View of the land plot after the Contractor implemented channel cleaning activities**

54. It was reported in the previous Semi-annual SMR that numerous claims were received by the local residents concerning pollution of the local roads intersecting with the access roads to Bridge N3, Tunnel N3, Tunnel N4, Bridge N5 and Bridge N7. To prevent this the Contractor took mitigation measures such as washing the tires of the cars and added special crew who is responsible for regular cleaning of the roads.



**Washing the tires of the dump truck**



**Road washing activities**

55. The issue of accessing land plot at section km4+960 – km 5+000 still remains unresolved. Even though the land plot is already acquired and registered as state property equipment and inventory of the previous owner (Kvadri, Ltd) are still stored there. The owner of the land plot is not going to free the land plot for construction activities. As per the information of Roads Department legal procedures are on-going.

## 4 GRIEVANCE REDRESS MECHANISM AND GRIEVANCE REDRESS STATUS

### 4.1 Formation of Grievance Redress Committee

56. A GRM for the project has 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.

57. A 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.

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

#### ***Representatives of Local Authorities (Gamgeoba):***

1. Merab Mikeladze – village Makhinjauri
2. Vazha Tsitsandze – village Gantiadi
3. Avtandil Tarieladze – village Kapreshumi
4. Irakli Turmanidze - village Salibauri
5. Beglar Abashidze – village Peria
6. Shalva Zakaradze – village Makhvilauri

#### ***Representatives of Roads Department of Adjara:***

1. Merab Gvarishvili – Roads Department of Adjara (GRC Secretary)
2. 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 and Redressed-Updated Status

59. A total of 150 persons have submitted 17 categories of grievances to the GRC out of which 58 grievances have been resolved as of 30 June 2020. People now mostly (39Nos.) applied for inclusion of their residential structures or land plots in the acquisition list, out of which 19 cases are finalized.

60. 35 APs express dissatisfaction due disturbance by noise/vibration and dust out of which 30 cases are from the tunnel N3 and tunnel N4 areas. They will be finalized upon completion of tunnel construction activities.

61. Several grievances will be closed after completion of land acquisition procedures which was delayed due to COVID-19.

**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	7	7	7	In favour of APs
2	Request of information	9	9	9	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	
9	Request to stop acquisition	1	1	1	
10	Providing information	1	1	1	
11	Re-measurement/re-assessment of property	5	5	4	Mr.   case is remaining.
12	Recalculation of compensation	2	2	2	After clarification both APs agreed to receive proposed amount
13	Inclusion in LARP	39	39	19	
14	Damage to infrastructure/Assets	33	33	11	One case is in court. 6 HHs are damaged by land bulging occurred

N	Nature of Grievances	No of Total Grievances	Result		Remarks
			Measures Taken	Resolved	
					in December. 12 cases are pending by the Contractor.
15	Disturbance by noise/vibration/dust/flood	35	35	8	30 claims are from tunnel blasting zones and will be resolved after completion of tunnel blasting activities.
16	Loss of access road	7	7	2	
17	Employment/Recruitment	1	1	0	For details refer to chapter 5.1
	<b>Total</b>	<b>150</b>	<b>150</b>	<b>74</b>	

**Table 4-2: Summary of the Pending Grievances Concerning Inclusion in LARP**

N	Name, Surname	Description	Measures Taken
1		She requests acquisition due to close location with the RoW of Project road.	Construction works of BR-05 is planned adjacent to her house. The Commission decided to acquire the house. However, the solution of the issue is extended as AP does not agree with the compensation amount. Reassessment of the property was done. Negotiations are still on-going.
2		He states that his residential building was acquired by the Project. Land plot and ancillary building are remaining under his ownership. As per his statement the building and concrete fence were cracked due to construction activities.	As per field measurements the distance between the road edge and ancillary building is 13.4m. The fact of cracking of concrete fence or ancillary building was not confirmed at place. The Employer was requested to consider this case by the Committee (27.12.19).
3		He states that almost all property including land plot and garage was acquired by the Project. Moreover, as per his opinion living in the house is dangerous as there is vibration caused by construction activities.	As the house is depreciated and is located in the distance of approx. 12 meters from the RoW the vibration caused during drilling boreholes for pile construction activities may have negative impact on the stability of the deformed slab. Relevant letter was sent to RD requesting the Commission to consider this case. Letter recommending the Employer to acquire the house was sent on 31.11.2019. On 05.12.2019 the Employer responded that the case will be considered by the Commission.
4		Exit of shaft N2 of Tunnel N3 is in his land plot. He requests acquisition.	The case with all supporting documents were sent to RD requesting the commission to study it. This case will be processed after approval of shaft designs.
5		His residential house and land plot were acquired in the scope of the Project from which he had access to his remaining land plot. He requests construction of access road or acquisition of land plot	Engineer studied the case and observed that construction of access road to the house is impossible. The case was sent to RD requesting the commission to study it. Oct. 19, 2018. By additional study some alternatives for road construction were revealed and RD assigned the Consultant to prepare drawing. Nov. 19, 2018 The Contractor was instructed to provide detailed design with cost estimation Nov. 22, 2018. Detailed design for sent for Employer's approval informing that construction of access from the upper side is complicated as it is bordered by the Project road where cut section should be constructed. Mr. Mukutadze is insisting on construction of access road from upper side.

N	Name, Surname	Description	Measures Taken
6	Collective statement of families residing in Opizrebi St. N41	Block where 14 families are living is out of orders. The residents are afraid that on-going construction works destroy of the block. They request acquisition.	Currently here is no construction works on-going at the mentioned section. The house is in the distance of 24m from the axis of the ramp CL308. On 16 April 2019 Engineer's assessment was sent to RD. On 10 June 2019 RD informed that the case will be discussed by the Commission.
7	/	Residential house and land plot were acquired in the scope of the Project. He is requesting acquisition of the remained portion of the land plot as he does not have access and landslide processes have developed there.	By visual observation landslide processes were not identified. Preparation detailed design of access road has commenced. On July 1 another statement from local resident with the same request was received. On August 2 detailed design of access road was sent to the Employer for approval. As per Engineer's observation the access to the land plot was obstructed from January-April 2019 during the pile drilling activities. On 10 April 2020 / claimed again that the Contractor has dumped soil in his land plot that damaged crops. He states that as a result the land plot is useless for him and requests acquisition. In accordance to the agreement between the Contractor and citizen the Contractor dumped the soil in the land plot of citizen I whose land plot is bordering the land plot of the Complainant (. However, the border between the land plots was violated and part of the soil was placed in the land plot of citizen / damaging perennial plants. On 30.04.2020 the Contractor was instructed to identify the border, remove dumped soil and identify the scope of damage. After field measurements no violation of the border between the land plots have been observed and there was no damage to the Complainant's land plot. As on 21 June 2020 the entrance to the land plot by car is constructed. The soil dumped in Makhachadze's land plot was also removed and transported in order to avoid wash out processes and sliding in the Complainants land plot.
8	/	Part of the land plot and residential house was acquired by the Project. The Project road blocks the access to his land plot.	On July 1 joint site meeting was conducted attended by local resident and the representatives of the Engineer and the Contractor. It was agreed that during construction works temporary access road will be provided. Simultaneously the Project team will start to work on detailed design of permanent access.

N	Name, Surname	Description	Measures Taken
9		He owns electrical transformer and line which should be relocated in the scope of the Project. He requests acquisition.	Detailed design for relocation power lines is under preparation. The Engineer's and the Contractor's representatives contacted the applicant and offered that instead of old transformer new transformer and lines will be arranged. However, the local resident rejected the offer. The Letter was sent to the Employer for further instructions. Finally, it was agreed that the transformer will be transported as per AP's convenience. However, lately AP changed his mind and he is requesting compensation stating he will do relocation works by himself.
10	I	Access road to his land plot is blocked by the Project. He requests acquisition or construction of access road.	Detailed design for access road is under consideration of the Engineer's and the Contractor's teams as additional survey works were required.
11		Requested us construction of access road to his land plot. Parts of his two land plots (Cadastral code 22.21.10.615 and 22.21.10.619) are acquired in the scope of the Project after which as per his statement remaining land plot with cadastral code 22.21.10.616 and 22.21.10.620 do not have access road.	During studying the issue, we have identified that at the mentioned section the design considers construction of exit portal of tunnel N2. Remaining land plots are surrounded by slope, impassable forest and private land plots, which makes construction access road impossible. Moreover, at the adjacent of land plot with cadastral code 22.21.10.620 the design considers construction of culver the heading of which falls at the territory of the land plot (see enclosed drawing). On July 29 letter was sent to RD explaining the situation.
12		The family is disturbed by noise, dust and vibration. Moreover, due to construction activities the land plot was flooded, and crops were damaged. The family states that their daughter has skin disease and she cannot endure noise and dust that will be caused by operation of the road.	The house is located at km 11 of the Project road where construction works of Bridge N12-13 were on-going in June 2019. The distance between the house and RoW is 20m. During operation of the piling machine in the closest point of the house the noise was measured, and it did not exceed 75db. Currently there is no such works on-going which can cause high noise levels. As for the flooding the fact is confirmed by the Contractor and they will compensate the loss incurred by local resident. As for the daughter (I ) of Mr. , she is ill by vulgar Pemphigus which is autoimmune illness and requires continuous treatment which cannot be implemented by the family due to tough social and economic condition. Frequently, they do not have medicine required for treatment which is essential for fighting with the illness. Considering these factors, the Contractor has helped the I family twice and gave them finances required for purchasing medicine. Apart from this, the residential structure of Mr. I is included in the list of residential structures located within 25m from the Row and potential recipients of noise during operation phase identified by the request of ADB ad number N70.

N	Name, Surname	Description	Measures Taken
			<p>Therefore, letter requesting the Employer to study the case by the commission was sent on 25 September 2019. The house is included in LARP. However, the local resident does not agree with the offered compensation. Negotiations are on-going. The HH is temporarily relocated.</p>
13	F	<p>His house is located close to the Project Road. His family is disturbed by vibration and noise caused by construction works.</p>	<p>At the mentioned section the Contractor is operating pre-cast yard. The noise measurements proved to be within limits. The distance between the house and the Project RoW is 7.93m (see enclosed situational plan and cross section). Moreover, the mentioned territory represents the industrial part of the city and the settlement is surrounded by construction factories (stone crushing, asphalt-concrete and concrete plants) of different companies operating in Batumi. Operation of the factories has negative impact on the environment i.e. there is excess dust and noise emissions. The access road to the settlement is also frequently polluted and damaged which is after that being repaired by the Contractor.</p> <p>As for the claim of citizen I _____ concerning excess noise, noise measurements in his yard showed maximum noise level 70db, which as per Georgian National and IFC standards (Environmental Impact Assessment, Chapter 3.8.2 Noise Level Standards) is within allowable limits for the industrial zones.</p> <p>However, due to close distance to the RoW, during the construction activities of the Project road the negative impact on the living conditions of the family members will increase. Furthermore, the family will be the recipient of the excess noise during the operation phase, i.e. the Project</p>



N	Name, Surname	Description	Measures Taken
			road will worsen the living conditions of the family about the noise. Considering the abovementioned letter requesting to study the case by the Commission was sent to the Employer on 4 October 2019.
14		He stated that his residential house and land plot were acquired by the Project. As a result, remaining portion of the land plot is left without access. The land plot is located close to the riverbank and is frequently flooded. He is requesting acquisition.	Site observation showed that citizen can access remaining portion of land plot through the acquired land plot which is not used for the construction purposes. Detailed design of access road will be prepared.
15		He is undertaking negative impact of construction activities as the house is located too close to the Project bridge.	The field measurements showed that the distance between the house and road edge is 24m. Therefore, as per the requirements of EIA and LARP the house should be included in LARP. Information letter was sent to the Employer on 22.11.2019.
16		The residents of dormitory are requesting acquisition of the house as they are undertaking negative impacts from construction activities. They state that their house is located too close to the Project road.	Field measurements showed that the distance between the house (JV Amkhanagoba) and the Project road is 24.6m. Therefore, as per the requirements of LARP and EIA it should be included in LARP. Information letter was provided to the Employer on 28.11.2019. On 9.12.19 the Employer responded that the case will be considered by the Commission.
17		He is stating that the part of the land plot he is using falls in the RoW of the Project road.	Information was provided to the Employer on 22.11.2019. On 05.12.2019 the Employer has requested the Government of Adjara to confirm that the applicant is the user of the land plot.

N	Name, Surname	Description	Measures Taken
18		His land plot does not have any access due to Project road. He requires inclusion in LARP or construction alternative access road.	The issue is being processed by the Engineer and Contractor's teams.
19		As per his statement the Project road covers the part of the land parcel which is used by him. (it is not registered land).	Relevant measurements were done the Contractor and the Engineer. It appeared 61 sq. m. of the land plot is within the RoW of the Project road. Information letter was sent to Employer on 14.01.2020.
20		They state that their residential blocks damaged and received cracks due to construction activities of the Project road.	<p>The apartment buildings are located on the right side of the Project Bridge (km11+591,5 – km11+962,9): the nearest building (Partnership “Makhvilauri 2012” c/c 05.35.22.060) is in the distance of 76.6m from the road shoulder while the farthest building (Partnership “Megobroba 2012” c/c 05.35.22.561) – in the distance of 176.23m.</p> <p>The construction of BR 12-13 at this section has commenced on 17 May 2019 and is in on-going.</p> <p>Since the Apartment buildings are at a considerable distance from the Project bridge the impacts of the construction work could not have adversely affected the condition of the buildings.</p> <p>By the field measurements the vibration caused by construction activities was not observed.</p> <p>In March RD invited Levan Samkharauli National Forensics Bureau to make assessment. As the local residents did not trust the measurements of the Contractor in March and May 2020 vibration was measured by the vibration equipment of Bridge Testing Center of Georgian Technical University. The measurements were attended by Deputy Chairmen and representatives of Road Department, the Engineer's and the Contractor's teams, representatives of local Government and local residents. The measurement results will be sent to Samkharauli Forensics Bureau.</p>

**Table 4-3: Summary of the Pending Grievances Concerning Damage to Infrastructure/Assets**

N	Name, Surname	Description	Measures Taken
1		Vibration by blasting works have caused development of cracks in the house.	After receiving the application letter from Mr. [redacted], on 16 January 2019, the Contractor measured the vibration which showed the maximum indicator 2,9 mm/sec. According to the Project Environmental Impact Plan, the threshold of the vibration

N	Name, Surname	Description	Measures Taken
			<p>caused by the blasting operations is 5 mm / sec. Later on, For the monitoring purposed the Engineer and the Contractor jointly measured the cracks and marked them with so called “plasters” (crack monitors). During monitoring none of the cracks have increased and plaster was not opened (ref. the photos). Moreover, during vibration measurements did not show exceeding of the permissible norm (5 mm/sec). After that Citizen T has provided conclusion from the Levan Samkharauli National Forensics Bureau where it is stated that the cracks in the house of C family are presumably developed because of tunnel blasting activities. It is also stated in the conclusion that the expert did not have readings of blasting induced vibration. The conclusion from the Levan Samkharauli National Forensics Bureau was submitted to the Contractor for further actions. As a follow up, reading of vibration measurements were sent to Samkharauli Forensics bureau. Further conclusions are awaited.</p>
2	F. C.	<p>He declared that during tree cutting and site clearance activities the Contractor has damaged bamboo trees on the slope. As per his statement he is the user of the land plot on the slope.</p>	<p>The site investigation identified that during tree cutting one of the trees have slid on the slope and damaged some bamboos grown there. As per C statement he was using that slope. He also declared that some of the bamboos were cut by him. Moreover, he stated that his land plot was not properly acquired but his statement was not substantiated by any document. On 11 April 2019 the Contractor was instructed in written to take relevant measures and compensate loss. However, the agreement was not reached as the local resident was requested unreasonable amount for compensation loss incurred by him. The Contractor cleaned the slope from slid material. Consultations are on-going. Recently local resident filed a case in Court stating that his land plot was not acquired properly. On 24.08.2019 the Consultant received notification that the case was filed in Court by Mr.</p>
3	I.	<p>Due to heavy rain the land plot was flooded, and crops were damaged.</p>	<p>The Contractor was notified about the occurred incident and was instructed to take relevant measures (01.11.2019).</p>
4	.	<p>He had water supply from private rig from which he was getting clean water from the well. After the commencement of blasting works the water is no longer gathering in the well. He requires compensation.</p>	<p>He has water supply was from Batumis Tskali. He requires compensation for the well.</p>

N	Name, Surname	Description	Measures Taken
5		The settlement of the temporary embankment, that was arranged for installation of the beams for Bridge No.12&13 located at Km1+970-Km12+000, caused bulging of the ground and damaged the residential houses located nearby.	The Contractor has arranged temporary relocation of the family. The family was relocated on 17.12.19. Information letter was sent to the Employer. Inclusion of the HH in the LARP was decided. Acquisition procedures are on-going. Till the acquisition the Contractor will ensure temporary relocation place for APs.
6		The settlement of the temporary embankment, that was arranged for installation of the beams for Bridge No.12&13 located at Km1+970-Km12+000, caused bulging of the ground and damaged the residential houses located nearby.	The Contractor has arranged temporary relocation of the family. The family was relocated on 13.12.19. Information letter was sent to the Employer. Inclusion of the HH in the LARP was decided. Acquisition procedures are on-going. Till the acquisition the Contractor will ensure temporary relocation place for APs.
7		The settlement of the temporary embankment, that was arranged for installation of the beams for Bridge No.12&13 located at Km1+970-Km12+000, caused bulging of the ground and damaged the residential houses located nearby.	The Contractor has arranged temporary relocation of the family. The family was relocated on 13.12.19. Information letter was sent to the Employer. Inclusion of the HH in the LARP was decided. Acquisition procedures are on-going. Till the acquisition the Contractor will ensure temporary relocation place for APs.
8		Due to construction activities of Batumi bypass road his land plot was flooded. The flood also caused bloking of access road to his land plot.	The issue is being processed by the Engineer and Contractor's teams. In January 2020 the Contractor was instructed to compensate the damage as per GCC 4.14.
9		Due to construction activities the cracks have appeared on the access road to her house. Cracks also appeared on the walls of the house and one of the walls on the third floor collapsed.	The house is located adjacent to BR 12-13 where the settlement of the temporary embankment caused land bulging and damaged several neighbouring houses. The families that are in danger were already temporarily relocated by the Contractor. The house of the applicant is not located in the zone of damage. Moreover, on the third floor the wall did not collapse. Part of face plaster fell down as it was applied directly on sponge. Benchmarks were installed and the monitoring did not show any impact on the house.
10		Soil from the construction site slid to his land plot and damaged plants (tea, tangerine, kiwi, etc.). He also lost access to his land plot.	In January 2020 the Contractor was instructed to compensate the damage as per GCC 4.14. The Contractor was verbally instructed to compensate the loss.
11		Due to blasting activities they do not have water supply. Moreover, due to vibration cracks have developed in his house and the access road is damaged	The Contractor was instructed to repair the access road and damaged water supply and conduct monitoring. Currently the Complainant has water supply from Batumis Tskali. The Contractor has not reported any monitoring result. Repeated notification was sent on 05.06.2020.
12		The house was cracked due to vibration caused by construction activities.	On 1 April instruction was sent to the Contractor to make preconstruction survey report and proceed monitoring of the cracks and vibration from construction activities in the residential house of

N	Name, Surname	Description	Measures Taken
			the complainant. Monitoring will be conducted when the works at the mentioned section commence. On 19.06.20 the Contractor provided preconstruction survey report. Monitoring will be conducted during embankment construction works.
13		She is claiming that vibration caused by construction activities has caused appearance of cracks in her house. She is also claiming that on-going construction process her house will not be attractive for the tourists.	The house is located nearby bridge No.3. The Contractor was instructed to make relevant monitoring.
14	S	The land plot was washed out due to construction activities.	Instruction was sent to the Contractor on 17.03.20. Repeated notification to the Contractor was sent on 05.06.2020.
15		He is claiming that vibration caused by tunnel blasting damaged his residential house.	After assessment of the house condition and field measurements it was decided to temporary relocate the family. The HH returned to the house on 23 June 2020. There is not structural damage to the house. Detailed assessment will be done after completion of blasting works.
16		He is claiming that vibration caused by tunnel blasting damaged his residential house.	After assessment of the house condition and field measurements it was assumed that currently there is no impact on the house. Monitoring is on-going. C is daughter-in-law of I
17		The Contractor has dumped soil in his land plot and damaged trees and fence.	Instruction was sent to the Contractor on 3 April 2020. Repeated notification was sent on 05.06.2020.
18		As per his statement the construction activities have caused appearance of the cracks in his residential house. He provided statement from Levan Samkharauli National Forensics Bureau where it is indicated that the house has received II and III category damage and the cause of it vibration from Project construction activities.	The house is located at the exit portal of Tunnel No. 4 where strengthening works of slope by piles is on-going. On 02.06.2020 letter was sent to the Contractor instructing to proceed as per GCC clause 4.14.
19	Joint statement of the residents living in the residential house with 13 apartments	They state that water basin got damaged due to blasting works of tunnel No. 3.	Preparation of detailed design of water supply system is on-going.
20		He is stating that water from construction activities is flooding his land plot. As per his	Firstly, the Contractor was given verbal instruction which was followed by written instruction on 05.06.20

N	Name, Surname	Description	Measures Taken
		statement the water is containing cement which is dangerous for the plants.	
21		The Contractor dumped soil at the border of his land plot blocking water channel. As a result, during heavy rain his land plot is flooded. Due to frequent flooding and vibration from the construction activities the house is cracked.	During site check on 07.07.20 the Engineer and the Contractor observed that the water channels are blocked due to the soil dumped by the Contractor adjacent to the land plot. The Contractor was instructed to excavate the channels and proceed in accordance with GCC clause 4.14.
22	Joint statement of local residents of Akhalshehi	The vibration from blasting works damaged water well and basins and they do not have water supply.	Detailed design of water supply system is being processed. All residents have alternative water supply from Batumis Tskali.

**Table 4-4: Summary of the Pending Grievances Concerning Disturbance by Noise/Vibration/Dust/Flood**

N	Name, Surname	Description	Measures Taken
1	z	Construction activities are on-going nearby his house. As a result, he is facing landslide hazard. Moreover, he is concerned by vibration caused as a result of movement of heavy equipment.	During studying the issue, it was revealed that the mentioned problems are not caused by construction of Batumi bypass road. As the house is located close to RoW with the distance 14-27m relevant documents were prepared and sent to RD. The house is included in the list of houses withing 25m from the road edge sent to RD on 05.12.19
2	l	Vibration by Movement of construction equipment caused development of cracks in her house. She is also disturbed by noise caused by construction activities.	The local resident was explained that the vibration of the movement of heavy equipment cannot cause any damage to the houses as they are 65-70m away from the RoW. Currently, Contractor is only implementing stone column construction activities for improvement soft soil. Vibration will be monitored during construction of embankment.
3	,	He is disturbed by noise and vibration caused by construction activities.	The house is located in the distance of 27m from the RoW. At the mentioned section boring of piles for bridge N7 were on-going in July. The noise level measurements are taken from the construction site. the house of citizen , locates in the distance of 30m from the RoW between the abutment A1 and the pier P1 of Bridge N7. Pile works for pier P1 was on-going during the period 24-29 June of 2019, while for abutment A1 – during the period of 2-11 July of 2019.

N	Name, Surname	Description	Measures Taken
			As for the statement of Mr. [redacted] that vibration caused by construction activities has damages his house and puts in danger the safety of his family members, the Engineer would like to inform that vibration caused by pile drilling works cannot cause negative impact on residential house at such distance. Cracks indicated by Mr. [redacted] are surface cracks and are not connected to the on-going construction activities.
4		As a result of tunnel blasting activities cracks have appeared in her house.	Her house is located in the second (cosmetic damage) risk zone of Tunnel N4. Preconstruction survey is already done, and report is handed over to the AP. The Contractor is carrying out the monitoring of vibration in various houses within cosmetic and structural damage risk zones. After the completion of blasting works the monitoring results will be summarized and relevant actions will be implemented.
5		The family is disturbed by noise, dust and vibration. Moreover, due to construction activities the land plot was flooded, and crops were damaged.	The Contractor was notified about the occurred incident and was instructed to take relevant measures (09.10.2019). Noise levels were measured several times and turned up within allowable limits. As for the loss incurred by the local resident by flooding it is not yet compensated by the Contractor.
6		As a result of tunnel blasting activities cracks have appeared in the house.	The house is located in the second (cosmetic damage) risk zone of Tunnel N4. The house is divided in two parts and two families are living there on separate floors. Preconstruction survey is already done, and report is handed over to the APs. The Contractor is carrying out the monitoring of vibration in various houses within cosmetic and structural damage risk zones. After the completion of blasting works the monitoring results will be summarized and relevant actions will be implemented.
7		As a result of tunnel blasting activities cracks have appeared in the house.	The house is located in the first (structural damage) risk zone of Tunnel N4. Preconstruction survey is already done, and report is handed over to the AP. The Contractor is carrying out the monitoring of vibration in various houses within cosmetic and structural damage risk zones. After the completion of blasting works the monitoring results will be summarized and relevant actions will be implemented.
8		As a result of tunnel blasting activities, the house leaned.	The house is located in the second (cosmetic damage) risk zone of Tunnel N4. Preconstruction survey is already done, and report is handed over to the AP. The Contractor is

N	Name, Surname	Description	Measures Taken
			carrying out the monitoring of vibration in various houses within cosmetic and structural damage risk zones. After the completion of blasting works the monitoring results will be summarized and relevant actions will be implemented. Benchmarks are taken to monitor the movement of the house.
9		As a result of tunnel blasting activities cracks have appeared in the house.	The house is located in the first (structural damage) risk zone of Tunnel N4. Preconstruction survey is already done, and report is handed over to the AP. The Contractor is carrying out the monitoring of vibration in various houses within cosmetic and structural damage risk zones. After the completion of blasting works the monitoring results will be summarized and relevant actions will be implemented.
10		Vibration by blasting works have caused of leaning of the wooden house.	The house is located next to Mr. I house (N58 in the complaint log). The Contractor has installed benchmarks. Monitoring is on-going.
11		Vibration by blasting works have caused appearance of cracks in the house.	The house is located in the second (cosmetic damage) risk zone of Tunnel N4. Preconstruction survey is already done, and report is handed over to the AP. The Contractor is carrying out the monitoring of vibration in various houses within cosmetic and structural damage risk zones. After the completion of blasting works the monitoring results will be summarized and relevant actions will be implemented.
12		Vibration by blasting works have caused appearance of cracks in the house.	The house is located in the second (cosmetic damage) risk zone of Tunnel N4. Preconstruction survey is already done, and report is handed over to the AP. The Contractor is carrying out the monitoring of vibration in various houses within cosmetic and structural damage risk zones. After the completion of blasting works the monitoring results will be summarized and relevant actions will be implemented.
13		Vibration by blasting works have caused appearance of cracks in the house.	The house is located in the second (cosmetic damage) risk zone of Tunnel N4. Preconstruction survey is already done, and report is handed over to the AP. The Contractor is carrying out the monitoring of vibration in various houses within cosmetic and structural damage risk zones. After the completion of blasting works the monitoring results will be summarized and relevant actions will be implemented.
14		Vibration by blasting works have caused appearing of cracks in the house.	The house is located in the first (structural damage) risk zone of Tunnel N4. Preconstruction survey is already done, and



N	Name, Surname	Description	Measures Taken
			report is handed over to the AP. The Contractor is carrying out the monitoring of vibration in various houses within cosmetic and structural damage risk zones. After the completion of blasting works the monitoring results will be summarized and relevant actions will be implemented.
15	...	The house which is located in the distance of around 40m from the Bridge N3 is depreciated and old. The family claims that as a result of pile drilling works the door fell down.	No vibration was observed during the measurements on 06.01.19. The Engineer prepared structural assessment of the house and concluded that the house may collapse any time due to the drainage and structural problems which are not connected to the construction activities. Information letter was sent to the Employer for further instructions and actions on 14.01.19.
16	Z .	As a result of tunnel blasting activities, the house leaned.	The house is located in the first (cosmetic damage) risk zone of Tunnel N4. The house is divided in two parts and two families are living there on separate floors. Preconstruction survey is already done and report is handed over to the APs. The Contractor is carrying out the monitoring of vibration in various houses within cosmetic and structural damage risk zones. After the completion of blasting works the monitoring results will be summarized and relevant actions will be implemented.
17	I I	As a result of tunnel blasting activities, the house leaned.	Relevant monitoring will be conducted. The house is not located in any of the risk zones of Tunnel N3.
18	-----	Vibration by blasting works have caused appearance of cracks in the house.	The house is located in the first (structural damage) risk zone of Tunnel N4. Preconstruction survey is already done and report is handed over to the AP. The Contractor is carrying out the monitoring of vibration in various houses within cosmetic and structural damage risk zones. After the completion of blasting works the monitoring results will be summarized and relevant actions will be implemented.
19	I	Her house is depreciated, and she is disturbed by noise and vibration caused by construction activities. She was requesting temporary resettlement but however she changed her mind and now she is requesting assessment of the structural condition of the house by an Independent Expert	The AP's house is located in the distance of 50m from the construction site near bridge No. 4. Monitoring will be conducted when the Contractor's equipment will start works adjacent to the house. Considering the fact that the 3 of the family member are with disabilities and require special conditions such as good sleep and calm environment AP is offered temporary resettlement. After consultations, Ms. Kiladze again changed her mind and agreed on Temporary Relocation

N	Name, Surname	Description	Measures Taken
19	I	Vibration by blasting works have caused appearance of cracks in the house.	The house is located in the second (cosmetic damage) risk zone of Tunnel N4. Preconstruction survey is already done and report is handed over to the AP. The Contractor is carrying out the monitoring of vibration in various houses within cosmetic and structural damage risk zones. After the completion of blasting works the monitoring results will be summarized and relevant actions will be implemented.
20		Vibration by blasting works have caused appearance of cracks in the house.	The house is located in the second (cosmetic damage) risk zone of Tunnel N4. Preconstruction survey is already done and report is handed over to the AP. The Contractor is carrying out the monitoring of vibration in various houses within cosmetic and structural damage risk zones. After the completion of blasting works the monitoring results will be summarized and relevant actions will be implemented.
21	I	Vibration by construction works have caused of cracks in the house.	The house of the Complainant is located at section km8+750 at a distance of 163.77m from the road edge. Currently the Contractor's blasting Works are on-going at section km8+275. The Contractor's measurements of blasting induced vibration indicated that the vibration in the house of the Complainant is not above the 5mm/s limit established by the Environmental Impact Assessment Report. Since the house of the local resident was not included in the pre-determined risk zones the Contractor has not prepared a pre-construction survey report. However, as a precaution, the Engineer has instructed the Contractor to commence monitoring of vibration and cracks in the house of the Complainant which is implemented simultaneously with the construction activities.
22	F	Vibration by blasting works have caused appearance of cracks in the house.	The house is located in the second (cosmetic damage) risk zone of Tunnel N4. Preconstruction survey is already done and report is handed over to the AP. The Contractor is carrying out the monitoring of vibration in various houses within cosmetic and structural damage risk zones. After the completion of blasting works the monitoring results will be summarized and relevant actions will be implemented.
23		Vibration by blasting works have caused appearance of cracks in the house.	The house is located in the first (Structural) risk zone of Tunnel N4. Preconstruction survey is already done and report is handed over to the AP. The Contractor is carrying out the

N	Name, Surname	Description	Measures Taken
			monitoring of vibration in various houses within cosmetic and structural damage risk zones. After the completion of blasting works the monitoring results will be summarized and relevant actions will be implemented.
24	I	She is claiming that she is disturbed by excess levels of noise and dust.	On 18.05.20 letter was sent to the Contractor instructing to implement mitigation measures and carry out monitoring.
25		He is stating that construction activities of the Project road have caused appearance of the cracks in his residential house.	Precondition Survey Report was concluded. On 10 March 2020 Road Department invited experts from Bridge testing center of Georgian Technical University who carried out vibration measurements during operation of heavy equipment. Later in mid-March expert from Levan Samkharauli National Forensics Bureau visited the house to make assessment.
26		Vibration by blasting works have caused appearance of cracks in the house.	The house is located in the first (Structural) risk zone of Tunnel N4. Preconstruction survey is already done, and report is handed over to the AP. The Contractor is carrying out the monitoring of vibration in various houses within cosmetic and structural damage risk zones. After the completion of blasting works the monitoring results will be summarized and relevant actions will be implemented.
27	7	He is disturbed by noise and vibration caused by construction activities. Due to this fact the tourists refused to stay in his house, and he cannot pay seasonal debt from the bank. He requests compensation	

**Table 4-5: Summary of the Pending Grievances Concerning Disturbance by Noise/Vibration/Dust/Flood**

N	Name, Surname	Description	Measures Taken
1		His residential house and land plot were acquired in the scope of the Project from which he had access to his remaining land plot. Due to not having access the land plot becomes unviable for him. He requires acquisition.	Engineer studied the issue at place. It was observed that construction of access to the plot is impossible due to complex relief and private property surrounding the land plot. Case was sent to RD requesting commission to study it. Sept. 11, 2018 By additional study some alternatives for road construction were revealed and RD assigned the Consultant to prepare drawing. Nov. 19, 2018

N	Name, Surname	Description	Measures Taken
			The Contractor was instructed to provide detailed design with cost estimation Nov. 26, 2018. Detailed design with relevant documents were submitted to the Employer for approval Aug. 02 2019.
2		Due to construction activities he does not have access road to his land plot.	On July 6 temporary access road was provided. Detailed design of permanent access is being prepared and will be submitted to the local resident upon completion.
3	T A S R A D I S I E S I S U E	He stated that his residential house and land plot were acquired by the Project. As a result, remaining portion of the land plot is left without access. He is requesting construction of access road.	Detailed design is under consideration by the Engineer.
4	S E N E R A L I S S U E S I S S U E S I S S U E	Collective claim of \ and his neighbors concerning loss of access road. They all declare that they are not happy by proposed design of access road and want the access road to their land plots from the upper side i.e. from the side of the Project road.	The Engineer and the Contractor are working on alternative design. Reply letter was sent to the Employer on 6.11.2019.
5		Due to Project road local access road to the settlement will be cancelled.	The issue is being processed by the Engineer and Contractor's teams.

## **5 OTHER COMPLIANCE ISSUES**

### **5.1 Maintaining Core Labor Standard**

62. According to the monthly report of the Contractor, they have engaged 67 foreign and 235 Georgian personnel. Subcontractors have engaged a total of 336 employees out of which 88 are of foreign nationalities and 248 are local.

63. Despite the Engineer's requests, the Contractor still fails to provide complete information required by the Engineer as per relevant clauses of GCC. During the reporting period the Engineer's team conducted survey between the workers of the Contractor with simple questionnaire. As per the monitoring the worker receive the salary timely and they are paid for overtime working hours.

64. As a follow up the Employer has instructed the Contractor to comply the requirements of the GCC and instruction of the Engineer. However, despite the Contractor's promise the provision of the information is postponed and will be reflected in the next report.

65. The Contractor has 10 hours working day (from 8 a.m. to 7 p.m.) plus alternative Sundays which amounts to 60-70 hours per week, exceeding the requirement of Georgian Labour Code which sets maximum 48 working hours per week. In such case Contractor should compensate overtime working hours with higher rate or give an employee day-off.

66. During the reported period citizen F [REDACTED] former employee of the Contractor referred to the Engineer requesting the information about the incident that occurred on 31 August 2019. As per his statement during the incident he received personal injury and as result he has developed permanent disability and is unfit for work. The Engineer checked the incident report provided by the Contractor and contradicting the statement of F [REDACTED] there is nothing mentioned about permanent disability developed as a result of the injury.

67. The Complainant also mentioned that after receiving a personal injury he was transferred to night shift which was a disadvantageous working condition for his health and which he claims is a violation of Georgian legislation.

68. The Engineer notified the Contractor about received claim and instructed to proceed in compliance the requirements of Clause "e" of article 10 of Organic Law of Georgia on Labour Safety and Decree No. 48 (9.02.99) of the Georgian President to settle the dispute with Mr. [REDACTED] in a timely manner.

### **5.2 Child Labor in the Project Activities**

69. 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**

70. 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**

71. 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

72. The Contractor has arranged a medical office and employed Doctors for the treatments of the staffs/employees of the contractor.

73. 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.

74. The Contractor has instructed to comply with the requirements of Clause 6.7 of GCC and include an alleviation program for site staff and labor and their families in connection to Sexually Transmitted Infections (STI) and Sexually Transmitted Diseases (STD) including HIV/AIDS under this program for submission under Sub-Clause 8.3. During the reporting period, all trainings and information campaigns were postponed due to COVID-19 situation, awareness training was conducted by the Contractor on 10 June 2020 after the removal of several restrictions imposed by GoG.

75. When first case in Georgia was confirmed, and numbers began to crawl up, the Contractor started to develop preventive measures and response to this pandemic. The Engineer was constantly collaborating with the Contractor during this process and giving the necessary instructions. As a result of it, on 17th of March the Contractor submitted the COVID-19 Preventive Procedures that was followed by COVID-19 Action Plan submitted on 2nd of April. These two documents included all the necessary actions, developed as a procedures and control measures. Management Team and Committee to fight COVID-19 was developed including Project top management, HSE specialists, Project physician and Camp Boss. WHO recommendations and instructions of The Government of Georgia were taken into consideration during the development of COVID-19 response plan.

76. In particular, the Contractor launched a poster campaign providing necessary instructions (information posters) within all Camp facilities and worksites. Strict procedures were developed for entering the Contractor's facilities, such as thermal screening by touch-free thermometer, disinfecting procedures, collecting of personal and travel information. Alcohol based solutions and liquid soap are available at worksites and Camp facilities and designated persons are monitoring that employees are following the personal hygiene procedures. Disinfection of accommodation facilities, offices and project vehicles are carried out periodically, by the certified Sub-Contractor company.



Poster campaign



Thermal screening



**Disinfection at the Camp**



**Disinfection at the Camp**

77. All the trainings were postponed that requiring the groups of people, and number meetings was reduced together with the number of attendees. Social distance is practicing during the necessary toolbox talks. Personnel is entering the dining facilities with the small groups and tables are distanced from each other.

78. All this control measures are being supervised by the Contractors management team, in order to stay in compliance. The Engineer is constantly monitoring this process.

## **6 SAFEGUARDS COMPLIANCE STATUS**

### **6.1 Status of Recruitment/Mobilization of Safeguard Team**

79. 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 and October 2018, respectively. They are currently continuing their works and are assisting/supporting RDMRDI through 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 and Resettlement Unit at the PIU level with requisite officers and staff 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**

80. 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 are working on social/resettlement safeguards issues. Both the PIU and 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 and 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.

81. No Semi-Annual SMR prepared since project started LARP implementation to June 2018. So as required, after mobilization, IRS with assistance of the NRS and guidance from RDMRDI/PIU prepared the first Semi-Annual SMR covering the periods from beginning of project implementation to June 2018. This current report be considered as the fifth Semi-Annual SMR in connection to LARPs implementation and related social safeguards issues of the project.

### **6.3 Compliance with Safeguard Covenants of Loan Agreement**

82. Covenants of the loan agreement between ADB and MRDI that related to resettlement and 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 30 June 2020**

Covenant	Safeguard Applicability	Status of Compliance
<p><b>Implementation Arrangements:</b> The Borrower, RDMRDI, the IA shall ensure that the Project is implemented in accordance with the detailed arrangements set forth in the PAM &amp; 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><b>Loan Agreement between RDMRDI and ADB</b></p>	<p>Complied with.</p>
<p><b>Grievance Redress Mechanism:</b></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><b>ADB Loan Agreement</b></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 &amp; GRC are in place and functioning at the Project &amp; Local levels to resolve complaints/grievance of the stakeholders &amp; APs, as required.</p>
<p><b>Resettlement:</b></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 &amp; Resettlement Framework (LARF) agreed upon between the Borrower and ADB, that prepared LARP &amp; other documents with updates based on Borrower's prevailing Acquisition of Property Ordinance with subsequent amendments &amp; ADB's SPS, 2009.</p>	<p><b>ADB Loan Agreement</b></p>	<p>Two LARPs prepared &amp; updated by RDMRDI abide by the ADB &amp; GOG policy following detail design and were approved by ADB.</p>
<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><b>ADB Loan Agreement</b></p>	<p>LARPs prepared &amp; 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</p>

Covenant	Safeguard Applicability	Status of Compliance
		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.
c. Conduct Compliance Monitoring of Implemented LARPs.	<b>As per ADB Loan Agreement</b>	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
d. All affected persons are given adequate opportunity to participate in the resettlement planning and implementation;	<b>ADB Loan Agreement</b>	Complied with
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;	<b>ADB Loan Agreement</b>	Complied with
f. additional assistance is provided for vulnerable groups;	<b>ADB Loan Agreement</b>	Complied with
g. works contracts under the Project include requirements to comply with the RPs;	<b>ADB Loan Agreement</b>	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	<b>ADB Loan Agreement</b>	Complied

<b>Covenant</b>	<b>Safeguard Applicability</b>	<b>Status of Compliance</b>
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	<b>ADB Loan Agreement</b>	Ensured and APs are availing those opportunities duly, as requires & where applicable.

## 7 CONCLUSIONS

83. The Batumi Bypass Road Project implementation is ongoing, where resettlement and 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 and 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 and externally of the entire resettlement implementation. In this connection, LARPs implementation compliance monitoring was conducted and prepared four CRs for the implementation completed parts of the road. And this is the fifth Semi-Annual Social Monitoring Report (covering the period of January – June 2020) prepared by the CSC consultant for RDMRDI by the CSC's Resettlement Specialist. However, monthly and quarterly progress monitoring report are regularly producing and submitting by the NRS, since her mobilization in March 2018.

84. In summary, 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 handing over land 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 and 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 is complete, EMC will conduct the compliance monitoring activities and is expected to submit their report as soon as possible. Hopefully, the next (sixth) Semi-Annual Report, which will be due in December 2020 and will cover total picture of the LARP implementation status.