

Social Monitoring Report

Project Number: 42145-033
July–December 2020
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Armenia: North–South Road Corridor Investment Program (Tranche 2)

Prepared by the “Road Department” State Non-Commercial Organization of the Ministry of Territorial Administration and Infrastructure of the Republic of Armenia for the Asian Development Bank.

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Semiannual Report July – December 2020

Armenia: North-South Road Corridor Investment Program

Asian Development Bank Loan No. 2729-ARM - Tranche 2 (Ashtarak – Talin)

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ABBREVIATIONS

ADB	Asian Development Bank
AH	Affected Households
AMD	Armenian Dram
AP	Affected Person
EA	Executing Agency
EM	Entitlement Matrix
GoA	Government of Armenia
GRM/ GRG	Grievance Redress Mechanism, Grievance Redress Group
GHP	Grievance Focal Person
IMA/EMA	Independent Monitoring Agency/External Monitoring Agency
IC/IT	Implementation Consultant/Implementation Team
LAR	Land Acquisition & Resettlement
LARF	Land Acquisition & Resettlement Framework
LARP	Land Acquisition & Resettlement Plan
LGBs	Local Self- Governing Bodies
MEINR	Ministry of Energy Infrastructures and Natural Resources
MFF	Multi-Tranche Financing Facility
MTAI	Ministry of Territorial Administration and Infrastructure
NGO	Non-Governmental Organization
NSRCP	North South Road Corridor Project
PGC	Project Governing Council
RA	Republic of Armenia
CC	Cadaster Committee of RA
SEU	Social and Environmental Unit
SPS	Safeguard Policy Statement
T2/T3	Tranche 2 and T3 of the North South Corridor Road Investment Project
RD	Road Department SNCO

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1. PROJECT BACKGROUND

1. The Asian Development Bank (ADB) has agreed to provide the Government of Armenia (GoA) with a US\$ 500 million Multi-Tranche Financing Facility (MFF) to finance the North-South Corridor Road Investment Program (the Program). The principal goal of Tranche 2 is to build a 4-lane dual carriageway road along the existing M1 highway between the Ashtarak and Talin section of about 42 kms (Km 29+600 - 71+500).
2. The Tranche 2 (T2) Project starts at km 29+600 in Ashtarak and ends at km 71+500 near Talin. The T2 Project will upgrade the existing 2-lane road to a 4-lane divided highway with a total length of 41.9 km. Two bypasses will be constructed in Agarak starting at km 29+934 to km 32+600, and in Ujan from km 36+600 to km 40+300. The T2 Project will also have a new road alignment (8.95 kilometers) at Katnaghbyur starting from km 59+950 to km 68+900 that will be located on the left side of the existing highway and re-join the existing alignment near Talin. There are three deviations from the line of the existing road that have been incorporated into the design: one at each of the communities of Agarak and Ujan, which are aimed at improving the safety of the community by moving the high speed traffic away from the developed existing road; and to avoid the sensitive archaeological site of Zakari Berd, near the community of Katnaghbyur. The location of the T2 Project is depicted in Figure A1 below.

Figure 1: Tranche-2 Project Location



3. A LARP was prepared for the Tranche-2 Project. In line with ADB's requirements and international good practice, consideration has been given during the design process to minimize adverse Land Acquisition and Resettlement (LAR) impacts. The LARP follows the relevant Armenian law; the SPS; and the updated LAR Framework (LARF) approved by ADB¹ and the GoA². GoA approved the LARP after MTCIT and ADB approval on 6 September 2012³.
4. The alignment traverses through 15 villages and 1 town community affecting 838 land plots and acquiring 1,734,144 m² of land. According to the approved LARP, in total, 536 AHs (including owners, leaseholders and informal tenants) are affected of which 326 AHs are severely affected (324 AH lose more than 10% of agricultural land and 2 are relocated) The project has therefore been classified as Category A⁴ based on ADB's Operation Manual (OM) F1/OP (2013), and thus, necessitating a LARP.

¹ http://www2.adb.org/Documents/Resettlement_Plans/ARM/42145/42145-03-arm-rf-draft.pdf

² Government Decree 961-N RA of 14.07.2011; Changes to Government Decree N1274-N RA of 16.09.2010; <https://www.e-gov.am/gov-decrees/item/19866/>

³ <https://www.e-gov.am/gov-decrees/item/21884/>

⁴ As per the ADB Operation Manual (OM) F1/OP (2010) a project is classified as Category "A" if ≥ 200 people suffer significant impacts (relocation or loss of $\geq 10\%$ of productive assets). A project will instead be classified as Category "B" when less than 200 people suffer significant impacts. Category "C" projects have no LAR impacts.

5. Construction is currently suspended as the contract with the Contractor was terminated in August 2019. It is planned to sign a contract with the new Contractor by the end of 2021, after which construction work will restart.
6. However, the actual impact and compensation data was changed as a result of LARP implementation, so at the end of LARP implementation the actual number of affected lands is 821 and number of AHs is 501 (including the expropriation cases), from which 0.4% are physically displaced (2 AHs) and the other 99.6% are economically displaced.
7. The detailed comparison of LARP defined and actual implementation data, as well as the reasons of changes are presented in the 1st Semi-annual Social Monitoring Report (December 2014).

2. OBJECTIVE AND SCOPE OF INTERNAL AND EXTERNAL MONITORING OF LARP IMPLEMENTATION

8. The implementation of the LARP is monitored both internally and externally. The RD is responsible for the internal monitoring. The external monitoring is carried out by an External Monitoring Agency (EMA) whose main task is to monitor and verify LARP preparation and implementation to determine whether resettlement goals have been achieved, and especially livelihood and living standards have been restored or enhanced. This is done through compliance revision and post LARP evaluation.
9. The key objective of internal monitoring is to monitor the progress of LARP implementation (including the compensation process, grievance cases etc.) keeping in mind the effectiveness of project activities, including quantity, quality and timeliness, and the relevance of implemented activities to the project goals and objectives. In addition, the status of expropriation cases is also a subject to internal monitoring⁵. The external monitoring determines whether the LARP activities undertaken have been completed and the results obtained are as planned, both in terms of quality and quantity for each LARP related activities. The main indicators of internal and external monitoring of LARP implementation have been presented in the previous SSMRs.
10. On September 09, 2020 VO4 has been reached with EMA and relevant tasks are assigned for Compliance Reports preparation for Addendum 1 to LARP for Ashtarak-Talin road for relocation of utilities in Kosh and Shamiram (7km) and Addendum 2 to LARP for road section bypassing the "Agarak" Historic-Cultural Reserve (8km).

3. GENERAL PROGRESS OF LARP IMPLEMENTATION

11. This semiannual social monitoring report (SSMR) summarizes and covers the reporting period of T2 LARP implementation status for July-December 2020.
12. As was reported by the previous SSMRs, the T2 LARP was implemented and completed in all 3 subsections. Only 1 expropriation case has been reopened by the AP (from Ujan community), which is continuing in the court.
13. For all 3 subsections Compliance reports has been prepared by EMA⁶ and approved by ADB. Permission was given to the Contractor to start construction in all 3 subsections.
14. The general progress of LARP implementation is presented in Table 1.

⁵ The EMA does not monitor the process of expropriation cases in court, as for such cases the issues of compensation entitlements and/or amount are subject to court examination and decision.

⁶ T2 External Monitoring Agency was called Independent Monitoring Agency (IMA) as per their contract.

Table 1. General progress of LARP implementation per subsections

N	Community	Road PK	Total alignment for subsection (km)	No of Compensated AHs	Date for the Completeness of implementation	Compliance Reports' approval by ADB	Commencement to the Contractor per subsections
1st subsection							
1	N.Sasnashen	km58+540- km59+204	9.236	59 59 (112 land plots)	Completed - January 2013	18.03.2013	26.03.2013
2	V.Sasnashen	km59+204- km61+245					
3	Davtashen	km61+245- km63+581					
4	Katnaghbyur	km63+581- km66+782					
5	Eghnik	km66+782- km67+776					
2nd subsection							
6	Parpi	km29+600- km30+571	17.596	121 (293 land plots)	Completed with Action plan- August 2013	07.08.2013	03.09.2013
7	Voskevaz	km30+571- km31+140					
8	Shamiram	km46+208- km49+058					
9	Aruch	km49+058- km50+862					
10	Kaqavadzor	km50+862- km53+505					
11	Nerqin Bazmaberd	km53+505- km58+540					
12	Talin*	km67+776- km71+500					
3rd subsection							
13	Agarak	km31+140- km33+512	15.068	257 (382 land plots)- 2 relocated AHs	Final completion except expropriation cases- August 2014 ⁷	15.10.2014	07.05.2014 ⁸ 24.03.2016
14	Aghdzq	km33+512- km36+961					
15	Ujan	km36+961- km40+563					
16	Kosh	km40+563- km46+208					

⁷ T2 LARP implementation was completed, only 1 expropriation case in the court is in process. The completion date is Q4 2014 when the final Compliance Report has been submitted to ADB, except of ongoing expropriation cases, while the sections involved court cases mainly complete in handed over to the Contractor in Q1 2016.

⁸ The 1st commencement to the Contractor in the 3rd subsection was given for 5 KMs and the 2nd for the remaining part (except the court cases).

4. REVISION OF THE DESIGN AND RELATED LAR IMPACTS

4.1 Redesign in Agarak bypass section (8km)

15. During the archeological excavations in Agarak community (3rd subsection) another necessity of redesign has raised which requires additional acquisition and changes of surfaces of some acquired land plots. The final decision was made, design of the new alignment has been prepared and provided to RD with a state expertise seal on 30.11.2018.
16. In this regard, contract negotiations were completed and two Contracts for LARP Addendum preparation and implementation have been signed as of November 15, 2018, for the impact assessment exercise and implementation based on detailed design for the new alignment (another Task 2 for utility relocation issues is also included in the same Contracts, see the next section). The Consultant responsible for LARP Addendum preparation has been mobilized in December 2018 and for Task 1 completed the works.
17. The LAR impacts assessment have been started by the Consultant and relevant Addendum to 2 LARP for T2 has been submitted to ADB on August 6, 2019, for review and approval. Later the ADB provided the document with initial comments, which has been addressed and the revised document sent back on October 31, 2019. The Addendum 2 was reviewed by the SDCC and it is expected to provide the document with addressed comments to ADB for final approval at the end of March 2021.
18. No construction activity has been envisaged, as the contract with the Contractor was terminated in August 2019. The civil works will restart after relevant contract signing with the new Contractor and proper compensation provision to the APs and relevant CR approval by ADB for Addendum 2 implementation.
19. During reporting period several meetings were held on 16.08.2020, 22.08.2020 and 15.10.2020 in Cadastral Committee of RA (CC) to discuss the issues of cadastral corrections and the ways of possible solutions, as well as involvement of Implementation Consultant (Media Model LLC) to the working discussion process in order to have a contact person with whom daily raised issues can be reviewed, discussed and relevant actions for resolution ensured.
20. In order to immediately start the implementation of Addendum 2 after its approval by ADB, the Implementation Consultant has started all the preparatory desk works and meetings with state bodies, namely (i) Checking of LAR impact and budget data in comparison with valuation reports and Addendum 2, (ii) Preparation of the draft acquisition contracts and agreements, (iii) Selection of the notary and arrangement of the meetings and consultations with notarial offices by RD along with the Consultant, (iv) Involvement of all the heads of affected communities to obtain an additional information about the APs which are out of RA and not identified during DMS.

4.2 Issue of access roads and unforeseen impacts in Ujan community

21. During the civil works in T2, the head of Ujan community in March, 2018, sent a letter to the head of Aragatsotn region informing that appropriate accesses have not been designed to the agricultural land plots located along the reconstructed road section passing through Ujan community, due to which the lands owners and users are deprived of the opportunity to use and cultivate their lands.
22. To solve the raised issue, the RD engineers together with the community representatives made a joint site visit on 19 April, 2018, reviewed the design solutions and it was identified that the accesses to almost 70 agricultural lands from reconstructed road section are not envisaged by the design. Accesses can be provided through constructing a field (secondary) road of 6m width along the reconstructed road with the use of private lands. It was also agreed that the constructed field (secondary) road will include the irrigation channel (ditch) to serve those land plots. To solve the issue, field (secondary) road design should be developed, then the affected lands should be recognized as Eminent Domain and alienated, in accordance with LARP/LARF provisions.
23. However, due to urgency need of addressing the issue, in consultation to APs, it was decided to compensate APs on their actual losses (improvement on land) and use the land plots for the construction of access roads until the Eminent Domain and land acquisition procedures will be initiated further on. In the current situation, the owners/users of the above-mentioned lands will bear temporary impact depriving of the opportunity to cultivate those sections of their lands which will be used as a field road, as well as will loss the actual improvements on those lands. Thus, the RD initiated the following actions (May-June 2018):
 - i. Identification of affected land plots based on the initial layouts provided by the RD's engineers imposed on cadastral map.
 - ii. Meeting with representatives of Ujan community to discuss and confirm the places of secondary roads and Public Consultation with APs.
 - iii. Inventory of impacts and evaluation of identified affected assets (excluding the land).
 - iv. Signing of agreements with APs on compensation of actual affected improvements and usage of land plots for the construction of the roads until the alienation of the land.
24. The process of compensation payment for the actual loss of improvements on affected land plots (trees, crops, fences), has been almost completed in Mid-June 2018. As soon as the detailed design of the secondary roads will be ready, the Eminent Domain procedures will be initiated for the affected land plots and respective CAP will be prepared and submitted to ADB prior the start of implementation. The detailed design will be provided by the Design Consultant, and the relevant Contract with the mentioned Design Consultant is expected to be signed before 30 June 2021. It is planned to have the detailed design by 30 June 2021 and further relevant actions will be taken to initiate EDD and CAP preparation by RD.
25. To provide current accesses to the problematic lands, to avoid grievance from the residents and to eliminate obstacles for civil works, as well as taking into account that the said procedures are long, while the provision of secondary road and ditch is essential for the villagers, preliminary access road was provided in late June 2018, which gave an opportunity to landowners to cultivate their land plots properly. No grievances received from community members and landowners since then. A temporary solution for irrigation channel (ditch) to serve those land plots was given in collaboration with the Water Committee RA MEINR.

5. UTILITY RELOCATION AND RELATED LAR IMPACTS

26. During the previous reporting periods it has been presented that the relocation of some public utilities (potable water pipelines, gas pipelines, telecommunication cables, electricity poles and cables, and irrigation water channels) may cause additional land acquisition and resettlement (LAR) impacts and require preparation of Due Diligence Reports/Supplementary Land Acquisition and Resettlement Plans (LARPs). It was agreed that Land acquisition due diligence

is required to be conducted on all utilities relocated to date, as well as Addendums shall be prepared and approved by ADB in cases when LAR impacts are identified. Taking into account that the capacity within the RD is overloaded, ADB has proposed to involve national resettlement specialist (Consultant) under the ADB's Technical Assistance, who was hired and mobilized in September 2017.

27. As of the reporting date, the following main actions have been carried out by the Consultant Company⁹ with coordination of national resettlement specialist hired by ADB. Due to the urgency to provide an access to Contractor to use the land plots (private, community owned and leased) for relocation of utilities (including irrigation water channels) in the section from km40+000 to km47+500, RD has given an order to the Consultant Company "Uptime" LLC to conduct the required field works by the purpose to sign the agreements on temporary usage of the land plots with owners and illegal users. Thus, based on the working drawings provided by the Contractor and the design of relocation of utilities (including irrigation water channels) 84 land plots have been identified according to the maximum LAR boundary, out of which 67 are in Kosh, 14 are in Shamiram and 3 are in Ujan communities. Currently, the following works have been carried out by the Consultant in Kosh during the reporting period:

- (i) Obtaining of the fresh Cadastral map
- (ii) Identification of the lot-codes of affected land plots based on the maximum LAR boundary and Cadastral map
- (iii) Identification of the APs (owners, lease holders, illegal user) by support of representatives of the community
- (iv) Inventory of the affected land plots according to the benchmarks put by the Contractor
- (v) Conducting of public consultation with APs to present the results of inventory and discuss and agreed the further LAR procedures
- (vi) Collection of the required documents
- (vii) Conducting of the Census with affected households
- (viii) Measurement of the affected surface area of the land plots based on the Cadastral map
- (ix) Valuation of the affected land plots
- (x) Valuation of the improvements, trees and crops identified on the affected land plots
- (xi) Database preparation.

28. After provision of final LAR boundary from the Supervision Engineer to the RD, DMS, Census and SES were updated based on which, the relevant Addendum 1 for Kosh – Shamiram 7km section has been prepared reflecting all the impacts identified in the km40+000 to km47+500 by the ADB's national resettlement specialist and sent to ADB for review and approval on February 22, 2019. Later, after several round of review and discussions with the Bank, it was agreed to the document should be renamed as Addendum 1 to LARP for Ashtarak-Talin road for relocation of utilities in Kosh and Shamiram (7km). ADB approved the document on May 25, 2020, and compensation payment process has been initiated by the Consultant (Media Model LLC) responsible for LARP Addendum 1 implementation and compliance confirmation report will be prepared by the EMA. Thus, the implementation of Addendum 1 to LARP for Ashtarak-Talin road for relocation of utilities in Kosh and Shamiram (7km) has been started by the Consultant (Media Model LLC). During the reporting period 17 contracts have been signed, out of which 10 were community and 7 were private lands. There were 6 cases that should be expropriated by court. Out of 6 cases 2 were private (2 cases were disagreements on compensation amount and 4 cases are inheritance issues).

29. No construction works have been implemented as the contract with the Contractor was

⁹ Taking into account the pending involvement of consultant for the LAR impact assessment task in the frame of utility relocation (please refer to the next section "Involvement of the Consultant" for details), the Consultant Company "Uptime" LLC has been mobilized by RD to handle with the complaints and issues (access issues, utility relocation etc.) periodically rising in T2 and T3.

terminated. The civil works will restart after ensuring proper compensation provision to the APs and relevant CR approval by ADB for Addendum 1 implementation.

30. Except of Addendum 1, there are sections remain in T2 (km37+544 - km40+000; km47+400 - km71+500) where a LARP Addendum 3 should be prepared and a DDR for the LAR impact free sections. It is planned to finish the documents preparation activities before 30 Jun 2021 and provide mentioned 2 documents for ADB review and approval.

6. SOCIAL SAFEGAURDS CAPACITY FOR THE PROJECT

31. The RD is adequately staffed to ensure the social safeguards compliance of the project implementation. Particularly, the RD has a Social Impact Management Service, as well as a Legal unit consists of the following specialists:
 - (i) Head of Social Impact Management Service;
 - (ii) Social Development and Resettlement Specialist;
 - (iii) Leading Lawyer (responsible for claim and dispute management).
32. Meantime, taking into account the periodically rising complaints and issues (access issues, utility relocation etc.) in T2 and T3, the Consultant Company "Uptime" LLC has been mobilized by RD to handle with those issues as needed (consultations and verification of the DMS, evaluation, agricultural inventory etc.).
Currently, the contractual relationships with the Contractor and Supervising Engineer have been terminated, so no social safeguard specialist is available.

7. PUBLIC CONSULTATION AND GRIEVANCE REDRESS MECHANISM

7. 1 Public Consultation and Information Disclosure

33. During the reporting period, for the APs affected by the access roads in Ujan community and APs affected by utility relocation in Kosh community (please, refer to the chapter 5, several rounds of public consultations have been carried out in the period of July August 2018 with provision of information on projects design, initiated actions, entitlements, compensations and GRM (Ujan – 12.07.2018 and Kosh 24.08.2018). Besides, the protocols and maps have been notified to APs together with agreements on temporary usage of their land plots as described in above chapter 5.
34. Meantime, the consultancy has been provided to the APs and community members on daily bases through phone and face to face meetings as needed.
35. The grievance logbook was prepared and established in community administrative offices and project construction sites by the Contractor, but as the contractual relationships with the Contractor are currently terminated, the above-mentioned works were not carried out during the reporting period.. RD did not receive any direct complaints as well.

7.2 Grievance Redress

36. During the past reporting period several complaints and issues have been raised by APs and residents of Ashtarak-Talin communities related to LAR issues, construction activities, access issues etc. 7 cases are in process and 2 cases have been solved. The summary of grievances/issued with respective details is provided in table 5 below.

Table 2. Registered grievances/requests during reporting period and their status

N	Road section/Community/ KM/Cadastral code	Content of the compliant/issue	Category of the compliant/ issue	Resolution process/remarks
1	Shamiram, 46+600 km	The resident is claiming about the access issue to his and near located residential land plots, which have been blocked as a result of road reconstruction (before the road construction, the access was able through the community land plots in front of their residential buildings which have been acquired for the road construction).	Design issue (access)	In process The issue can be solved only by providing access to this section of the road. Currently, the engineers working on the possible design options for access road.
2	Katnaghbyur, km 66+700	The AP claiming as the entrance of the new constructed agricultural passing is located in his land plot, which means that for the operating of the passing his land shall be used. Part of the two land plots of the AP have been acquired and compensated under the LARP based on the design and provided LAR boundary, however, the design hasn't envisaged that more land will be needed for the operation of the passing (access road), which will require more land.	Design issue (agricultural passing), additional acquisition may be required	In process The RD requested the Supervision Engineer to investigate the issue and suggest possible solutions of the issue. Currently, the RD discusses the preliminary design of the access road for the operation of agricultural passing, which will allow to identify the additional land plot needed. Afterwards, it will be possible to sign an agreement with the AP (agreement on temporary usage/rent of the land) in order to use his land plot as an access road while the detailed design will be prepared and the affected land plot will be acquired in accordance with legislation and LARP provisions. The preliminary agreement has been reached with the AP on the above steps.

N	Road section/Community/ KM/Cadastral code	Content of the compliant/issue	Category of the compliant/ issue	Resolution process/remarks
3	Kosh	<p>The AP has applied to the courts claiming that the compensation provided to him by MTCIT for his fruit trees was not correct and shall be revised. The MTCIT is involved in the court proceeding and the RD currently investigating the case. The case is not usual taking into account that the acquisition contract has been signed with the AP based on the agreed property description protocol and draft notified contract and compensation has been provided accordingly, however, as stated by the previous owner, the number of fruit trees inventoried and compensated is less than the actual number. Meantime, it shall be noted that in terms of legal status, the subject land is the ownership of RA and has been handed over to the Contractor; however, the Contractor has not started any construction works in the said section (see the previous SSMR for the details).</p>	LARP	<p>In process. The court claim was declined. RD will initiate all the required actions in the frame of law and project principles to solve the issue as soon as possible.</p>
4	Talin	<p>According to the design of the road, the Ashtarak-Talin road will bypass the gas station. The company applied to the court of law claiming for the compensation for damage (decrease of traffic and his income because of road bypass).</p>	Design issue (access from the main road)	<p>In process. The RD discusses the issue with the designers regarding the provision of the connection of the existing road with the new bypass road. The AP applied to the court; the case is now in the process.</p>
5	Ujan, 218-003	<p>In 2013, the land was recognized as an exclusive priority interest, and alienated by a court decision. Later one of the landowners, returning from abroad, filed a complaint to the Court of Appeals claiming that he was not properly notified and insisting that there were trees on the plot that were not compensated. The DMS Consultant conducted a visit to find out whether there were any trees and found them to exist, but the applicant disagreed with the trees' description and the amount offered, and requested an expert examination.</p>	LARP	<p>In process. The applicant and RD are currently awaiting the results of the expert examination.</p>

8. PLANNED WORKS FOR THE REPORTING PERIOD January to June 2021

37. During the reporting period January to June 2021 it is planned to receive detailed design from the Design Consultant and further relevant actions will be taken to initiate EDD and prepare a CAP regarding the additional acquisition and compensation cases in Ujan community in order to submit it to ADB (please refer to the chapter 5 of this SSMR).
38. Meantime, it is planned to start the implementation of Addendum 2 to LARP for road section bypassing the "Agarak" Historic-Cultural Reserve (8km).
39. It is planned to prepare a LARP Addendum 3 for the sections remain in T2 (km37+544 - km40+000; km47+400 - km71+500) and a DDR for the LAR impact free sections at the end of May 2021 and provide mentioned 2 documents for ADB review and approval.