

# Social Monitoring Report

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## **Semiannual Report**

**January – June 2019**

Armenia: North-South Road Corridor Investment Program

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

Prepared by “Transport Project Implementation Organization” State Non-Commercial Organization (TPIO) for the Ministry of Territorial Administration and Infrastructure of the Republic of Armenia and the Asian Development Bank.

## CURRENCY EQUIVALENTS

(As of 30 June 2018)

Currency unit	–	AMD
AMD 1.00	=	\$ 0.0020960
\$1.00	=	AMD 477,11

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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-Government Organization
NSRCP	North South Road Corridor Project
PGC	Project Governing Council
RA	Republic of Armenia
SCREC	State Committee of Real Estate Cadaster
SEU	Social and Environmental Unit
SPS	Safeguard Policy Statement
T2/T3	Tranche 2 and T3 of the North South Corridor Road Project
TPIO	Transport Projects Implementation Organization 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 ADB<sup>1</sup> and the GoA<sup>2</sup>. GoA approved the LARP after MTCIT and ADB approval on 6 September 2012<sup>3</sup>.
4. The alignment traverses through 15 villages and 1 town community affecting 838 land plots and acquiring 1,734,144 m<sup>2</sup> 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 A<sup>4</sup> based on ADB's Operation Manual (OM) F1/OP (2013), and thus, necessitating a LARP.

<sup>1</sup> [http://www2.adb.org/Documents/Resettlement\\_Plans/ARM/42145/42145-03-arm-rf-draft.pdf](http://www2.adb.org/Documents/Resettlement_Plans/ARM/42145/42145-03-arm-rf-draft.pdf)

<sup>2</sup> 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/>

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

<sup>4</sup> As per the ADB Operation Manual (OM) F1/OP (2010) a project is classified as Category "A" if  $\geq 200$  people suffer

5. 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.
6. The detailed comparison of LARP defined and actual implementation data, as well as the reasons of changes are presented in the 1<sup>st</sup> Semi-annual Social Monitoring Report (December 2014).

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

7. The implementation of the LARP is monitored both internally and externally. The TPIO 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.
8. 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 monitoring<sup>5</sup>. 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.

## **3. GENERAL PROGRESS OF LARP IMPLEMENTATION**

9. This semiannual social monitoring report (SSMR) summarizes and covers the reporting period of T2 LARP implementation status for January-June 2019.
10. 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.
11. For all 3 subsections Compliance reports prepared by EMA<sup>6</sup> and approved by ADB. Permission was given to the Contractor to start construction in all 3 subsections.
12. The general progress of LARP implementation is presented in Table 1.

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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.

<sup>5</sup> 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.

<sup>6</sup> 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
<b>1<sup>st</sup> subsection</b>							
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					
<b>2<sup>nd</sup> subsection</b>							
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					
<b>3<sup>rd</sup> subsection</b>							
13	Agarak	km31+140- km33+512	15.068	257 (382 land plots)- 2 relocated AHs	Final completion except expropriation cases- August 2014 <sup>7</sup>	15.10.2014	07.05.2014 <sup>8</sup>
14	Aghdzq	km33+512- km36+961					
15	Ujan	km36+961- km40+563					
16	Kosh	km40+563- km46+208					

<sup>7</sup> 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.

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

#### **4. CORRECTIVE ACTIONS UNDER THE LARP**

13. As it was presented during the past reporting periods, 4 APs (3 in Ujan and 1 in Kosh communities) raised complaints to the Contractor during the clearing & grubbing works in 3rd subsection. Inventory verification has been carried out with participation of APs, compensation re-calculated, and all 4 cases have been solved, the compensations have been notified and paid to the APs accordingly. The CAP is being prepared by TPIO for the above-mentioned cases and will be submitted to ADB by the end of Q4, 2019. The results of corrective action will be verified by external monitoring and submitted to ADB.

#### **5. REVISION OF THE DESIGN AND RELATED LAR IMPACTS**

##### Redesign in Agarak community section:

14. 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 was prepared and provided to TPIO with a state expertise seal on 30.11.2018. The LAR impacts assessment have been started by the Consultant and relevant LARP will be submitted to ADB for review during the next reporting period.
15. In this regard, contract negotiations were completed and two Contracts for LARP 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 preparation has been mobilized in December 2018 and started its works.

##### Issue of access roads and unforeseen impacts in Ujan community:

16. During the civil works in T2, the head of Ujan community in March, 2018, sent a letter to the head of Aragatsothn 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.
17. To solve the raised issue, the TPIO 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.
18. 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 TPIO initiated the following actions (May-June 2018):
- i. Identification of affected land plots based on the initial layouts provided by the TPIO'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.
19. 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.
20. 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.

## **6. UTILITY RELOCATION AND RELATED LAR IMPACTS**

21. During the previous reporting periods it was noted that relocation of some public utilities (potable water pipelines, gas pipelines, telecommunication cables, electricity poles, 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 CAPs shall be prepared and approved by ADB in cases when LAR impacts are identified. Taking into account that the capacity within the TPIO 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.
22. As of the reporting date, the following main actions have been carried out by the Consultant Company<sup>9</sup> 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, TPIO 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

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<sup>9</sup> 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 TPIO to handle with the complaints and issues (access issues, utility relocation etc.) periodically rising in T2 and T3.

- (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.

23. The relevant CAP 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. After ADB's approval, appropriate compensation delivery and compliance confirmation by external monitoring, the Contractor will be allowed to start utility relocation activities in the given section.
24. Involvement of Consultant: The main part of social due diligence task for utility relocation, particularly the identification of affected land plots and related desk work, as well as the further implementation of DMS, census and other surveys is in process by the survey team, which has been already involved. This survey task for utility relocation was included in the Contracts for LARP preparation and implementation as Task 2 prepared for the other main Task 1 for Tranche 2 new bypass alignment. The tender was finalized and the Contract was signed as of November 15, 2018. The field works started after the Contract signing with the selected consultant. The selection of the consultant for LARP implementation Consultant has also been finalized and the selected candidate Media Model LLC has been invited to present the Proposal. The tender was completed as well and the Contract was signed with selected company as of November 15, 2018.

## **7. SOCIAL SAFEGUARDS CAPACITY FOR THE PROJECT**

25. The TPIO is adequately staffed to ensure the social safeguards compliance of the project implementation. Particularly, the TPIO 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).
26. 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 TPIO to handle with those issues as needed (consultations and verification of the DMS, evaluation, agricultural inventory etc.).
27. The Contractor has a full-time social safeguards specialist on board, who is actively involved in implementation of activities required to ensure the compliance of construction process in terms of social safeguards, including the public consultations and grievance redress.
28. Meantime, the Supervision Engineer is not currently properly staffed in terms of social safeguards specialist on board, as the input time for the national consultants is limited, therefore for the urgent issues, the TPIO directly works with the social safeguard specialist of the Contractor.

## **8. PUBLIC CONSULTATION AND GRIEVANCE REDRESS MECHANISM**

### **8.1 Public Consultation and Information Disclosure**

29. 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 sections 5 and 6), 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 sections 5 and 6.
30. Meantime, the consultancy has been provided to the APs and community members on daily bases through phone and face to face meetings as needed.
31. The grievance logbook is prepared and established in community administrative offices and project construction sites by the Contractor, which is regularly checked by Contractor's social specialist and reported to TPIO accordingly.

### **8.2 Grievance Redress**

32. During the 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 5. 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 TPIO requested the Supervision Engineer to investigate the issue and suggest possible solutions of the issue. Currently, the TPIO 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.
3	Kosh, 153-001	The complainant is leaseholder of the community land plot used for the quarry, while the buildings located on the land plot are the ownership of the leaseholder. The part of the land plot has been acquired under the LARP and the leaseholder has been compensated accordingly, however, the complainer claims that the road is too near to his buildings (which have not been affected by LARP), and they can be damaged during the operation of the road taking into account the change of road high towards the land plot.	Design issue (safety issue to near buildings) additional acquisition may be required	Resolved The engineers concluded that it is unsafe to operate the buildings, thus it is necessary to acquire the last. This case is described in the relevant CAP for Kosh 7km.

4	Ujan, 245-011	<p>The part of the land plot of AP has been acquired under the LARP through expropriation. However, later has been revealed that the remained part of the land plot which is located within the interchange also shall be acquired (not affected by the interchange construction itself, but shall be acquired to ensure the safety norms, as the private land plot cannot be owned/used within the interchange). Meantime, the AP made obstacles for the Contractor to use the already acquired land plot stating that he don't want the road to be constructing in the given section. The Contractor submitted a claim to the Employer in this regard.</p>	LARP	<p>Resolved Taking into account the urgency of the issue, the TPIO has calculated the compensation for the addition land plot needed (within the interchange). The suggested compensation has been presented to the AP which has been rejected by AP stating that this is not the money issue, he just doesn't want the road to be constructed. Taking into account the urgency of the issue, TPIO has also suggested other options for AP's consideration such as "land for land compensation", as well as expressed its readiness to discuss other options preferable for AP, however, the several negotiations, consultations and meeting have been failed and agreement couldn't be reached with AP. Currently, the TPIO initiated the Eminent Domain procedures for the needed land plot to acquire it.</p>
5	Kosh	<p>The AP has applied to the courts of law 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 TPIO 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. TPIO will initiate all the required actions in the frame of law and project principles to solve the issue as soon as possible.</p>

6	Talin	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).	Design issue (access from the main road)	In process. The TPIO discusses the issue with the designers regarding the provision of the connection of the existing road with the new bypass road.
7	Ujan, 218-003	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.	LARP	In process. The applicant and TPIO are currently awaiting the results of the expert examination.

## **9. PLANNED WORKS FOR THE NEXT REPORTING PERIOD**

33. During the next reporting period it is planned to submit the CAP to ADB regarding the additional acquisition and compensation cases in Ujan community (please refer to the section 5 of this SSMR).
34. Meantime, it is planned to complete to start the implementation of CAP for Kosh 7km and LARP of Agarak 8km.
35. During the next reporting period it is also planned to make a VO for EMA to assign tasks for and Compliance Reports preparation for CAP for Kosh 7km and LARP for Agarak 8km which further should will be submitted to ADB for review.