

Social Monitoring Report

Semiannual Report

July-December 2017

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 for the Ministry of Transport, Communications and Information Technologies of the Republic of Armenia and the Asian Development Bank.

CURRENCY EQUIVALENTS

(As of 31 Dec 2017)

Currency unit	–	AMD
AMD 1.00	=	\$ 0.0020656
\$1.00	=	AMD 484.10

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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
MFF	Multi-Tranche Financing Facility
MOTC	Ministry of Transport and Communications
NGO	Non-Government Organization
NSRCP	North South Road Corridor Project
PGC	Project Governing Council
PMC	Project Management Consultant
PMU	Project Management Unit
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

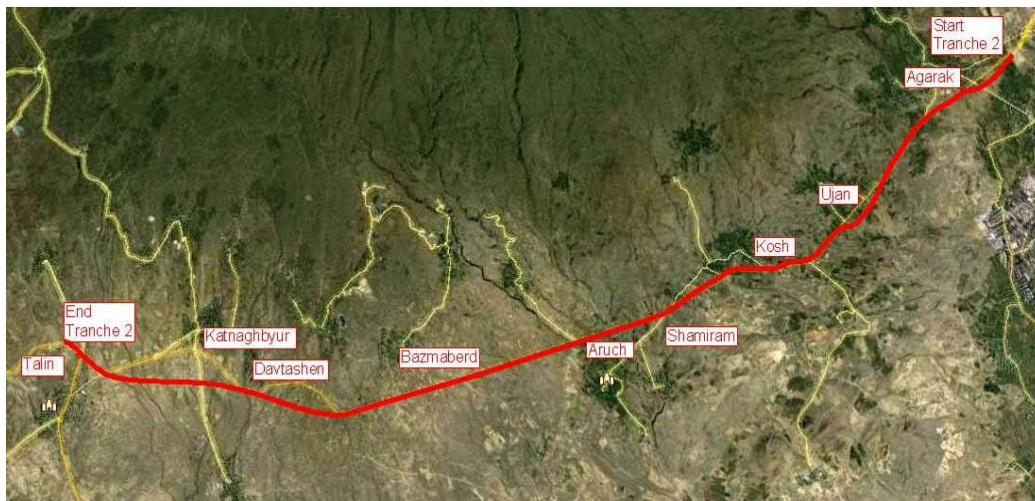
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1. PROJECT BACKGROUND

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 ADB¹ and the GoA². GoA approved the LARP after MOTC 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 AHs lose more than 10% of agricultural land and 2 are relocated) The

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/>

project has therefore been classified as Category A⁴ based on ADB's Operation Manual (OM) F1/OP (2013), and thus, necessitating a LARP.

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 1st 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 and PMC are 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 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.

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 July-December 2017 period.
10. As was reported by the previous SSMRs, the T2 LARP was implemented and completed in all 3 subsections except of the 1 continuing expropriation case in the courts of law.
11. For all 3 subsections Compliance reports have been prepared by EMA⁶ and approved by ADB. Permission was given to the Contractor to start construction in all 3 subsections (excluding the section where one expropriation case is in process).
12. The general progress of LARP implementation is presented in Table 1.

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 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 the expropriation cases in the court are in process. The estimated completion date is Q4 2015, though this date can be changed as the completion of court cases are regulated only by court procedures.

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. PUBLIC CONSULTATION AND GRIEVANCE REDRESS MECHANISM

13. No public consultations have been organized during the reporting period. Consultancy has been provided to the APs and community members on daily bases through phone and face to face meetings as needed.
14. During the missions carried out by ADB on 23-31 Jan17 and 20-28 Feb17, ADB and TPIO specialists met with the APs who raised complaints to the Contractor during the clearing & grubbing works in 3rd subsection (mainly in Ujan and Kosh communities). As a result, it was agreed with ADB that the TPIO shall present periodical Compliant Monitoring Sheets on the status of several claims presented by the Contractor during the previous reporting period regarding the complaints from affected persons who made obstacles for the Contractor during the clearing & grubbing works. Currently there are in total 4 cases (3 in Ujan and 1 in Kosh) which can still prevent the construction process and/or TPIO need to initiate additional actions. The last compliant sheet with summery of cases which has been submitted to ADB is attached as Annex 1. TPIO has already initiated the actions needed for their resolution. It is expected to be completed by the end of Jan 2018.
15. Meantime, there is an AP in Kosh community who 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 said land plot (cadastral code: 114-002, owner: Rubik Khachatryan) has been acquired and compensated during the LARP implementation. The case is included in the Compliance Report prepared by EMA for the 3rd subsection. 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. The court case is in process, and it is assumed that additional expertise will be required to solve the case. 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. TPIO will initiate all the required actions in the frame of law and project principles to solve the issue as soon as possible.

5. REVISION OF THE DESIGN AND RELATED IMPACTS

Redesign of Agarakavan-Aruch interchange:

16. In the framework of civil works of T2 road section redesign of Agarakavan-Aruch interchange was implemented in order to decrease the archeological impacts and terms. As a result of redesign new land plots were included in the project's impact zone and affected surfaces of some acquired land plots have been changed. At the same time, completion results of T2 LARP revealed some inaccuracies; in particular some new land plots need to be additionally acquired. Taking into account the need to acquire new land plots, the MTCIT (TPIO) has prepared a Correction Action Plan (CAP) under Tranche 2 LARP in order to organize and implement the acquisition of said land plots which was approved by ADB.
17. During the reporting period, the CAP has been almost implemented besides 3 cases (1 private land and 2 community land plots with registered user, all in Kosh community). Currently the TPIO negotiating with the owner and user (the same person) to acquire the land plots, otherwise, the expropriation procedure will be initiated.

Proposed redesign in Agarak community:

18. During the archeological excavations in Agarak community (3rd subsection) another necessity of redesign has raised which may also require additional acquisition or changes of surfaces of some acquired land plots. After the final decision is made and the design is available, the possible LAR impacts will be assessed and relevant procedures will be initiated. Another CAP will be prepared for possible new affected lands plots, in case if the redesign in Agarak community is done and additional impacts are identified.
19. In this regard, ToRs for LARP preparation and implementation has been prepared in order to involve a consultant for the impact assessment exercise based on detailed design for the new alignment (another Task 2 for utility relocation issues is also included in the same ToRs). The ToRs have been reviewed and approved by ADB. It is expected to initiate the tendering process at the beginning of Jan 2018.

6. ISSUES OF RELOCATION OF PUBLIC UTILITIES AND RELATED IMPACTS

20. During the previous reporting period 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.
21. TPIO has submitted to ADB the Progress Report on Utility relocation social due diligences in Oct, 2017. During the reporting period, the following main actions have been carried out by the Consultant with coordination of TPIO:
 - a. Methodology of Social due diligence on utility relocation has been prepared by the Consultant in assistance of TPIO specialists which is currently in process of revision based on comments provided by ADB. The revised Methodology will be submitted for ADB's review and approval as soon as finalized.
 - b. Desk review of available data and documentation (detailed design/working drawings of utilities for all types as well as for the irrigation infrastructures superimposed on cadastral map, as well as design changes, if any).
 - c. Review and analysis of legal framework and regulations for utility relocation
 - d. Assistance to the T2 International Contractor during the preparation of the working drawings for irrigation infrastructures (In order to avoid additional LAR impacts, the TPIO provided the Contractor/Engineer the information on the land plots which have been acquired by the Employer totally instead of affected parts)
 - e. Identification of sections required DDRs and CAPs.
22. As of the reporting date, the mentioned tasks couldn't be carried out, as the LAR boundary for all utilities hasn't been finalized yet. As soon as the LAR boundary is finalized for all utilities (including the irrigation infrastructure), the Consultant, with assistance of survey team, will classify the cases/sections of the road where:
 - a. the relocation of utilities is within the RoW of T2&T3 and/or doesn't cause LAR impacts and prepare DDRs accordingly.
 - b. the relocation of utilities is out of RoW of T2&T3 and cause LAR impacts

(permanent and/or temporary), consequently the final list of affected land plots will be sorted out. and prepare CAPs accordingly based on a survey of affected people, assets inventory and valuation of the project affected persons in line with the ADB SPS 2009, Project's LARF, T2, T3 LARPs and relevant RA Law and Regulations.

23. The main part of social due diligence task, particularly the identification of affected land plots and related desk work, as well as the further implementation of DMS, census and other surveys shall be done by the survey team, which hasn't been involved yet. This survey task for utility relocation was included in the ToRs for LARP preparation and implementation as Task 2 prepared for the other main Task 1 for Tranche 2 new bypass alignment. The ToRs has been reviewed and approved by ADB. It is expected to initiate the tendering process at the beginning of Jan 2018.

Annex 1. Complaints monitoring sheet, Tranche 2 LARP

N	Community / code of land plot / name of Complainant(s)	Summary of grievance	Km+m to Km+m (total length)	Latest status / proposed next step as of May 17, 2017	Latest status/ proposed next steps	Effective access to site provided	Detailed comments on access to site
1	<p>Ujan community</p> <p>Plot # 218-006, 218-008, 218-009</p> <p>Mayis Simonyan, Albert Avetisyan</p>	<p>Complaint on Contractor's using more land than was acquired by EA</p>	<p>km 39+760</p> <p>km 39+870</p> <p>(110 meters)</p>	<p>Based on the implemented field visit (12.04.17), desk verification (comparison of the field coordinates with the LAR coordinates (alienated area) at the office) was carried out by the LAR consultants, as a result of which it was revealed that more land should be acquired instead of already acquired one due to cadastral discrepancies.</p> <p>The additional joint site visit was held with participation of the Contractor, TPIO/LAR implementation consultants and APs, during which the trees on the additional affected land plots were inventoried. Inventory protocols have been signed with APs and they have been informed that additional lands shall be acquired.</p> <p>The valuator presented the calculation of compensation for additional land to be acquired, as well as for the trees based on</p>	<p>The corrective measures will be implemented, namely: new acquisition contracts for additional affected lands will be signed with APs as soon as the needed documents are available (land plan, power of attorney for absent APs). The CAP will be prepared and submitted to ADB in this regard.</p>	<p>NO</p>	<p>Contractor's claim # 1040. Contractor has put pegs along RoW to demarcate boundaries where to carry out 'clearing and grubbing'. When checked by APs, the pegs appear to be put 12 meters beyond of established RoW and thus affecting more surface of private plots (orchards) against the acquired surfaces. Owner of all 3 land plots is one AP, who flagged the issue to Contractor and asked not to enter his private land until the matter is clarified. TPIO and Contractor discussed the problem and concurred that the issue appears to relate to geo-referenced coordinate system. As a next step, it was agreed to compare the coordinate system used by TPIO with the coordinate system utilized by Contractor. If the coordinate system used by Contractor proves accurate, additional land strips will be acquired. TPIO explained the situation to AP during personal meetings in January, February and April 2017.</p> <p>Mission met with complainant, who confirmed that Contractor tried to carry out 'clearing & grubbing' on his lands in October 2016, but AP and his neighbors did not allow tractor into his land plot.</p>

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				<p>LARP rates on 08.08.17. Based on presented information, TPIO notified the suggested compensation to the APs, as well as carried out joint consultation on 08.08.2017 about the further steps.</p> <p>Currently, TPIO prepares the new acquisition contracts for additional affected lands with related documents to be signed with APs.</p>			<p>The Contractor submitted interim claim referring to the original one on 04.08.2017.</p>
2	<p>Kosh community</p> <p>Plot # 132-033</p> <p>Babken Gabrielyan (renter)</p>	<p>AP is a renter on community land, who disagrees with valuation of his grape/walnut trees.</p>	<p>km45+100 km44+750</p> <p>(350 meters)</p> <p>(in the attached list to claim Km is 44+850-km45+020)</p>	<p>During the previous reporting period, taking into account the delay of the court expertize TPIO requested the court one more time to change the expert, as well as requested the authorized state body to inspect the expert laboratory regarding the non-proper work.</p> <p>Meantime, the TPIO has organized additional field inventory of improvements on land by the agronomist (LAR</p>	<p>Based on the results of field inventory, TPIO plans to compensate the AP for the inventoried affected grape and walnut trees asap.</p> <p>The CAP will be prepared and submitted to ADB in this regard.</p>	<p>NO</p> <p>(The land is the ownership of the Employer and relevant access to site is provided to the Contractor, however, the access may not be considered</p>	<p>Contractor's claim # 1035. DMS did not identify a lease holder on community land, as cadastral database had no information on leases back then. Lease holder was discovered in 2014, and case was taken to the court by TPIO. AP's lease is 25 years, of which 13 has past already (the lease contract was signed in May 2003). As per court's ruling, the amount of compensation was determined and transferred to court's deposit account, with draft contract sent to AP. However, AP disagreed with the compensation offered and request from the court an independent expertise (re-inventory and re-valuation of trees). Court authorized the re-valuation and assigned an expert in March 2016. The expert visited site, met with AP in</p>

N	Community / code of land plot / name of Complainant(s)	Summary of grievance	Km+m to Km+m (total length)	Latest status / proposed next step as of May 17, 2017	Latest status/ proposed next steps	Effective access to site provided	Detailed comments on access to site
				consultant).		as effective until completion of the court case and or contract signed with AP)	<p>July 2016, but still has not submitted his conclusion report to the court. Both TPIO and AP requested court to expedite the completion of re-valuation in 2016 (e.g. replacing valuator), but case is still pending.</p> <p>Mission visited the site and met with complainant, who confirmed that Contractor tried to carry out 'clearing & grubbing' on his lands in October 2016, but AP and his neighbors did not allow tractor into his land plot.</p>
3	<p>Ujan community</p> <p>Plot # 238-001</p> <p>Vruyr Araqelyan (the person has presented himself as a representative of the newly registered owner Samvel Harutyunyan)</p>	<p>Court case between private person and the community, with TPIO being the 3rd party to the process.</p>	<p>km37+000</p> <p>km37+100</p> <p>(100 meters)</p>	<p>During the reporting period, the owner of the land plot has provided the newly registered ownership certificate, based on which the TPIO initiated the revision of the compensation package. The draft acquisition contract will be sent to AP and the acquisition contract was signed with AP on 01.08.2017 and compensation was paid accordingly.</p>	<p>Completed</p>	<p>YES</p>	<p>Contractor's claim # 1037. Community land that was being acquired by TPIO turned out to be in the process of privatization by a private person. TPIO suspended acquisition process until the court case between the community and private party is over and it is clear whom compensation should be paid. Private person, complainant, is blocking the access to the site. TPIO has to wait until court case ends and then acquire required land(s). Compensation will be calculated based on new land certificates to be issued after the court decision is registered in cadaster. As per TPIO's information, the court decision was submitted by AP to cadaster for registration on 03.02.2017.. This case is part of CAP.</p>

N	Community / code of land plot / name of Complainant(s)	Summary of grievance	Km+m to Km+m (total length)	Latest status / proposed next step as of May 17, 2017	Latest status/ proposed next steps	Effective access to site provided	Detailed comments on access to site
4	<p>Aruch community, Plot# 116-013</p> <p>Former renter Yeprem Ghazaryan (dead).</p> <p>The complainer is the father of dead renter Ghazar Ghazaryan, who presented himself as the heir of his son, but has no such legal rights/power of attorney etc.).</p>	<p>Disagreement with proposed compensation amount.</p> <p>The complainer (Gh. Ghazaryan) also raised the issue on improvements (stones) located on his leased land plot which in his opinion were removed by the Contractor without compensation.</p>	<p>Km 49+600- Km49+760 (preliminary)</p> <p>160m</p>	<p>Official notice was sent to the Engineer/ Contractor on elimination of obstacles to effective access in Section 1 (T2) on 13.02.2017.</p>	<p>No updates, as currently the Contractor doesn't carry out civil works on that section.</p> <p>However, in case of obstacles, the Contractor/Engineer shall initiate all the actions defined by RA legislation.</p>	<p>N/A</p> <p>(The land is the ownership of the Employer and relevant access to site is provided to the Contractor, however, the unlawful complainer may still complain.)</p>	<p>DMS did not identify a lease holder on community land, as cadastral database had no information on leases back then. Lease holder was discovered in 2015 and case was taken to court by TPIO. AP's lease is 25 years, of which 12 has past already (the lease contract was signed in Jan 2005).</p> <p>The calculated compensation was transferred to the court deposit account and draft contract was notified to AP (in the name of possible heirs of dead renter). However, the unlawful representative of the owner doesn't agree with the suggested compensation amount raising also the issue about improvements on the land. The Employer has checked this information in the compensation package of the acquired land plot (land description protocol, valuation report etc.) and replied that no such improvements have been inventoried on the land plot during the DMS survey (the land description protocol was signed by the head of community).</p> <p>The Complainer presented counter-claim for the compensation of improvements (stones), but the claim was rejected by the court due to no grounds provided.</p> <p>Besides, the TPIO requested the Engineer to provide all available data (protocols,</p>

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							<p>construction acts, photos) of that particular section and verify the existence of any improvement (stones) on the land. The Engineer replied that no stones or other improvements have been located on the mentioned land plot, which was also shown on the photos of the site.</p> <p>Based on the court decision issues on 27.10.2016 the lease agreement with the renter was dissolved for the affected part with compensation transferred on deposit account.</p>
5	Kosh community, Plot # 114-002	Disagreement with number or affected fruit trees and consequent compensation amount.	Km 43+223- Km 43+223 100 m	No update. The TPIO waits to the confirmation of Government and Ministry of Finances to initiate with settlement agreement.	Based on the inventory verification results, negotiate with the former owner and sign a settlement agreement.	YES (The land is the ownership of the Employer and relevant access to site is provided to the Contractor)	<p>The contract was signed with AP and land plot was acquired in 2013.</p> <p>However, later the former AP applied to the court insisting that the number of fruit trees were not inventoried correctly and requested from the court an independent expertise (re-inventory of trees). Court authorized the re-inventory and assigned an expert in 12.03.2015. The expert has submitted his conclusion report to the court on 10.08.2015 and the court issued the decision based on expertize results. The TPIO appealed the court decision in the Court of Appeals to verify the double inventory taking into account that the owner has signed the land description protocol. Based on the inventory verification results, the TPIO plans to negotiate with the former owner</p>

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							and sign a settlement agreement.

