

Office of the Special Project Facilitator

Office of the Compliance Review Panel

A. Complainants' Choice and Contact Information

1. Complainants' Choice
a. Please forward complaint to: (Please choose only one and DO NOT leave this BLANK)
<input checked="" type="checkbox"/> Special Project Facilitator (Assists people who are directly and materially harmed by specific problems caused, or is likely to be caused, by ADB-assisted projects through informal, flexible, and consensus-based methods with the consent and participation of all parties concerned)
<input type="checkbox"/> Complaint Review Panel (investigates alleged noncompliance by ADB with its operational policies and procedures in any ADB-assisted project in the course of the formulation, processing, or implementation of the project that directly, materially, and adversely affects, or is likely to affect, local people)
b. Do you want your identities to be kept confidential?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

2. Information on the Complainants (The identities of complainants will be kept confidential unless the complainants agree to disclose their identities, but anonymous complaints will not be accepted.)				
Name and designation (Mr., Ms., Mrs.)	Signature	Mailing Address	Telephone numbers (landline/mobile)	E-mail Addresses
1. Mr. Giorgi Gedenidze გიორგი გედენიძე		Building No 6, Rustavi Highway, Tbilisi, Georgia	599 88 05 89 (mob.)	Mr.g.gedenidze@mail.ru
2. Ms. Anaida Tabatadze ანაიდა ტაბატაძე		Building No 6, Rustavi Highway, Tbilisi, Georgia	595 26 05 12 (mob.)	
3. Ms. Izolda Sikhuashvili იზოლდა სიხუაშვილი		Building No 6, Rustavi Highway, Tbilisi, Georgia	579 21 37 79 (mob.)	
4. Ms. Marina Alaverdashvili მარინა ალავერდაშვილი		Building No 6, Rustavi Highway, Tbilisi, Georgia	555 11 21 43 (mob.)	
5. Ms. Irma Keshikashvili ირმა ქეშიკაშვილი		Building No 6, Rustavi Highway, Tbilisi, Georgia	595 39 79 36 (mob.)	
6. Ms. Inga Keshikashvili ინგა ქეშიკაშვილი		Building No 6, Rustavi Highway, Tbilisi, Georgia	593 58 44 23 (mob.)	

7. Ms. Irine Atchvadze ირინე არჩვაძე		Building No 6, Rustavi Highway, Tbilisi, Georgia	595 79 39 42 (mob.)	
8. Mr. Giorgi Lomidze გიორგი ლომიძე		Building No 6, Rustavi Highway, Tbilisi, Georgia	2 40 35 29 (landline)	
9. Mr. Giorgi Gokadze გიორგი გოქაძე		Building No 6, Rustavi Highway, Tbilisi, Georgia	593 61 82 62 (mob.)	
10. Mr. Iuri Omarashvili იური ომარაშვილი		Building No 6, Rustavi Highway, Tbilisi, Georgia	555 55 58 44 (mob.)	
11. Mr. Geri Grigoriani გარი გრიგორიანი		Building No 6, Rustavi Highway, Tbilisi, Georgia	592 85 44 55 (mob.)	
12. Ms. Natia CHkonია ნათია ჭყონია		Building No 6, Rustavi Highway, Tbilisi, Georgia	598 92 61 00 (mob.)	
13. Ms. Efenia Elbakidze ეფენია ელბაკიძე		Building No 6, Rustavi Highway, Tbilisi, Georgia	571 77 84 22 (mob.)	
<p>3. Information on Authorized Representative (if any). (The identity of representatives who are not at the same time complainants will be disclosed to ensure transparency.)</p> <p>This complaint has not been filed by an authorized representative. Name of Authorized Representative, designation, mailing address, telephone number, and E-mail addresses. (Please ask the representative to sign on top of his/her name.)</p> <p>Please attach evidence of authority to represent the complainants, which will include the full name and signature of the complainants, and their mailing address, telephone numbers, and E-mail addresses, as applicable.</p>				

B. Project Information

Project name	Tbilisi-Rustavi Highway construction project, the Ponichala stretch (stretch 2) of the Project
Project location	Rustavi Highway, Tbilisi, Georgia
Brief description of the project	<p>Tbilisi-Rustavi Highway construction project, namely the Ponichala stretch of the Project envisages modernization and enlargement of the Tbilisi-Rustavi Highway, precisely the Ponichala stretch of the Highway; more precisely turning a two-lane road into a four-lane one. The Project aims at improving the transport infrastructure connecting the city of Tbilisi with a town of Rustavi. The Project is financed by the Asian Development Bank (ADB) and the construction works are being carried out by the Municipal Development Fund of Georgia.</p> <p>The Environmental Impact Assessment Report for the Project was released on 6th April 2016; The public discussion on the Environmental Impact Assessment Report for the Project is planned to be held on 25th May, 2016. On 29th October, 2015, the “resettlement action plan for the Tbilisi-Rustavi urban traffic intersection –Section 2, stretch B” was released. The document has not been subject to public discussions.</p>

C. The Complaint

1. What direct and material harm has the ADB-assisted project caused to, or will likely cause to, the complainants?

Our residential building, which is situated on Rustavi Highway in Tbilisi, was affected by Tbilisi-Rustavi Highway construction project, namely by the Ponichala stretch of the project. Because of the project, we - the residents of the building - are subject to involuntary resettlement. We find the conditions of involuntary resettlement offered by the Municipal Development Fund of Georgia absolutely unacceptable. We would like to specify the grounds for our dissatisfaction below.

Due to the Ponichala stretch of Tbilisi-Rustavi highway project, the representatives of the Municipal Development Fund of Georgia carried out an audit of our residential building. As we were informed, the authorities in charge of the Project implementation were first considering the possibility of demolishing a part of the building for the purpose of the construction works under the Project, though it turned out that in this case the resistance of the whole building would be under threat. Therefore, at the end it was decided to demolish the whole building. The representatives of the Municipal Development Fund of Georgia are offering compensations the amount of which is not sufficient to buy residential apartments similar to the ones we own in the building, either in the district we live now – Ponichala, or in other districts in the city of Tbilisi (according to the latest data, the prices on residential apartments in Ponichala have risen sharply and the amount offered as a compensation is much lower than the market price of a residential apartment in Ponichala). In view of the above mentioned we – representing a certain number of the residents of the building - refused to take the compensations offered to us by the Municipal Development Fund of Georgia. We have to highlight herein that while calculating the amount of the compensations the representatives of the Municipal Development Fund of Georgia did not take into account the communal property owned by the residents of the building, such as communal bathrooms and corridors that are large and convenient for the residents who are blind or visually impaired. Besides, there were cases when different residents were offered different amounts of compensation per square meter.

Later, the residents of the building were also offered alternative residential apartments in a two-storey building situated in Lubliana Street in Dighomi by the representatives of the Municipal Development Fund of Georgia. As we learned later, the two-storey building was originally constructed as a youth hostel for students. We refused to move to the building due to the fact that majority of the residents of our building are blind or visually impaired; the building we live at the moment was specifically designed and constructed in 1960s for the people who are blind or visually impaired and the conditions there meet the needs of everyday life of the people with such disability; namely, the facilities like a school, a kindergarten etc. are located near the building and the majority of the residents who have jobs do not have to commute to their workplace as they work in the institutions located nearby the building. Besides, the costs of living in Ponichala are much lower compared to the costs of living in other districts of Tbilisi. In other words, in case we accepted the offer, our everyday life would become more complicated than it is now and the cost of living would increase significantly; the sums offered by the Fund do not either envisage compensation for the complicated living conditions or cover the increased cost of living.

A certain number of the residents accepted the proposed amount of the compensation and they have already received the compensations (most of the residents, who accepted the proposed amount of the compensation, were no longer living in the building and they retained ownership of the apartment). In view of the above mentioned, the representatives of the Municipal Development Fund of Georgia are trying to compel us to accept the proposed amount of the compensation, threatening that otherwise we will be evicted from the apartments we own. We are subjected to psychological pressure every time we meet with the representatives of the Municipal Development Fund of Georgia.

2. Have the complainants made prior good faith efforts to solve the problem(s) and issue(s) with the ADB operations department concerned?

Yes If YES, please provide the following: when, how, by whom, and with whom the good faith efforts were made.

1. On October 26, 2015, we appealed to Medgar Chelidze – Resettlement Expert at the Asian Development Bank (ADB), asking him to consider our complaint and to take necessary measures in order to solve the problem (see appendix 1). On the same day we met with foreign representatives of the Asian Development Bank (ADB), who told us to file a written complaint that they would consider. Consequently, on October 26, 2015, we filed the same

appeal to foreign representatives of the Asian Development Bank (ADB).

2. On February 22, 2016 we appealed to Medgar Chelidze – Resettlement Expert at the Asian Development Bank (ADB), asking him to properly assess the harm incurred by us as a result of the Project implementation and to define the amount of compensations that could be considered fair (see appendix 2).
3. On February 22, 2016 we appealed to Yesim Elhan-Kayalar - the Asian Development Bank (ADB) Country Director for Georgia, asking her to properly assess the harm incurred by us as a result of the Project implementation and to define the amount of compensations that could be considered fair (see appendix 3).

Please describe any response the complaints may have received from or any actions taken by ADB

1. In response to our appeal of October 26, 2015, we received two written notices from the Asian Development Bank (ADB) Country Director for Georgia - Yesim Elhan-Kayalar (on November 4th of 2015 – see appendix 4) and the Asian Development Bank Urban Development and Water Division Central West Asia Department Director - Mr. Anand Chiplunkar (on November 20th of 2015 – see appendix 5) according to which our appeal was referred to the Municipal Development Fund of Georgia (MDF) and they recommended to continue negotiations with the Fund of Georgia.
2. In response to our appeal of February 22, 2016, we received a reply from Yong Ye an urban development department chief economist at the Asian Development Bank (ADB) (the letter of March 1st of 2016 – see appendix 6), where it is stated that in order to facilitate the process of investigation into the case, we should all describe our individual cases separately and submit individual complaints to the Complaint Review Panel. In the same letter we were once again advised to continue cooperation and negotiations with the Municipal Development Fund.

In view of the above mentioned, we would like to inform you that we had been verbally offered to submit individual complaints from the representatives of the Municipal Development Fund of Georgia (MDF) as well as the representatives of the Asian Development Bank (ADB) prior to receiving the letter from Yong Ye. Though, we opted not to follow their advice due to the following reasons:

- We believe that there is no necessity of submitting individual complaints as all the residents of the building have absolutely analogous problems;
- Breaking up our collective complaint into separate individual complaints and submitting them individually would mean return to the starting phase, as the process of preparing individual complaints and their review by relevant bodies would by all means be time-consuming and result in the delay with respect to actual solution to our problem;
- We believe that the purpose of the proposals made by of the representatives of the Asian Development Bank (ADB) and of the Municipal Development Fund of Georgia (MDF) was to deprive us of the opportunity to refer to your institution as according to the statute of the Asian Development Bank (ADB), only a group of two or more individuals can submit their complaint at the Accountability Mechanism.

With regard to the second part of the recommendation received from Yong Ye, we would like to inform you that we tried to communicate with the representatives of the institution, both in written and oral forms, though we failed to get any result (see, also, paragraph 4 below).

No

3. Have the complainants contacted the Office of the Special Project Facilitator or the Compliance Review Panel about their concerns?

Yes, Office of the Special Project Facilitator Yes, Compliance Review Panel

No

If YES, Please provide information on when the contact was made, how, by whom and with whom.

Please describe any response the complaints may have received from or any actions taken by the Office of the Special Project Facilitator or the Compliance Review Panel.

4. Please include any other information that you consider relevant.

Since October 2015, we have led intensive communication with different institutions:

1. On October 19th, 2015, we appealed to the head of the Krtsanisi District Administration – Mr. Giorgi Kopaleishvili asking him to assist us, to the extent possible (see appendix 7). We received a response on November 17th, 2015, (see appendix 8) saying that the solution to this problem lay beyond their competence and that they would not be able to provide us with the support we were asking for.
2. On October 19th, 2015, we appealed to the majority deputy in Krtsanisi district - Beka Natsvlshvili (see appendix 9). Though we have not received a response.
3. On October 19th, 2015 we appealed to the Mayor of the city of Tbilisi - Davit Narmania (see appendix 10). We received a response on December 10th, 2015, (see appendix 11) saying that the Property Management Agency rejected our appeal.
4. On October 26th, 2015, we appealed to the executive director of the Municipal Development Fund of Georgia – Mr. Juansher Burchuladze. We received a reply on November 3rd, 2015, saying that our appeal was referred to the Grievance Redress Committee to be considered (see appendix 12).
5. On February 1st, 2016, we appealed to Prime Minister of Georgia – Mr. Giorgi Kvirikashvili (see appendix 13). We received a reply saying that our appeal was referred to the Ministry of Regional Development and Infrastructure of Georgia (see appendix 14).
6. On February 1st, 2016, we appealed to the Minister of Regional Development and Infrastructure of Georgia – Mr. Nodar Javakhishvili (see appendix 15). We have not received a reply to our appeal.

D. Optional Information (The following information is not mandatory, but would be helpful in processing your complaint.)

1. Have the complainants sent their complaint to the grievance redress mechanism of the project concerned?

Yes If YES, Please provide the following: when, how, and with whom the contact was made.

On January 15th, 2016, we appealed to the head of the Grievance Redress Committee – Mr. Juansher Burchuladze (see appendix 16).

Please describe any response the complainants may have received or any actions taken.

On March 18th, 2016, we received a reply from the Municipal Development Fund of Georgia (MDF), informing us that the claim formulated in our letter of complaint was denied by the committee (see appendix 17).

No If NO, why not?

2. What is the desired outcome or remedy that complainants believe ADB should provide through the ADB's Accountability Mechanism?

We realize the importance of the new Highway and of the Project in general, but herewith we realize and believe that the Project implementation should not result in violation of our rights or transgression of our interests.

We would like all aspects of the problem associated with the construction of the Ponichala stretch of Tbilisi-Rustavi Highway and its influence on our residential building to be thoroughly considered. Besides, we call for the loss incurred by the residents of the building due to the Project implementation (including the costs of property loss, resettlement costs, the costs associated with the adaptation and other relevant costs) to be appropriately assessed and appropriate compensations to be offered to the residents (inter alia, the option of resettling the residents in Ponichala to be considered).

3. Why do complainants believe that the alleged direct and material harm is the result of ADB's failure to follow its operational policies and procedures? (This applies if the complainants choose the compliance review function.)

4. Please describe the operational policies and procedures that have not been complied with by ADB in the course of formulating, processing, or implementing the ADB-assisted project. (This applies if the complainants choose the compliance review function.)

5. Do the complainants have any other relevant matters or facts (with supporting documents) that the complainants would like to share with the Accountability Mechanism?

Below we present a brief description and a chronology of our communication with the Municipal Development Fund of Georgia and the Asian Development Bank:

We were first informed about the Project by the representatives of the Asian Development Bank. In summer of 2013, the Resettlement Expert at the Asian Development Bank (ADB) – Mr. Medgar Chelidze visited the building and organized a meeting with the residents of the building. He gave us general information about the Project and told us that only a part of the building was planned to be demolished for the purpose of the construction works under the Project. The information caused dissatisfaction of the residents of the building.

In summer of 2013, the representatives of the Municipal Development Fund of Georgia visited us and distributed the leaflets containing the general information about the Project and they also organized a meeting with the residents of the building. During the meeting we were informed that in case of our consent the whole building would be demolished and we would receive appropriate compensations or would be given alternative residential apartments.

In autumn of 2013, we were repeatedly visited by the representatives of the Municipal Development Fund of Georgia and the Asian Development Bank and they gave us some forms to be filled out in which they asked us to express our opinion regarding the form of the compensation, namely, we were to answer the question about which of the two options would be more appropriate for us: receive a compensation or an alternative residential apartment. While filling out the form a number of the residents expressed their wish to receive the compensation, others expressed their wish to receive alternative residential apartments and some expressed their wish to receive both compensation and an alternative residential apartment.

In summer of 2013, an audit of the building was carried out – the photos were taken and each apartment was measured. After that we had had no contact with the Municipal Development Fund of Georgia until we – the residents of the building - decided to renew the roof of the building in the second half of 2013. Then we were warned by the representatives of the Municipal Development Fund of Georgia that we did not have to bother ourselves with renewing the roof of the building as the building was presumably subject to demolition.

In September 2015, we renewed communication with the Municipal Development Fund of Georgia. We were invited to attend a meeting in the office of the Municipal Development Fund of Georgia presided by the Municipal Development Fund of Georgia representatives Davit Baindurashvili and Davit Arsenishvili, who informed us about the planed demolition of our residential building and that the residents of the building would receive compensations. They also promised that the construction of the Highway under the Project would not have a negative influence on us; on the contrary, our living conditions would be improved. According to them, the talks would continue and our opinion would definitely be considered. At the same meeting it was highlighted that besides the compensation for the residential apartments owned by us, we would receive the compensation for the so called “discomfort” that would amount to 30% of the price of the property owned by us. Since then at the subsequent meetings the issue of the compensation for the “discomfort” has never been raised by the representatives of the Municipal Development Fund of Georgia and they kept changing their positions from time to time.

After a certain period of time, the chairperson of our residential building received a call from the Municipal Development Fund of Georgia asking her to inform us that we had to visit their office as they planned to conduct negotiations with household residents of the building individually. We refused to accept their offer and in return asked them to come to our place to talk about the matters of our concern. At the end of September of 2015, the Municipal Development Fund of Georgia representatives Davit Baindurashvili and Davit Arsenishvili visited us, though they failed to provide us with proper answers to our questions. Instead, they told us that in spite of the dissatisfaction expressed on our part, the Project would be

implemented and a part of the building would be demolished as it was planned from the very beginning.

On October 3rd, 2015, we met a representative of the Asian Development Bank (ADB) - Medgar Chelidze – who advised us to go to the office of the Municipal Development Fund of Georgia and to persuade them to pay us the amount of compensation that we consider fair. After that the chairperson of our residential building together with another resident of our residential building met with Davit Baidurashvili. The meeting, like virtually all the meetings with the person, appeared to be highly strained. Davit Baidurashvili was rude and ironical, demonstrating contempt toward us, in an attempt to gain influence over us via psychological control. At the very meeting he named the amount of compensation they were planning to give us. We were highly dissatisfied with the proposed amount as we believed the amount was not fair and sufficient.

Since then, we have had several meetings with the representatives of the Asian Development Bank (ADB), though their answers sounded very much like that of the representative of the Municipal Development Fund of Georgia.

On November 10th, 2015 we met the foreign representatives of the Asian Development Bank, who promised to consider our complaints carefully and to commission the Municipal Development Fund of Georgia to cooperate with us, that they would establish a Grievance Redress Committee, the head of which would be Juansher Burchuladze and that the Committee would closely cooperate with us.

On November 26th, 2015, we had another meeting with Davit Baidurashvili and his colleague Davit Arsenishvili. Davit Baidurashvili's advice this time was to refrain from filing our complaint and to continue "cooperating" with them.

Besides, during each meeting with the representatives of the Asian Development Bank (ADB) and the Municipal Development Fund of Georgia, the representatives instructed us to describe our individual cases in details and file complaints individually.

Name of the person who completed this form: Irina Svanidze, "Green Alternative"

"Green alternative provides assistance to the complainants, but the organization does not represent complainants formally. Please, see attached the letter of the complainants that authorizes "Green Alternative" to relay information/decisions between the complainants, on the one hand, and the Complaint Receiving Office (CRO) and/or Special Project Facilitator (SPF), on the other hand, regarding this complaint and subsequent correspondence/submissions relative thereto.

Signature:

Date: 12th April, 2016