

Date: September_3__ , 2009

**To: Special Project Facilitator
Asian Development Bank
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Mandaluyong City
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Subject: Resettlement Plan for Massali – Astara Express Highway Construction Project Under MFF - Road Network Development Program-39176 (formerly Southern Road Corridor Improvement Project) (Azerbaijan)

Dear Special Project Facilitator,

We are, Oil worker's rights protection organization Public, Azerbaijan based NGO, writing to address our concerns regarding **Massali – Astara Express Highway Construction project, Under ADB funded MFF Road Network Development Program-39176 (formerly Southern Road Corridor Improvement Project) (Azerbaijan) which is also** co-financed by World Bank.

According to the Report and Recommendation of the President (RRP), the Project will facilitate socioeconomic development; and increasing local communities' access to markets, job opportunities, and social services.

Several households and persons are likely to be affected by the construction of the new express highway across 11 settlements namely Khil, Sarchubar, Boradigyah, Mollaoba, Turkoba, Yeddioymag II villages (Masally Rayon); Boladi, Girdani, Liman, Urga, Shirinsu villages (Lenkaran Rayon).

Although, the construction of the road has yet to be started, there is no information regarding the road design, maps, latest version of resettlement plan, no Draft Design and Monitoring Framework in affected villages which are supposed to be mandatory to public according to the ADB policies on Public Communication Policy (PCP). Although Mr. Abdullaev Faik, the head executive authority of the village administration, informed that 126 families would be affected under the construction of Expressway with loss of 21 hectare of agriculture land, most of the people have no information about the project and its related resettlement plan. Although, the village Executive head couldn't provide any project related documents except handmade map of the whole road from Alyat to Astara. According to Mr. Faik, information has available only in Agriculture Department's head quarter in local rayon or in Ministry of Transport and Communication of the Azerbaijan.

Although, we know that the Involuntary Resettlement (IR) Policy of 1995, **Para 34** requires that safeguard principle be upheld in the preparation and implementation of projects funded by ADB: ensure that displaced people receive assistance, preferably under the project, so that they will be at least as

well off as they would have been in the absence of the project. The Policy specified three types of assistance for IR: compensation for lost assets and loss of livelihood and income; assistance for relocation, including provision of relocation sites with appropriate facilities and services; assistance for rehabilitation to achieve at least the same level of well-being with the project as without it. However, the situation in the project is different.

People don't have any documents on resettlement plan as it is required by *Involuntary Resettlement Policy and Public Communication Policy*. The only information they could provide that last year they submitted their passports and legal documents to Executive Authorities. In mid July 2009, same affected people had signed some documents provided by Executive Authority. Due to their illiteracy people did not know the document they signed. *Several land owners have refused to sign the document because they were not agreeing with the amount to be compensated. It is become clear that Local Executive authorities, without making any agreements and legalization of land acquisition, started to receive affected people's consent to give land for road construction.*

_____, inhabitant of _____ village of Masalli region and chair of village municipality, has informed that in 2007-2008, they were told that they would receive 38 thousand manat (Azeri Currency) per hectare of the acquisitioned lands. But now, head of executive authority of Rayon level says that one hectare will be paid as 2500 manat. The inhabitants of the given village are not agreeing with this price because they need more funds for income restoration as they will lose their lands. This is also written in ADB IR policy. In south Azerbaijan, land is more productive and fruitful and most of the income of local inhabitants comes from land. Mr. _____ has no other source of economic generation as well as other people in this village. Local people demanded to raise this issue before respective agencies. The Chairman of the Municipality has sent a letter to First Lady who is MP as well, to help in the situation over the project. The response from the President guided that he must address concerns of village to Ministry of Transport and Communication. It wasn't taken any measure after sending complaint letter. The people cant use any complaint mechanism as well as court , as they don't have any official document.

_____ has big family comprising of seven people (_____ village). His only income comes from corn, potato, tomato, onion, hay which grows in his land. Annual income is more than 5000 USD per year from one hectare. Since, land is fruitful in south part of Azerbaijan and climate is appropriate, he uses the land for 3-4 times of sowing. Out of his owned total two hectare land, his half of the land will be taken for road construction with compensation amounting 1000 USD. In mid of July, he signed the document without knowing the nature of the document, due to his illiteracy. Now, he is seriously concerned of unpredictable future. The other land is not acquired because of lack of legal entitlement of the plots. In both cases, we can see that IR policy (1995) **Para 34 (5)**, which says that "affected people should be fully informed and closely consulted on resettlement and compensation options" and PCP, **para 80 and 81** says that "draft resettlement plan, final resettlement plan, revised resettlement plan should be available to affected people as brochures, leaflets, or booklets in local language. For illiterate people, other communication methods will be appropriate". All these are being violated in this project.

Another case is _____, having two hectare of land signed the document agreeing to receive 820 manat for one hectare. He has no other options except agreeing as he has no trust in justice system if something can happen.

_____ lives in _____ **village**. She has 120 square meter of land. One year ago, _____ family including other 139 affected households was invited for meeting with ADB representatives, chief engineer, and head of local executive authority. They have informed local people that their lands are under the road construction area and to be acquisitioned soon. Although it is required by ADB's EIA guidelines, Public Communication Policy and Involuntary Resettlement Policy to disseminate and consult during the preparation of these reports, resettlement plan was not disseminated before the above mentioned meeting. They don't have information regarding the scope of land to be acquisitioned and amount of compensation so far. However, representative of local government have visited and collected legal documents on private property rights for plots only.

There are people who have no legal entitlements for their land and property. As para 34 (7) of IR Policy (1995) requires that the absence of formal legal title to land by some affected groups should not be a bar to compensation. We kindly request you to look into this issue with special care of these people who failed to register their land in legality but leaving for more than 20 years.

Moreover all the documents on the ADB web-site are old and not updated. Latest updates are January 2008. After more than 1.5 years passed preparing the documents, the information has not been updated accordingly. People need updated information available not only in English in ADB web-site, but also in Azerbaijan language.

We request you to help local people to address their concerns before road construction starts and resettlement plan will be implemented without violating ADB policies and requirements.

Complain letter from APs is attached. Please, we request you not to disclose the names of complainers per their request due to their fear of intimidation and harassment from the executing agencies.

Looking forward to hear from you soon,

Mirvari Gahramanly

Oil worker's rights protection organization

Petition

To: Asian Development Bank

From: Resident and Municipality Chairman

Project: Masalli - Astara highway construction project will have an impact on 126 families in our village. This involves 21 hectares of an area fit to agricultural use. From 2007 the declared land value rate was 38 thousands of manats, but now the rate is 2500 manats per hectare. I and our residents do not agree with this rate because this land feeds people. Our residents charge me to submit this issue to be solved by appropriate authorities. I haven't received any positive response to my appeal. No discussion held with me. I have not got any documents, project plans, resolutions or any other records concerning this land. We didn't take part in any resolution approval processes or discussions. I ask to send an appropriate committee group for solving this problem.

Signature

10 / VIII / 2009

To: Asian Development Bank

I'm, village resident, verify that Masalli - Astara highway construction involves the part of my land. Total land area that belongs to me is 2 hectares, 1 hectare of which falls under construction. I make a profit of at least 5000 manats per year from 2 hectares. Now they offer me 820 manats compensation for 1 hectare. I didn't get any explanations and I was not familiarized closely with documents about land alienation. I put my signature in the place, which was indicated by a countryside representative. I have not any other sources for making a profit. I know that ADB mission is to eradicate poverty. I think that land alienation in that way contradicts the Bank's mission and policy. I ask to send a committee group to examine my claims and evaluate violations.

Signature

10. 08. 2009