

Date:

**To: Special Project Facilitator
Asian Development Bank
6 ADB Avenue
Mandaluyong City
0401 Metro Manila, Philippines**

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Subject: Resettlement Plan in Yavlahk – Ganja road section of the East-West Highway Improvement project – 35457 (Azerbaijan)

Dear Special Project Facilitator,

We are, Public Association for Assistance to Free Economy (PAAFE), Azerbaijan based NGO, writing to address our concerns regarding **East-West Highway Improvement project – 35457**, which is supported by ADB and co-financed by Islamic Development Bank (\$ 10.4 million USD), Saudi Fund for Development (\$ 11 million USD).

The Project is a priority in the Government's transport development program (2005–2014). According to Report and Recommendation to President (RRP), the Project will facilitate socioeconomic development by improving the east–west highway and local roads linking the western part of Azerbaijan closely to Baku, the country's capital; and increasing local communities' access to markets, job opportunities, and social services. The Project will also strengthen Azerbaijan's transport links to Georgia and thus promote regional cooperation. As part of the Asian highway network and one of Azerbaijan's main routes for external trade, the east–west highway carries traffic between the Caspian and Black seas and has the potential to become an important route for transit transport between Asia and Europe. The Project is included in ADB's assistance program for 2005 and is consistent with its assistance strategy for Azerbaijan.

Approximately 702,300 people are leaving in 6 (six) districts – namely Yevlakh, Goranboy, Khanlar, Ganja, Qazax and Aghstafa districts under the Project area. . Nemetabad, Aran, Semedabad, Gorabli, Borsonlu, Dalimamedly villages are situated along the road in Yevlakh-Ganja road section.

Presently, most of the highways of the Azerbaijan are being rehabilitated and constructed. While highways are being rehabilitated, number of its stripes are increased which require necessary acquiring of adding more land areas to these highways. In most cases it is achieved on the account of part lands, yard areas, even private houses and properties of Azerbaijan citizens. At present the most immediate concern is in the settlements in Yevlakh – Ganja road section of the highway. There are private properties like plot areas, living houses, property of hundreds of citizens of Nemetabad village of Yevlakh, Aran settlement, Borsunlu village of Goranboy, Goran settlement and Dalimammadly city along the highway which are being surveyed to be resettled. However, the owners of these properties are not given any information about the details of the projects and its design and there has been no agreement with them for either relocation or resettlement.

Probably 5 to 6 month ago the representatives of “Azeryolservis” PC of the Ministry of Transport, municipalities of the regions and the “Polat ASh” constructor company (Turkey) measured the plot areas included in the project in the mentioned settlements and took the copies of the documents of properties of all the owners. Nevertheless there is no oral or written agreement with owners on the activities.

A Brief Description of the Situations in Project Areas:

Nemetabad village of Yav lakh district – In this village, shop owners, taxi drivers and house owners were evicted without proper notice and consultation. The part of the road section in the village makes construction works complicated due to existing of cemetery and mosque on one side of the road and on the other side there small dining cafeteria; 7-8 small shops and settlements. As Executive Authorities has no information regarding the road design: whether a bridge or T-junction road will be on the site, people are very worried. People are not informed appropriately regarding the project. So far, they don't have any documents on resettlement plan as it is required by *ADB Involuntary Resettlement Policy and Public Communication Policy*.

In **Aran village of Yav lakh district**, one big shop and 16 houses (approximately 80 people resides) along the road are expected to be impacted by the construction works. In 2008, local administration has already demolished partly minor constructions like bath houses, toilets, edifices for domestic animals and birds, small shops and never compensated all these losses. At present time, waste management system goes through the plots of inhabitants and electricity transmission line passes nearby houses along the road. Due to road construction works, all these communication systems will be destructed and half of the houses will be demolished. Gradually, these houses will be unusable in future and people will be forced to leave their houses.

People have no information regarding the project. There is no resettlement plan available in public institutions like libraries or local executive authority's offices. When we visited (August 6-7, 2009) affected families, they conveyed us to help find information about road maps, resettlement plan and help to change the design of the road. But right after that on August 14 the citizens of the **Borsunlu village** of the Goranboy region noticed that the 40 – 50 meters of their part land placed near the highway is ploughed and prepared for the constructing of the highway. Part lands of more than 20 inhabitants of village are occupied so far. The citizens gathered in front of the Executive authority to elucidate what is going on. The deputy of the head of the Executive Authority of the region Mr Rauf m. came to the village and tried to ensure the citizens that the documents are being prepared and they will be given compensation. At the same time a lot of police officers came to the village and demanded the citizens to disintegrate. This situation is not at all participatory development process as advocate by the ADB.

The citizens don't want to sacrifice their houses and property objects to this project. The people living in Aran settlement and Dalimammadly city considers that there can be alternative places for highways and crossroads, which can have less effect to property owners. As well as they are not sure to be able to rebuild the houses and other buildings which have been built in prominent places of settlements for long years. This is pure a negligence of the ADB and its Executing agency to facilitate a large stakeholder discussions to find the alternative if feasible in the early stage of the project.

We state that all these instances related to property and land acquisitions are cases of violation of the property rights of Azerbaijan citizens enshrined in and defended by the Constitution of the Azerbaijan

Republic. According to the 4th part of the 29th “Property Right” of Constitution of the Azerbaijan Republic, “Alienating of the property for state needs can be allowed only with condition of paying its cost beforehand”.

According to ADB IR policy of 1995 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. Unfortunately, APs don’t know anything about the road design and resettlement plan is not available at their disposal. Evaluation of costs has been done without any discussions with affected people. Local population did not receive any copies of budget in figures (evaluation of their properties).

As we found there is no grievance redress mechanism where the APs can communicate their grievances. People have no access to information and deprived from their rights to participate in decision making process.

According to Loan Agreement 2205-AZE, Schedule 6, Para10 on Safeguard Policies and Cofinancing, the Government shall (a) inform the Cofinanciers in writing of its obligation to comply with ADB’s such policies and the steps that it will take to comply with such policies, and (b) immediately inform ADB if any Cofinancer objects to the Government complying with either ADB’s *Policy on Involuntary Resettlement* or its *Environment Policy*. All project activities financed by the Cofinanciers shall be implemented in accordance with ADB’s Policy on Involuntary Resettlement and Environment Policy.

According to Loan Agreement 2205-AZE, Schedule 6, Para11 on Land Acquisition and Resettlement, the Borrower, through RTSD and concerned local authorities, shall ensure that (a) all land and rights-of-way required by the Project are made available in a timely manner; (b) the RP prepared by RTSD and acceptable to ADB is implemented promptly and efficiently according to its terms, all applicable laws and regulations of Azerbaijan, and ADB’s *Policy on Involuntary Resettlement*; (c) the RP is updated based on detailed design, and the updated RP is submitted to ADB for approval and disclosed to affected persons prior to the commencement of civil works; (d) no further road reserve clearance are undertaken in the project area until a socioeconomic assessment of affected persons is completed and appropriate mitigation measures are incorporated in the updated RP; (e) the contractors’ activities are in compliance with requirements of the RP, applicable domestic laws, and ADB’s *Policy on Involuntary Resettlement*; and (f) an independent monitor acceptable to ADB is engaged to carry out monitoring and evaluation and report to ADB.

According to Loan Agreement 2433-AZE, Schedule 5, Para10 on Land Acquisition and Resettlement, the MOT shall ensure that (i) the Project does not require any land acquisition or involuntary resettlement; (ii) in the event land acquisition or involuntary resettlement becomes necessary in course of Project implementation, it shall be promptly and efficiently carried out in accordance with the resettlement framework attached to the FFA, and in compliance with the applicable laws and regulations of the Republic of Azerbaijan, and ADB’s *Involuntary Resettlement Policy* (1995); and (iii) all land needed temporarily during construction is leased by the contractors from willing lessors.

Based on signed agreements between ADB and Azerbaijan, we request Executing Agency to follow ADB policies and national legislations of Azerbaijan.

We request you to immediately intervene in this situation to provide assistance to the affected communities on above mentioned problems and concerns.

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,

Zohrab Ismayilov

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August 27, 2009

To: Asian Development Bank

I'm, the resident of Aran settlement, the owner of the house which is located where the road runs. The half part of our yard falls under construction of the road 35-457, built by East-West Highway Improvement Project. We have not got any information concerning this issue. Will there be any land or compensation given to us? I ask you to solve this issue in accordance with the Bank's transfer policy. I ask you to keep the confidentiality of private information given by me.

07. 08. 2009

/signature/

To: Asian Development Bank

I'm....., the resident of Aran settlement, am the owner of the house which is located where the road runs. The half part of our yard falls under construction of the road 35-457, built by East-West Highway Improvement Project. We have not got any information concerning this issue. Will there be any land or compensation given to us? I ask you to solve this issue in accordance with the Bank's transfer policy. I ask you to keep the confidentiality of private information given by me.

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06. 08. 2009

/signature/

To: Asian Development Bank, Azerbaijan Republic

I'm, Azerbaijan republic resident. I have to inform you that our shop has been destroyed six months ago because the Yevlakh - Gandja highway construction. There were not any compensation or land allocations given.

7/ VII – 2009

/signature/

To: Asian Development Bank

I'm, the resident of Aran settlement, the owner of the residential house built in 1969, where I lived from 1970. I apply to you because my house and its attached land lot are located where Baku-Gandja highway runs. The half part of our yard falls under construction of the road 35-457, provided by East-West Highway Improvement Project. We have not got any information concerning this issue. Will there be any land or compensation given to us? I ask you to solve this problem. I ask you to help us to get land or refund regarding our family status in accordance with the Bank's transfer policy. I ask you to help me to be sure about implementation of our dear President's resolutions regarding my family is a war veteran's family as I had informed you.

06. 06. 2009

/signature/

To: Asian Development Bank

This is to inform you that I am the owner of a shop which will fall under the East- West Highway construction project funded by Asian Development Bank. I ask you to give me information regarding plan and supply amount, and protect my rights.

06. 08. 09

/signature/

To: Asian Development Bank

Petition

This is to inform you that the two- storied property object which belongs to me is located at the side of the area of the East – West Highway construction project funded by ADB. I've been informed that due to property project execution it is about to be moved. I ask you to inform me on the property alienation plan and compensation amount.

Signature

06. 08.2009

To: Asian Development Bank

Petition

We, the undersigned Azerbaijan Republic's residents were faced with difficulties related to the implementation of East – West highway construction project funded by you. The documents connected with our houses and land were taken by the appropriate executive authority representative, and we were informed that we have to leave for relocation. That's all; we have not got any information related to the project and compensation amount. We, the undersigned, want you to give us the detailed information on this issue. And in addition we don't want to leave our houses we were building with troubles for many years.

07. 08. 2009

/Signatures/

To ADB

I am _____, an inhabitant of Aran settlement. I am owner of the house which is situated on the part of the territory where the East- West Highway Improvement Project – 35457 takes place.

The half of our locality is on the way of construction of the road. We have no information of anything. Will we be given any compensation or plot? Please, solve this problem in conformity with the Resettlement Policy of the Bank. Please, ensure the information I gave to you to be conceal.

06.08.2009

/signature/

To ADB

I am _____, the inhabitant of Aran settlement, Yevlakh region, the Republic of Azerbaijan informing you that before half a year our market was demolished because of the construction of Yevlakh – Ganja Road. Up to now no compensation or any place was given.

07.08.2009

/signature/

To ADB

I would like to inform you that there is a two-stoyered content object of mine on the side of the territory of the East – West Highway project funded by ADB takes place (Aran settlement of Yevlakh region). I was

told that the object will be replaced related to the execution of the project. Please, inform me about the Resettlement plan and amount of compensation regarding to my situation.

06.08.2009

/signature/

To ADB

We, whose signs are placed below, are the inhabitants of the E. Nasibov street, Delimammadli city, Goranboy region, Republic of Azerbaijan. We faced with troubles because of the East-West Highway Improvement Project funded by you. The copies of the documents of the houses we live and the yard sides were taken by the representative of the relevant municipality, we were told we will be resettled. Meanwhile we were told nothing about the project, conditions of the resettlement and amount of compensation. We, the persons signed this document, want detailed information from you about this. In addition to this we don't want to be resettled from the houses we hardly built.

07.08.2009

NOTE: Names deleted at complainants' request for confidentiality

To ADB

I would like to inform you that there is my own market, placed at the turn of Aran settlement, Nemetabad municipality, Yevlakh region, on the part of the territory of construction of the East- West Highway Improvement Project funden by ADB. I ask you to provide me the information about the Resettlement plan, amount of compensation and protect my rights.

06.08.2009

/signature/

To ADB

I am _____, an inhabitant of Aran settlement. Relating to the East - West Highway Improvement 35457 a half of our yard is placed on the territory of construction of the road. We don't know anything. Will we be given any place or compensation? Please, solve this problem relating to the Resettlement policy of the Bank. Please, ensure the information i gave to be anonym.

07.08.2009

/signature/

To ADB

I am _____, an inhabitant of Aran settlement, the owner of the house which is situated on the territory of construction of the road related to the East - West Highway Improvement Project 35457. Half of our yard place is situated on this road. We have no information about this. Will we be given any place or compensation? Please solve this problem related to the Resettlement policy of ADB. Please, ensure the information i gave to be anonym.

07.08.2009

/signature/