

**Draft Final Resettlement Action Plan**

**Section 4-1, km 91~km 107**

**20 April, 2017**

Table of Contents

[Definition of Terms 5](#_Toc492908062)

[EXECUTIVE SUMMARY 1](#_Toc492908063)

[1. INTRODUCTION 2](#_Toc492908064)

[1.1 Project Background 2](#_Toc492908065)

[1.2 Road Section under Evaluation 2](#_Toc492908066)

[1.3 Land Acquisition and Resettlement Objectives 4](#_Toc492908067)

[2. SCOPE OF IMPACTS 4](#_Toc492908068)

[2.1 Impact Zones 4](#_Toc492908069)

[2.2 Minimising Resettlement 5](#_Toc492908070)

[2.3 Affected Assets 6](#_Toc492908071)

[2.3.1 Summary of Land Acquisition and Resettlement Impacts 6](#_Toc492908072)

[2.3.2 Impact on Land 7](#_Toc492908073)

[2.3.3 Impacts on Buildings and Structures 9](#_Toc492908074)

[2.3.4 Impacts on trees and perennials 10](#_Toc492908075)

[2.3.5 Income Loss 10](#_Toc492908076)

[3.SOCIOECONOMIC PROFILE OF PROJECT AFFECTED HOUSEHOLDS 10](#_Toc492908077)

[3.3 Updating of the Census and Socioeconomic Survey 15](#_Toc492908078)

[4. LEGAL FRAMEWORK 15](#_Toc492908079)

[4.1 Overview 15](#_Toc492908080)

[4.2 National Legislation 15](#_Toc492908081)

[4.3World Bank Policy 17](#_Toc492908082)

[4.4 Comparison of Azerbaijan Laws on Land Acquisition & Involuntary Resettlement and World Bank’s OP 4.12 18](#_Toc492908083)

[4.5Compensation strategy under this RAP 19](#_Toc492908084)

[5.ELIGIBILITY 28](#_Toc492908085)

[5.1 Eligible Persons 28](#_Toc492908086)

[5.2 Cut-Off Date 28](#_Toc492908087)

[6. VALUATION AND COMPENSATION FOR LOSSES 28](#_Toc492908088)

[6.1 Overview 28](#_Toc492908089)

[6.2 Determination of Compensation Values 28](#_Toc492908090)

[6.2.1Land Values 28](#_Toc492908091)

[6.2.2 Compensation for Building and Structures 29](#_Toc492908092)

[6.2.3 Compensation for Trees 30](#_Toc492908093)

[6.2.4 Compensation for Loss of Income 30](#_Toc492908094)

[6.2.5 Compensation for affected crops 30](#_Toc492908095)

[7. INFORMATION DISSEMINATION,CONSULTATION AND PARTICIPATION 30](#_Toc492908096)

[8. GRIEVANCE RED RESS MECHANISM 31](#_Toc492908097)

[9. GENDER IMPACTS AND MITIGATION MEASURES 33](#_Toc492908098)

[10. ORGANIZATIONAL RESPONSIBILITIES& INSTITUTIONAL FRAMEWORK 33](#_Toc492908099)

[10.1AzerautoyolOpen Joint-Stock Company (ARS JSC) 33](#_Toc492908100)

[10.2Supervision Consultant (SC) 34](#_Toc492908101)

[10.3 Local Governments 34](#_Toc492908102)

[10.4Civil Works Contractor 34](#_Toc492908103)

[10.5Local Team 34](#_Toc492908104)

[11. IMPLEMENTATION SCHEDULE 34](#_Toc492908105)

[12. COST AND BUDGET 37](#_Toc492908106)

[12.5 Estimated Cost and Budget 37](#_Toc492908107)

[13. MONITORING AND EVALUATION 37](#_Toc492908108)

[13.1Internal Monitoring 37](#_Toc492908109)

[13.2External Monitoring 38](#_Toc492908110)

[Annex 1: Inventory and assessment form 39](#_Toc492908111)

[Annex 2:Socioeconomic survey form 41](#_Toc492908112)

[Annex 3: List of affected land parcels in Section 4-1 44](#_Toc492908113)

[Annex 4: Detailed information on affected structures in Section 4-1 56](#_Toc492908114)

[Annex 5: Summary of affected trees in section 4-1 63](#_Toc492908115)

[Annex 6: Sample grievance log book 64](#_Toc492908116)

[Annex 7: Minutes of Public Consultations 65](#_Toc492908117)

**Acronyms**

|  |  |
| --- | --- |
| AA | Acquiring Agency |
| AP | Affected Person |
| ARS | AzerAutoYolOpen Joint-Stock Company (previous AzerRoad Service) |
| ARS-LAD | AzerAutoYolLand Acquisition Division |
| ARS-PIU | AzerAutoYol- Project Implementation Unit |
| CA | Control Authority |
| CBOs | Community Based Organizations |
| EP | Executive Power |
| ESR | Extract from the State Registry |
| GFP | Grievance Focal Person |
| GoA | Government of Azerbaijan |
| GRC | Grievance Redress Committee |
| GRM | Grievance Redress Mechanism |
| IDPs | Internally Displaced People |
| LAD | Land Acquisition Division |
| LAL | Law on Acquisition of Lands for States Needs |
| LAR  MMU | Land Acquisition and Resettlement  Motorways Management Unit |
| MoA | Ministry of Agriculture of Azerbaijan Republic |
| MoF | Ministry of Finance of Azerbaijan Republic |
| NGO | Non-Government Organization |
| OJSC | Open Joint-Stock Company |
| OP | Operational Policy |
| PAP | Project Affected People |
| PIU | Project Implementation Unit |
| RAP | Resettlement Action Plan |
| RPF  RMU | Resettlement Policy Framework  Regional Maintenance Unit |
| SC | Supervision Consultant |
| SCPI | State Committee on Property Issues |
| SIA | Social Impact Assessment |
| WB | World Bank |

## Definition of Terms

|  |  |
| --- | --- |
| **Compensation**  **Consultant** | Payment in cash or in-kind for an asset to be acquired or affected by a Project at replacement cost at current market value.  Design Consultant on behalf of Azerautoyol JSC |
| **Cut-off-date** | The date of the decree for land acquisition beyond which no new arrivals in the project area nor further investments in land will be considered for compensation purposes |
| **Detailed Measurement**  **Survey** | The detailed survey of project affected land parcels and inventory of affected assets. |
|  |  |
| **Entitlement** | The range of measures comprising cash or kind compensation, income rehabilitation assistance, transfer assistance, income substitution/business restoration, which are due to APs, depending on the type, extent and nature of their losses, and which suffice to restore their social and economic base. |
|  |  |
| **Land acquisition** | Process whereby a person is compelled by a public agency to alienate all or part of the land she/he possesses, to the ownership and possession of that agency, for public purposes, in return for compensation. |
| **Non-titled** | Physical persons who have no recognizable rights or claims to the land that they are occupying and includes people using private or state land without permission, permit or grant, i.e. those people without legal title to land and/or structures occupied or used by them. |
| **ProjectAffected Persons (PAPs)** | All the people affected by the Project through land acquisition, relocation, or loss of incomes and includes any person, household (sometimes referred to as Project affected family), firm, or public or private institution. PAPs therefore include;( i) persons affected directly by the road corridor, right-of-way, tower or pole foundations or construction work area; (ii) persons losing privately owned or used buildings and structures (residential dwellings and supplementary structures); (iii) persons whose agricultural land or other productive assets such as trees or crops are affected; (iv) persons whose businesses are affected and who might experience loss of income due to the Project impact; (v) persons who lose work/employment as a result of Project impact; and (vi) people who lose access to community resources/property as a result of the Project. |
|  |  |
| **Replacementcost (structures)** | With regard structures, "replacement cost" is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labor and contractors' fees, plus the cost of any registration and transfer taxes. In determining the replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset. |
|  |  |
| **Replacementcost (land)** | With regard to agricultural land "replacement cost" is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes.  For land in urban areas, it is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes. |
| **Sharecropper** | Same as tenant cultivator or tenant farmer, i.e., a person who cultivates land they do not own for an agreed proportion of the crop or harvest. |
| **Severe impact** | Project impact causing the loss of 20 % or more of project affected assets that may cause long-term hardship and impoverishment of PAP. |
| **Vulnerable** | Those living below the poverty line, the elderly, women and children[[1]](#footnote-1). |

# EXECUTIVE SUMMARY

The Government of Azerbaijan (GoA) has received a loan from the International Bank for Reconstruction and Development (IBRD) in connection with the Azerbaijan Third Highway Project. The Project is co-financed by the Government of Azerbaijan.

The Baku-Shamakhi road is part of the M4road which connects Baku with Yevlakh in central Azerbaijan, and is a reasonable alternative route to the M2 between Baku and Yevlakh for lighter vehicles. The Baku-Shamakhi road is a section of the shortest way from Baku to Georgia and to western Azerbaijan. The construction works for upgrading the entire length of the Baku-Shamakhi road are on-going. In particular, the Project will include improvement and rehabilitation of the existing Baku-Shamakhi road, which will be mostly limited to widening of the existing two lane road to a four lane road between Baku and Shamakhibetween Km 91- Km116 and Km121+300 - Km121+700. The road is classified as a Category Ib road with a right-of-way (ROW) of 30m from the centreline of the carriageway in each direction.

It was decided that two section-specific Resettlement Action Plans (RAPs) – Section 4-1 and Section 4-2 will assess section differentiated resettlement and land acquisition impacts and will be prepared prior to the commencement of civil works, thus providing compensation and rehabilitation measures for all Project-Affected Persons (PAPs), as defined by the World Bank OP 4.12, the guiding safeguard policy for this Project. Acquisition of land and other assets will take place only after all compensation and rehabilitation measures will be completed which are defined in the relevant sections ofthe RAP. .Azerautoyol plans to commence with civil works during the fourth quarter of 2017. Taking this timeline into consideration, Azerautoyol will complete the implementation of the RAP before this period.

This RAP covers Km91-Km107 Section 4.1 of the entire alignment and is based on: (a) the Resettlement Policy Framework (RPF) prepared in November 2015; (b) the household survey of affected households carried out in February and March 2016; (c) community consultations carried out in February and March 2016; (d) cadastral mapping, inventory of affected assets and census undertaken in February 2016.

As a result of minimizing land acquisition risks through relaxing the RoW, land expropriation impacts for this section can be summarized as follows:

* Loss of 6.37 ha of private land owned by 200 PAPs. (5.13 ha is agricultural, 0.531 ha is residential and 0.709 is commercial land);
* Loss of approximately 12.258 ha of municipality land;

There will be a loss of 11 structures. These include 5 butchers’ shops, an inoperative office building, a gravestone making shop, an automobile repair centre, 2 auxiliary structures in homestead area and an iron tower used by mobile communication service provider. Most of the land losses are small portions of each affected plot. The disruption or effect on overall productivity is expected to be minimal, particularly for agriculture.

Lists of Affected private land-holdings are included in Annex3.

In a number of places, the existing right of way is less than 30 metres[[2]](#footnote-2)on either side of the centre line. There are also a number of places where existing properties are situated closer to the centre line than 30 metres. Ideally, an outcome of this project would be the establishment of a Right of Way, clear of any development, extending 30 metres from the centreline of the carriageway in each direction on either side of the new centreline. However, such an approach would result in the need to acquire many properties. Therefore, in order to minimise such impacts land acquisition and resettlement will only be carried out within designed area which is measured one meter from the designed embankment in each direction.

# 1. INTRODUCTION

# 1.1 Project Background

The Government of the Republic of Azerbaijan agreed to continued financial assistance from the World Bank through the Third Highway Additional Financing Project. This will support the reconstruction and rehabilitation of remaining works to upgrade the M4 road from Baku to Shamakhi to Category 1 motorway standards, including expansion to four lanes of km 13.3- km15 and km 91-km107 and pavement strengthening works for existing lanes between km 15-km 91. The AF willalso support the modernization of motorway management and maintenance through financing technical assistance and one-time capital investment for establishment of regional motorwaymaintenance units.

The main objectives of the project are:

* Improving traffic flow and road capacity
* Enhancing connectivity between Baku to Georgia and neighboring countries
* Reducing car accidents, traveling time and cost
* Stimulating trades with neighboring provinces and boosting economic growth
* Providing traffic safety and environmental friendly road to drivers and residents
* Promoting regional potential and so on.

The AF has three components. The first component is Motorway Improvement, which includes works to upgrade some selected roads including expansion of Km91-Km107 section of the Baku-Shamakhy (M4) road.

The second component is Institutional Development and Support for Motorway Maintenance Reform and includes: (i) technical assistance for establishment and capacity building of Motorways Management Unit (MMU) and Regional Motorway Maintenance Units(RMUs), including trainings, development of a modem communication strategy, etc.;(ii) small-scale civil works for offices and depots and provision of essential limited maintenance equipment for the newly established motorway maintenance units. This Component will also support technical advisory for implementation of project by ARS and road users' satisfaction surveys.

The third component is Project Management, which will finance additional institutional support to ARS and the PIU related to the AF's implementation, audits and project monitoring and evaluation.

The Baku-Shamakhi road is part of the M4 road which connects Baku with Yevlakh in central Azerbaijan, and is a reasonable alternative route to the M2 between Baku and Yevlakh for lighter vehicles. The Baku-Shamakhi road is a section of the shortest way from Baku to Georgia and to western Azerbaijan. The Government of Azerbaijan has been financed from the International Bank for Reconstruction and Development (IBRD) and International Development Association (IDA) to upgrade the entire length of the existing road between Baku and Shamakhi by widening from two (2) lanes to four (4) lanes.

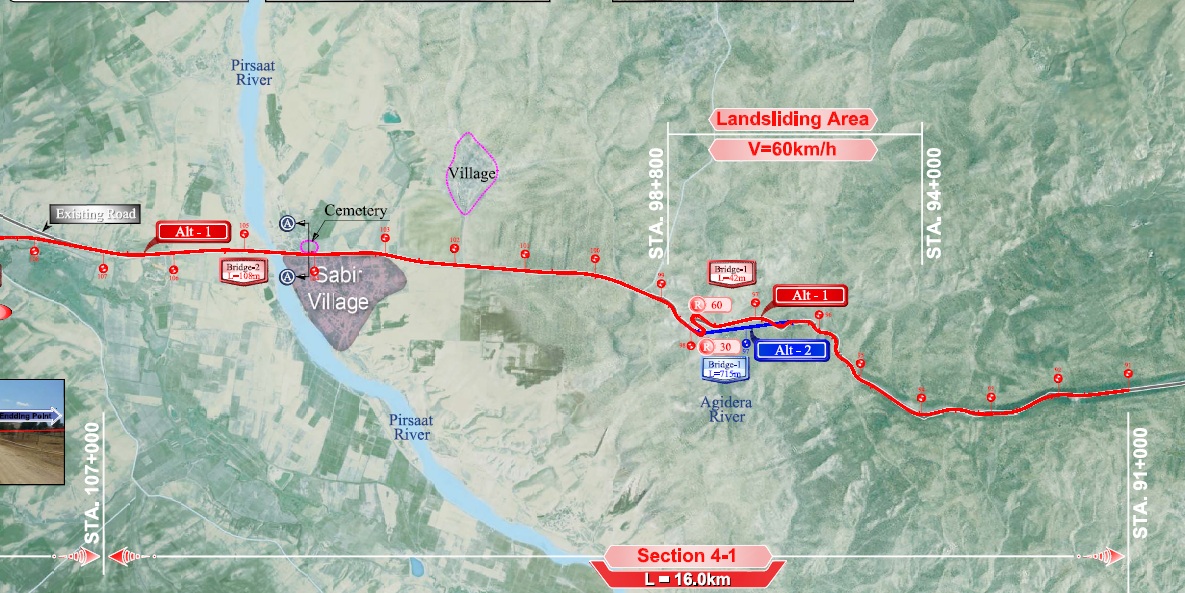
Preliminary design aims at providing sufficient information suchthat possible options will be considered in developing detailed design taking into account all aspects such as technical issues, economic efficiency, and environmental and social impacts.

# 1.2 Road Section under Evaluation

The Baku-Shamakhi-Muganli road project is subdivided into four (4) sections. The road from Section 1 to Section 3 is currently under construction. Section 4 is also divided into two subsections. The first subsection (Section 4-1) covers the road section between km91+000 and km107+000, while the road sections km107 - km116 and Km121+300 - Km 121+700 are included in the second sub-section (Section 4-2). This Resettlement Action Plan covers section 4-1whichstarts at km91 of the proposed highway. It starts at state land funds of the Gobustan rayon and ends up after the Sabir village, near the entrance of Shamakhy town.

See project map in Figure 1.

**Figure 1: Project Location Map**

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# 1.3 Land Acquisition and Resettlement Objectives

While the majority of lands in this Section are municipal and state-owned, some privately owned lands are going to be affected by the ROW acquisition. The ROW acquisition of public lands which are used as pasture and grazing areas will have negligible impact on the livelihood and living standards of the households utilizing these lands.

The purpose of this RAP is to set out the policies and procedures for the delivery of entitlements, implementation process, grievance redress mechanisms and arrangements for independent monitoring for land acquisition and resettlement that may occur as the result of the Project in line with the World Bank’s Operational Policy (OP) 4.12. The operational objective of the RAP is to restore the livelihood of project-affected persons (PAPs) at least to the pre-project level.

This Resettlement Action Plan (RAP) will be reviewed by the Client, approved by the Bank, and implemented, prior to the commencement of civil works. Land-take and the taking of related assets can take place only after all compensation and rehabilitation measures, defined in this RAP, have been provided to eligible PAP. Construction activities are planned to be commenced in fourth quarter of 2017. Therefore, implementation of the RAP should be completed before September 2017 in order to start civil works according to the plan.

Particular attention will be paid to severely affected PAPs so their needs can be incorporated in developing compensation and rehabilitation measures to ensure that their livelihoods are restored at least to the pre-project level. Moreover, special attention will be paid to the needs of vulnerable groups among those who are displaced, especially those living below the poverty line, the elderly, women and children.

This RAP includes all of the impacts and related mitigation measures for the first component (**Motorway Improvement**) of the Project on Motorway Improvement. Azeruatoyol will also develop a separate Resettlement Action Plan (RAP) in order to address social impacts,that may arise under the second component(Institutional Development and Support for Motorway Maintenance Reform) once details of such activities are developed and theirpotential social impacts, if any, become clear.

In detail the RAP aims to accomplish the following:

* Present a strategy to achieve the objectives of the Resettlement Policy Framework;
* Provide a plan for the implementation of the stated strategies to ensure timely acquisition of assets, payment of compensation and delivery of other benefits to project affected persons;
* Ensure that the Plan enables the PAP to improve and/or maintain their income level and living standards from the pre-project level;
* Define the principles and mechanics for public consultation and information campaign;
* Estimate resources required to implement the recommended interventions; and
* Provide a plan for monitoring and supervision of RAP implementation.

# 2. SCOPE OF IMPACTS

# 2.1 Impact Zones

Official right-of-way (ROW) for all highways in Azerbaijan used to be 60 m (30 m on each side measured from the centerline of the existing road) until September 2015. However, in a number of cases the existing ROW is occupied by private persons for various purposes. The width of ROW for all highways was changed by the Cabinet of Minister's decree № 298 dated 11 September 2015. This decree stipulates that the ROW for highways is approved as 30 meters from the centerline of the carriageway in each direction. It means that ROW for Baku-Shamakhy Highway is approximately 72 meters in most of the corridor. In addition, high embankments, construction of new junctions, as well as provision of local connector roads and realignment will require acquiring additional land beyond this right of way. Taking over additional land will affect various private landowners in the villages of Takla, Marzandiya andSabir.

This RAP addresses impacts on land and structures whichare for private and municipality ownership and use.

# **2.2 Minimising Resettlement**

The primary objective of OP4.21 is to minimize land acquisition and resettlement through alignment and design adjustments balanced against financial and technical considerations. Several approaches were employed to reduce the impacts. These included (i) undertaking a study to examine various alignment options and selecting the one with the least impact; (ii) developing a road cross section design with features to mitigate and enhance access to agricultural lands; (iii) proposing the same level and underpass pedestrian and animal crossings to ensure the connectivity of communities on both sides of the road; (iv) selecting an interchange design with minimum ROW requirements and ensuring connectivity to existing local roads; (v) fine-tuning final designs to minimize impact; (vi) using the cadastral maps and overlaying the alignment to determine minimum impacts on structures and properties in congested areas, and (vii) proposing the construction of bypasses to avoid impacts on congested areas.

Project design engineers have considered the following measures to minimize resettlement:

* Widening of the road in one direction to avoid impacts on structures;
* Relaxation of the RoW in some cases to avoid loss of certain structures; and
* Construction of underpasses and same level crossings to allow access by pedestrians and livestock from one side of the road to the other.

Each of these alternatives is briefly described below.

**Designing widening of the road in one direction to avoid impacts on structures:** The widening of the road from 2 lanes to 4 is planned on the right side of the road towards Shamakhy town in Sabir settlement. This option was used mostly between Km102+500 and Km103+700 where it is practically applicable. Adopting this approach enables avoiding impact on 9 houses and some auxiliary structures.

**Relaxation of the RoW:** Extensive discussions were held between Azerautoyol, Design Consultant and the World Bank on applying a narrow ROW to avoid impacts. .Eventually Azerautoyol decided on relaxing the ROW up to a distance of one meter from the embankment. This makes it possible to avoid impacts on several structures.

The specific locations where resettlement impacts are avoided by relaxing of the RoW are set out in Table 1 below.

**Table 1**: Properties avoided by Relaxation of RoW

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| No | Description of Property | Chainage (Km) | Distance from centerline (m) | Left Hand Side (LHS)  Right Hand Side (RHS) |
| 1 | Sentry box of Gulustan restaurant | 91+500 | 27 | LHS |
| 2 | Mill owned by Rauf Alishov | 97+250 | 28 | LHS |
| 3 | Gravestone monument of Turkish martyr | 97+340 | 23 | RHS |
| 4 | Shirvan Restaurant | 99+000 | 25 | LHS |
| 5 | Lukoil Petrol Station | 99+000 | 25 | LHS |
| 6 | House owned by MammadovVugar | 102+420 | 28 | LHS |
| 7 | House owned by IbrahimxalilovMahir | 102+450 | 29 | LHS |
| 8 | House + attachments owned by Tehsin | 102+500 | 28 | LHS |
| 9 | House + attachments owned by JemiyevEtibar | 102+500 | 27 | LHS |
| 10 | House owned by AzimovJavanshir | 102+560 | 27 | LHS |
| 11 | Stable owned by AlxanovVugar | 102+800 | 29 | LHS |
| 12 | Shop owned by ElshadIsgender | 103+000 | 29 | LHS |
| 13 | Car repair center | 103+000 | 30 | LHS |
| 14 | Shop owned by AliyevRafig | 103+400 | 27 | LHS |
| 15 | Stable owned by OmarovGahraman | 103+600 | 26 | LHS |
| 16 | Stable owned by NagiyevXamis | 103+700 | 27 | LHS |
| 17 | House attachments owned by EliyevIntigam | 103+800 | 25 | LHS |
| 18 | House attachments owned by ibrahimova Tamara | 103+850 | 25 | LHS |
| 19 | Fence owned by ShixeliyevShahin | 103+900 | 26 | LHS |
| 20 | House owned by IbrahimovElchin | 104+000 | 27 | LHS |
| 21 | House owned by GahramanovZaur | 104+300 | 26 | LHS |
| 22 | Auxiliary structure of Shamakhy wine JSC | 106+050 | 28 | LHS |

**Installation of pedestrian underpasses and crossings:** In order to provide access for pedestrians and livestock from one side of the highway to the other side, the design for Section 4-1 considers pedestrian and animal crossings and underpasses at the following locations which were selected by taking into consideration both social and technical factors (see table 2):

**Table 2**: List of pedestrian and livestock crossing and underpasses

|  |  |  |
| --- | --- | --- |
| No | Location, KM | Type of crossing |
| 1 | 99+122.56 | Underpass for people at connection road to Takla village |
| 2 | 99+202.63 | Underpass for animals at connection road to Takla village |
| 3 | 101+576.89 | Same level pedestrian crossing at connection road to Merzendiye village |
| 4 | 103+255.50 | Underpass for people in Sabir village |
| 5 | 104+723.46 | Same level pedestrian crossing at connection road to 7 villages |

# **2.3 Affected Assets**

# **2.3.1 Summary of Land Acquisition and Resettlement Impacts**

As a result of minimizing land acquisition risks through various alternatives, land acquisition and resettlement impacts for Section 4-1 can be summarized as follows:

* Loss of 6.37 ha of private land owned by 200 PAPs. Of this land, 5.13 ha is for agricultural use, 0.531 ha is for residential use and 0.709 ha is commercial land;
* Loss of 11 structures. These include 5 butchers’ shops, an inoperative office building, a gravestone making shop, an automobile repair centre, 2 auxiliary structures in homestead area and an iron tower used by mobile communication service provider;
* Loss of 12.258 ha of municipality land.

The following discussion presents in detail the results of the investigation on the category and types of impacts of the Project on land, structures, businesses, crops and trees and other assets and property as well as the unavoidable temporary impacts on the community particularly during the period of construction

## ****2.3.2**** Impact on Land

The road section (km 91 - km 107) will traverse 5villages in two districts, namely Gobustan and Shamakhy affecting private, municipal as well as state lands. Most of the private lands affected are agricultural lands generally used to cultivate grains; a few residential and commercial lands are affected as well. All affected land plots are used by their owners. There are no informal users and squatters in the project area. Different type of municipal lands[[3]](#footnote-3) will also be affected.

The total area of land required as ROW for the alignment of the concerned section is approximately 45.975 ha. It is composed of state, municipal and private lands in 5villages within the Gobustan and Shamakhy districts. See **Table 3** below for the summary of affected lands of various categories. **Annex 3** includes list of affected land parcels and their ownership status.

**Table 3**: Summary of Impacts on Lands of Various Categories

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **District** | **Village #** | **Village Name** | **Private land** | | **Municipal**  **land (ha)** | **State land (ha)** | **Subtotal** | |
| **No.**  **plots** | **Size (ha)** |
| Gobustan | 1 | Takla | 6 | 1.184 | 3.987 | - | | 5.171 |
|  |  | State Reserve | - | - | - | 11.837 | | 11.837 |
| Shamakhy |  | State Reserve | - | - | - | 15.51 | | 15.51 |
|  | 1 | Chiragli | 0 | - | 0.89 | - | | 0.89 |
|  | 2 | Marzandiya | 5 | 0.37 | 0.047 | - | | 0.417 |
|  | 3 | Sabir | 189 | 4.816 | 7.301 | - | | 12.117 |
|  | 5 | Boyuk Khinisli | 0 | - | 0.033 | - | | 0.033 |
|  | **Grand TOTAL:** | | **200** | **6.37** | **12.258** | **27.347** | | **45.975** |

Source: Consultant's investigations, March-September 2016

**The following figure shows share of affected land according to ownership status:**

**Figure 2: Impacts on state, municipal and private land**

Affected Private Land:

The affected private land plots are mostly cultivated for grains. Some are left fallow to be used as grazing area.

The widening of the road is designed so that it will traverse these plots in such a way as to affect a small portion of their area. But because of the configuration of land parcels against the existing road (diagonal rather than parallel), a substantial number of them (200 plots owned by 200households) will be affected. **Table 4** below provides the summary of private land take in Section 4-1.

**Table 4:** Summary of Private Land Take in Section 4-1

|  |  |  |  |
| --- | --- | --- | --- |
| Affected Private | Location and Size (ha) | | Total |
| Land | Gobustan | Shamakhy | (ha) |
| Size | 1.184 | 5.186 | 6.37 |
| No of Plots | 6 | 194 | 200 |
| No of HHs | 6 | 194 | 200 |

**Out of the total affected private land 5.13ha is for agricultural use, 0.531ha is for residential use and 0.709ha is commercial land.**

Affected Municipal Land:

**Table 5**below presents the various categories of affected municipal lands.

**Table 5:** Summary of impact on municipal land

|  |  |  |  |
| --- | --- | --- | --- |
| Land Classification of affected | Location and Size | | Total |
| Municipal Land | Gobustan | Shamakhy | (ha) |
| Local Road | 0.49 | 1.206 | 1.696 |
| Unusable | - | 4.053 | 4.053 |
| Pasture | 3.302 | 0.431 | 3.733 |
| Agricultural | - | 0.499 | 0.499 |
| Other | 0.195 | 2.082 | 2.277 |
| **TOTAL:** | **3.987** | **8.271** | **12.258** |

Approximately 12.258 ha of municipal landis affected in Section 4-1. The biggest impact will be on municipal lands utilized as unusable area followed by pasture and local roads, as well as other type of municipal lands such as bushy areas, ditches and roadside free areas. Acquisition of grazing areas as ROW will not result in income loss to the shepherds who occasionally use these parcels as grazing area for their animals. This is because the size of the total area used for occasional grazing which will be acquired as ROW is in significant compared to the thousands of hectares available for open grazing around the community. Although some municipal lands in official land cadastral documents are classified as agricultural lands, it was revealed during the inventory that these lands are not cultivated for agricultural purposes and are in fact maintained as municipal reserve lands.

Affected State Land**:**

**Table 6**shows the summary of the state land that will needto be acquired for the widening of the road section between km91 and km107.

**Table6:** Summary of State Land Reserve affected by Section 4-1

|  |  |  |  |
| --- | --- | --- | --- |
|  | Location and Size (ha) | | Total |
|  | Gobustan | Shamakhy | (ha) |
| State land | 11.837 | 15.51 | 27.347 |

Of the 27.347 ha of affected state land,14.408 ha belongs to the forest area which is managed by the Ministry of Ecology and Natural Resources (MENR). A joint working group will be established by Azerautoyol JSC with the MENR to determine the impact on forest trees and the relevant compensation, as well as efforts to identify which trees can be kept within the ROW without any impacts.

## 2.3.3 Impacts on Buildings and Structures

Even though the alignment was carefully selected to avoid affecting buildings and structures and to minimize dislocation and impact on residential and commercial establishments, the widening of the road will still affect a group of structures, most of which are privately owned. However, fortunately,the decisionon relaxing the ROW will be enough to avoid relocation impact.

The affected structures are 5 butchers’ shops, an inoperative office building, a gravestone making shop, an automobile repair centre, 2 auxiliary structures in homestead area and an iron tower used by mobile communication service provider in Sabir settlement. Their location and ownership status, as well as construction materials are provided in **Annex 4**.

## 2.3.4 Impacts on trees and perennials

There are only 50 affected fruit bearing trees belonging to two PAPs in Sabir settlement. Detailed information is presented in **Annex 5**.

## 2.3.5 Income Loss

It is expected that there will not be a significant income loss due to project activities. Business owners will be informed well in advance in order to have sufficient duration to restore the business or other income generating activities in a new location or on the other part of their land that would not be acquired. Crop owners also will be informed at least 90 days before acquisition and will be given opportunity to harvest all crops. In order to compensate for the income loss during the transition phase till their business or income generating activities are re-established, cash compensation equal to a 3 months of income based on tax declaration or official minimum salary for 3 months will be provided to business owners and workers. This kind of expenses will be provided from the contingency item of the RAP budget.

**2.3.6 Physical relocation**

As a result of detailed engineering investigations and extensive consultations with stakeholders, physical relocation of households is avoided in this section (Km 91+00- Km 107+00). However, several small-scale businesses, such as butcher's shops and a car repair centre will be relocated. They will be compensated for affected assets based on full replacement costs and loss of income as specified in the sections 2.3.5 and 4.5. In addition, they will get disturbance allowance reflecting one month’s income from the enterprise. Moreover, Azerautoyol will assist them in relocating the assets to the new location. See more details in Section 4.5

# **3.SOCIOECONOMIC PROFILE OF PROJECT AFFECTED HOUSEHOLDS**

A socioeconomic survey was carried out in February and March 2016to study the level of poverty and to identify social issues in the project area. Methods employed included household interviews using a survey form, focus-group discussions and interviews with local government officials. In total 90 HHs were selected randomly for interviews from the pool of affected HHs. These represented 45% of all project affected persons in Section 4-1.

The socioeconomic survey addressed the following areas:

* Households and household structure;
* House and homestead;
* Livelihoods and income&expenditure;
* Attitudes regarding the Project.

**(i) Households and Household structure**

As the most of the affected persons (97%) are in Shamahy district, the socioeconomic survey covered villages of this district. In total 90 affected households (HHs) were interviewed in traversed villages. The average HH size is 5.9 with total 538 family members. The age of the majority of respondents (32.2) is between 51 and 60 years. Most of the interviewed HHs (27%) have4-5 family members, while 23.4% of them have 6-7 family members. Eighty one out of 90 respondents are married (90%), 3.3 are single and 6.7% are widowed. Approximately 19% of respondents were women in contrast to 81% of men. Detailed information about the respondents and HH heads are described in the following table.

**Table7:**Some details about respondents and HH heads

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  |  | **Respondents** | | **HH heads** | |
| Number | Percentage | Number | Percentage |
| **Agelevel** | <30 | 4 | 4.4 | 54 | 60.0 |
| 31-40 | 17 | 18.9 | 2 | 2.2 |
| 41-50 | 19 | 21.1 | 12 | 13.3 |
| 51-60 | 29 | 32.2 | 18 | 20.0 |
| 61< | 21 | 23.3 | 35 | 38.9 |
| **Educationlevel** | High | 21 | 23.3 | 23 | 25.6 |
| Vocational | 1 | 1.1 | 17 | 18.9 |
| Secondary | 68 | 75.6 | 1 | 1.1 |
| primary | 0 | 0.0 | 72 | 80.0 |
| **Maritalstatus** | Married | 81 | 90 | 0 | 0.0 |
| Single | 3 | 3.3 | 2 | 2.2 |
| Widowed | 6 | 6.7 | 5 | 5.6 |

Interview questions also inquired about the education of adult HH members. The share of persons who have completed secondary education is 40.1%, and that for people with higher education is 23.7%. Others have an incomplete secondary education (19.2%), incomplete higher education (2.8%) or have acquired vocational education (11.9%).The share of persons with only a primary level of education is2.3%.

The following table shows share of interviewed HHs according to size of the HH.

**Table8:**Data on HH size

|  |  |  |
| --- | --- | --- |
| **Number of HH members** | **Number** | **Percentage** |
| <3 | 14 | 12.6 |
| 4—5 | 30 | 27 |
| 6—7 | 26 | 23.4 |
| 8—9 | 13 | 11.7 |
| 10< | 7 | 6.3 |

**(ii) House and Homestead**

All of the households own the house and the plot they occupy. Houses are generally built of stone and cement with either iron lists or tile slates as roof.

The affected households own livestock along with the land plots and houses. The ownership of livestock is as follows: 28.9% of households own big horned animals;3.3% own small-horned animals and 36.7% own poultry. See **Table 9** for details.

**Table9:**Asset Ownership and Access to Basic Services

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Animal ownership** | | | **Presence of:** | | | **Ownership of:** | | | | | | |
| Big horned | Small horned | Poultry | Electricity | Gas | Water | Car | TV | Refrig | Radio | DVD | Garden | Agricult land |
| **#** | 26 | 3 | 33 | 90 | 88 | 88 | 24 | 87 | 88 | 28 | 20 | 57 | 60 |
| **%** | 28.9 | 3.3 | 36.7 | 100 | 97.8 | 97.8 | 26.7 | 96.7 | 97.8 | 31.1 | 22.2 | 63.3 | 66.7 |

Interviewed persons were also asked about their level of satisfaction withbelectricity, gas and water supply. Gas and electricity supply are rated as excellent by approximately 95% of the HHs, however only 37% think that water supply is excellent. About 20% think that water supply is good.

The source of drinking water for 33.3% of respondents is reported as piped line, while 43.2% either buy water or use their own wells.

**(iiI) Livelihoods and Income**

**Table 10**below shows the details for the source of income of PAPs.

**Table 10: Main income sources of the PAPs, Section 4-1**

|  |  |  |
| --- | --- | --- |
| **Income source** | **Number and percent of PAPs** | |
| **#** | **%** |
| Self employment in agriculture | 31 | 34.4 |
| Self employment in non-agriculture | 3 | 3.3 |
| Salary in agriculture | 0 | 0.0 |
| Salary in non-agriculture | 27 | 30.0 |
| Income from property | 1 | 1.1 |
| Pension | 24 | 26.7 |
| Aid from relatives | 4 | 4.4 |

Some 34.4% percent of affected households identify agriculture related activities as their main source of income; salary in non-agriculture is the main sources of income for 30% of households; pensions and aids are reported by 26.7% and 4.4% respectively. Only 3.3% of households indicated self employment in non-agriculture as the primary source of their income.

**Figure3:**Various sources of primary income forPAPs in (2016)

Interviewed households members were also asked about their employment status. According to information provided by respondents 37.2% of HH members are unemployed, while 16.2% have permanent or temporary employment.

**Figure 4:** Employment status of HH members

Almost all of the lands which will be affected are agricultural lands cultivated mainly to grains. The proportion of PAPs experiencing land take of more than 20% of the cultivated area is only 3.5% of the total; the remaining 193 PAPs will experience land take of varying proportions less than 20%.

Average income in the surveyed HHs was identified as 304 AZN per month. Almost 78% of the HHs have a monthly income of less than 400 AZN. **Figure 5**reflects the number of HHs per income and expenditure levels.

**Figure 5:** Income and expenditure per number of HHs

According to results of the survey average expenditure is 383.3 AZN per month. Food and beverage shares the biggest amount in the monthly costs, thus 40.7% of total monthly costs are paid for this purposes. Loans for different purposes and payment for gas supply are in the second and third place with 17.6% and 10.7% respectively. Some 42.2% (38 HHs) of the studies HHs have monthly expenditures between 201 and 400.Respondents emphasized that HHs pay approximately 71.2 AZN per month for utilities which is about 18.5% of the total monthly costs. Figure 6 shows monthly expenditure for different items:

**Figure6:** Average monthly expenditures for different items (AZN)

**(iv) Attitudes toward the project and expectations**

By the time of the survey, all of the affected households had been informed about the project’s work on the widening of Baku-Shamakhy Highway. The primary source of this information is the local authorities and project design consultants. The questionnaire for the socio-economic survey contained a question about the willingness of the PAPs to give up their land for the Project All PAPs consider the project beneficial and they indicated their willingness to give up the land they occupy or cultivate if needed for the purpose of road construction. Monetary compensation is the preferred option for all of the PAPs to compensate for loss of land. Monetary compensation is also the preferred option as for damages to privately owned buildings, tree plantations, perennials and harvests and loss from suspension of commercial activity.

# **3.3 Updating of the Census and Socioeconomic Survey**

Socioeconomic conditions and vulnerability are not static conditions but change over time, sometimes significantly. As such it will be necessary to update the Census and inventories – both at the official Cut-Off Date[[4]](#footnote-4) and immediately prior to RAP implementation to ensure that all resettlement entitlements (compensation and any other assistance provided) are correctly and adequately identified and directed, that vulnerable people’s needs in particular are met and that any relevant changed circumstances (for example sales of land, death of land owners, any previously non-identified land owners) are addressed.

# ****4. LEGAL FRAMEWORK****

# ****4.1 Overview****

This RAP is required to meet international best practice according to the requirements of World Bank Operational Policy (OP) 4.12 on Involuntary Resettlement and to comply with applicable national legislation. In case of any gaps between OP 4.12 and national legislation, the higher standard should apply.

This chapter briefly sets out the following:

* Applicable national legislation
* WB OP 4.12
* Gaps between applicable national legislation and OP 4.12
* Entitlement policies under this RAP

Finally this chapter provides an Entitlement Matrix which summarizes entitlements under this RAP for each category of impact.

# ****4.2 National Legislation****

Legislation in Azerbaijan on land acquisition and resettlement consists of the Constitution of the Republic of Azerbaijan, Land Code, Civil Code, the Law on Land Acquisition for State Needs, and other normative-legal acts and international contracts supported by the Republic of Azerbaijan.

**The Constitution:** Recognizes the citizens’ right to own, use and dispose property. It also recognizes three type of property ownership in Azerbaijan - state, municipal and private (Article 13). It guarantees that no one will be dispossessed of their property without their consent or decision by the court of law and that alienation of private property for state needs will be allowed only after payment of fair compensation to the owner (Article 29).

**The Land Code:** It stipulates that all damages caused by acquisition of land (compulsory purchase) or temporary detention, as well as limiting the rights of owners, users and lessees or deterioration of the quality of soil should be fully paid to land owners or users. In addition, costs derived from early termination of its obligations against third parties should also be paid to the affected person. Disputes relating to compensation, is being considered in a court in accordance with the procedure established by the legislation.

**The Civil Code:** Articles 246, 247, 248 and 249 state the provisions for acquisition of lands for state needs. The Code requires the Decree on acquisition of lands for state needs should be registered in state real estate registration. It also states that Executive Agency should; a) send official notifications to all affected persons about land acquisition; b) pay full compensation to the affected persons within 90 days after the agreement made with the right holder; c) assist relocated people; and d) pay compensation for affected assets on the market rates (in case it is not possible to identify market rates, replacement prices is used).

The Civil Code states that affected person can select one or more type of compensations, such as land by land, cash compensation and provision of dwelling. It also states that any rights to real estate must be registered with the State. The Code also stipulates that expropriation of lands for state needs can only be done after resolution of the relevant courts.

**The Flat Code:** The Code states that acquisition of residential lands and residential building on the land should be acquired by the provisions of the Land Acquisition Law (see below).

**Law of Azerbaijan Republic on Acquisition of Lands for States Needs (LAL, 2010):** Specifically address matters related to involuntary resettlement (IR), including the process and institutional arrangement for land acquisition, compensation and valuation, consultation requirements, entitlements of various categories of displaced persons and grievance redress mechanism. The law considers various categories of displaced persons, including those without state registration, renters, non-formal long-term users of land, and persons who have no legal rights on the land that they live in.

**Law on Land Lease**: The law states that (Article 16) when the leased land is acquired for state needs, another land plot having a same size and of similar quality can be provided to lessee. Losses incurred in the affected land shall be paid in accordance with the legislation.

**Law on valuation activity**: The law states that valuation of real estate is mandatory in cases of land acquisition for state needs and the results of the valuation are to be reflected in a valuation report.

**Decree of the President on additional activities regarding to implementation of the Law on "Acquisition of Lands for State Needs" dated 15 February 2011**: The Decree stipulates additional provisions for the implementation of the Land Acquisition Law. It also assigns government agencies for responsibilities of relevant executive bodies which are defined with generic words in the Law on Land Acquisition for State Needs. .

**Decree of the President No. 506-3 QD dated 7 December 2007**regarding to amendments in the Civil Code: It requires the provision of 20% additional compensation to the calculated market price of the acquired property.

**Cabinet of Ministers' Resolution No.45 24 February 2012**: It stipulates guidelines for preparation of resettlement plan, as well as shows sample content of a resettlement plan and resettlement guideline.

**Cabinet of Ministers' Resolution (No. 55 21 April 2011):** It reflects guidelines and criteria for the selection of a planner (person or entity who prepares resettlement plan or guideline).

**Cabinet of Ministers Resolution No.110 (June 1999)** on Approval of Regulations for an Inventory Cost Estimation of Buildings outlines procedures for acquisition and compensation valuation for affected buildings and immovable property based on standard rates of construction costs by region within Azerbaijan.

**Decree of the Cabinet of Ministers on approval of protection strips of state-owned highways, 11 September 2015, № 298.** It approves width of ROW for highways of national importance by 30 meters from the center of the carriageway in each direction. For the regional roads width of the ROW is 12.5 meters in each direction.

Other relevant regulation includes those related to the control and maintenance of roads such as:

* Decree No 228, July 1976
* Decree on the Application of the Road Law 2000
* Decree No 18, February 2004
* Decree of the President, July 8, 2008

Road related legislation regulates usage of the road reserves, maintenance, defines standards for noise and vibration, as well as construction, width requirements, as well as assigns rights for the road authorities to evict illegal occupants.

# ****4.3World Bank Policy****

World Bank OP 4.12 recognizes that involuntary resettlement can give rise to significant disturbance and risk of increased vulnerability for affected people caused by physical displacement or disruptions to their livelihood systems and income sources.

Specifically, OP 4.12 contains the following main principles and provisions:

* Involuntary resettlement should be avoided where feasible or minimized;
* Resettlement can be ‘physical’ (loss of place of residence) or ‘economic’ (loss of – or reduced access to – income, means to an income or productive assets);
* Resettlement activities should be conceived of as sustainable development program involving meaningful consultation with affected people in program planning and implementation;
* Affected people should be compensated for lost assets (or access to assets) and assisted in their efforts to improve/restore their standards of living;
* Resettlement covers relocation/loss of shelter; loss of assets / access to assets; and loss of income sources or livelihood means (whether or not affected persons must physically relocate);
* A formal resettlement plan or resettlement policy framework is required to address project-associated resettlement impacts. According to OP 4.12 a resettlement plan should describe the following:
* The project, potential impacts and measures taken to avoid or minimise resettlement;
* Socioeconomic studies carried out to identify who is affected and nature of effects; information on vulnerable groups; local livelihood and land-tenure systems and social and cultural characteristics of affected populations; etc;
* Applicable legal framework with which the land acquisition and resettlement process should comply, and any gaps between national laws and OP 4.12;
* Affected persons and eligibility for compensation and other resettlement assistance, including cut-off dates;
* Methodologies to value losses and compensation at replacement cost;
* Resettlement measures and support to be provided to project-affected people;
* Resettlement sites including their identification, suitability, resettlement procedures, influx risks and institutional and legal considerations;
* Plans to provide any necessary housing, infrastructure and social services;
* Community consultation and participation during resettlement planning and implementation;
* Measures to mitigate impacts of resettlement on host communities;
* Grievance mechanisms and procedures;
* The organizational framework for implementing resettlement;
* Resettlement implementation schedule;
* Resettlement costs and budget;
* Monitoring and evaluation of resettlement implementation (internal and external).

# ****4.4 Comparison of Azerbaijan Laws on Land Acquisition & Involuntary Resettlement and World Bank’s OP 4.12****

Most of the provisions of the World Bank’s OP 4.12 requirements are covered under national legislation of Azerbaijan; however there are a few differences, as presented in below **Table 11**:

**Table 11:** Comparison of Azerbaijan Laws on Land Acquisition & Involuntary Resettlement and World Bank’s OP 4.12

|  |  |  |  |
| --- | --- | --- | --- |
| **No** | **Requirements of Azerbaijan Laws and Regulations** | **Requirements under**  **WB OP 4.12** | **Measures to bridge gaps** |
| 1 | Compensations for affected assets are calculated at market price or replacement value (in case of both principles are applicable, the one that provides higher cost is used in determination of compensation). In addition to the calculated amountseveral percentages are added (20% bonus, 10% premium for voluntary sale, 5-10% for physical displacement and etc). | Replacement cost is calculated which is the amount sufficient to replace lost assets and cover transaction costs | Compensation amount at least equivalent to the replacement cost will be paid to affected persons |
| 2 | PAPs who have no recognizable legal right or claim to the land they are occupying receive resettlement allowances but are not compensated for immovable property. | Lack of title should not be a bar to compensation and/or rehabilitation. People with no recognizable legal right or claim to the land they are occupying receive rehabilitation and assistance. | Compensation for affected structures and resettlement assistance should be provided to people with no recognizable legal right or claim to the land they are occupying |
| 3 | Additional compensation, between 5-10% according to the number of years lived in the affected house, is required for relocated households who have been staying in their affected residence for at least 5 years | No such additional compensation is required | Additional compensation will be calculated as per Azerbaijan legislation |
| 4 | As per the Decree of the President of  Azerbaijan, an additional 20% compensation amount shall be added on the market value of the affected property. | Replacement cost that is sufficient to replace lost assets and cover transaction costs should be calculated | 20% additional compensation will be calculated on top of the market value or replacement cost will be provided, whichever is higher |
| 5 | Under the national legislation, in cases where the number of people to be relocated 100 meters away from their land exceeds 200, a resettlement plan is to be prepared. In other cases, only a resettlement manual will be prepared.. | RAP[[5]](#footnote-5)is prepared in line with the provisions of the World Bank OP4.12. In particular, a census, socioeconomic survey and consultation with PAP will be conducted while preparing abbreviated RAP and its implementation will be monitored and reported, irrespective of numbers of people affected. | RAP is prepared as per WB requirements |
| 6 | Public meetings are to be conducted to discuss land expropriation proposal at the preparatory stage. | Public consultation and participation is an integral part of WB’s policy which is a continuous process at conception, preparation, implementation and post implementation period. | Information dissemi-nation and public consultations will be a continuous activity and will be conducted as reflected in RPF and RAPs. |
| 7 | No additional provisions for severely affected PAPs and vulnerable groups | Special provisions may have to be made for severely affected and vulnerable groups | Additional assistance will be provided for vulnerable and severely affected PAPs as per RPF provisions (see entitlement matrix) |

# 4.5Compensation strategy under this RAP

The compensation strategy under this RAP is set out according to the categories of impact as described above and in light of applicable national legislation and OP 4.12. Overall, PAPs are entitled for compensation and/or assistance that will be sufficient at least to restore pre-project livelihood.

**Permanent loss of private land**

Both OP 4.12 and national legislation require compensation for land at full replacement cost (in cash or in kind) for land with recognised title, including for any improvements made and any other costs incurred. In each case, compensation should be paid before any other resettlement measures are implemented and certainly before project construction activities begin for the section in question.

Affected persons with legal title/traditional land rights will be compensated at replacement cost[[6]](#footnote-6) in cash or through replacement of land equal[[7]](#footnote-7) in value/productivity to the plot lost. In line with replacement cost, any transfer of taxes/fees will not be paid by the affected person but will be paid by the state budget after documentation by the executing agency. Based on the decree of the President of Azerbaijan, an additional 20% of compensation will be paid to cover additional costs[[8]](#footnote-8).

Under this RAP, the policy will be to offer land-for-land or cash compensation for loss of land, according to the preference of respective affected households. In case of requests for land-for-land compensation, the state or municipality will provide replacement landfrom state or municipality land that is of at least equal size and use-value.

Land users will be given at least 3 months of prior notice before they should vacate the land.

**Loss of municipal land**

For loss of municipal lands, respective municipalities will be compensated based on the provisions of the Land Acquisition Law (2010). In this regard, prices of specific municipality lands are requested from the Ministry of Agriculture, State Committee on Property Issues and the relevant rayon Executive Power. These organizations within the frame of their responsibility will calculate unit prices based on normative prices[[9]](#footnote-9) and respective coefficients for different category of lands. Public land leased to private individuals will not be compensated as it is stipulated in the lease contracts that such lease are subject to cancellation in case the government needs the said land for public use. However, affected parties will be informed about the project’s impacts at least 60 days before displacement takes place. Based on their request, they will also be provided with assistance to lease new land that has similar characteristics.

Private land users on municipal lands will be given at least 3 months of prior notice to vacate the affected portion of the land parcel.

**Loss of houses and auxiliary buildings and structures:**

Structure losses will be compensated in cash at full replacement cost, free of deductions for depreciation, salvaged materials, and transaction costs irrespective of the registration status of the affected items. Based on the decree of the President of Azerbaijan, an additional 20% of compensation will be paid to cover additional costs.

**Loss of Commercial Structures and business closures:**

The following entitlements will apply in the case of loss of commercial and industrial enterprises:

* Cash compensation at full replacement value for all structures that will be lost – free of deductions for depreciation, salvaged materials, and transaction costs irrespective of the registration status of the affected item;
* Based on the decree of the President of Azerbaijan Republic, an additional 20% of compensation amount will be paid to cover additional costs
* Persons loss of jobs (both owners of the businesses and their employees) will be compensated on the basis of salaries for the duration of three months, as provided below for loss of income.
* Targeted assistance, support and monitoring to be provided to vulnerable households as required, to ensure that their vulnerability is not increased

**Loss of income:** In case of permanent loss,cash compensation to a PAP will equal a 1-year income based on tax declaration. If the tax declaration is unavailable, it will equal the official minimum salary for 12 months.

In case of temporary loss of income up to three months: Cash compensation during the period of disruption will be based on the income reported in the tax declaration. If the tax declaration is unavailable, the cash compensation will equal official minimum salary for the period of stoppage less than three months. Azerautoyol will strictly control civil works in order not to entail temporary loss of income for more than three months. However, if such situation will be observed then the Contractor will have responsibility to compensate relevant income losses based onthe tax declaration or official minimum salary for the period of stoppage, as relevant.

Indemnity for lost wages (if not available based on the official monthly minimum salary) for the business interruption period in case of temporary stoppage of business is considered. In case of permanent loss of business wages for 3 month will be paid.[[10]](#footnote-10)

**Perennial Crops (Trees, Shrubs and Vines):** Cash compensation for perennial crops and fruit bearing trees will be calculated based on the principle of replacement. The amount equivalent to prevailing market price of timber for non-fruit bearing trees will be used to define the compensation amount. Compensation for loss of economic trees will be estimated based on the age, type and productivity of the trees at replacement cost. For non-productive trees, the amount of compensation will be calculated based on the type, diameter and height (based on the material cost principle) of the trees, Trees may be also relocated upon request of PAP, if any.

**Loss of crops:** Notices will be sent to project affected persons at least 60 days before the acquisition to harvest standing seasonal crops. In addition, all efforts will be made to ensure that people know about the project and don’t invest on the affected land plot (or its section). In case the harvesting of seasonal crops is not possible prior to commencement of work, cash compensation will be provided at current market rates for the gross value of 1 year's harvest losses. Crop compensation will be paid both to land owners and tenants based on their specific sharecropping agreements.

**Compensation for Improvements on Land:** This covers a range of items such as fences, walls, animal enclosures, small irrigation channels, drains, wells, hand pumps, artesian bores, water pumps, hay sheds, animal shelters and roads. These items must be valued at full replacement value.

**Community structures and public utilities:** if damages to public structures and utilities are unavoidable, replacement or restoration to pre-project status will be undertaken as part of Contractor's responsibility.

**Temporary impacts during construction:** The civil works contract will require the contractor to be responsible for the temporary acquisition. The contractor will select the land parcels they require and they will be responsible for negotiating agreements with land owners and those who may be impacted adversely to occupy the land. The arrangement will be recorded in writing. In the event that a contractor fails to obtain the agreement of any land user, he would be required to select an alternative site and to negotiate a new agreement. No involuntary occupation of land for temporary construction purposes would occur.

**Vulnerable groups:** Affected vulnerable groups will be given priority in employment in project-related jobs and/or will be assisted with their livelihoods restoration. Field investigations revealed that vulnerable groups have limited access to income sources, although they have capable family members. Therefore the RAP includes provision of additional income sources such as works provided by the Rayon and municipal authorities. Rayon Executive Powers and local municipalities will take into consideration the mentioned actions. In case any vulnerable HHs cannot benefit from the available employment opportunities, Azerautoyol in cooperation with local authorities will help them to access additional income sources (such as targeted social aid as per Government program, targeted welfare improvement program as per several programs are implemented by Ministry of Labour and Social Protection).In order to ensure all vulnerable groups are provided with additional income sources, safeguard specialist(s) of construction supervision consultant should follow up delivery of all entitlements according to the RAP, specifically for vulnerable groups.

**Severely affected people** – PAPs losing more than 20% of income generating land, or assets, or livelihood in general will have priority in employment in to the road construction activities basedon their abilities. The list of severely PAPs will be prepared by the Design Engineer during the update of the final RAP with an official data. Afterwards, the list will be sent to the Executive Agency that will in turn provide it to the Contractor Agency for consideration. PAPs will also be informed of the mentioned opportunity through flyers, mass media and during public consultations.

**Relocation Allowance:** Physical relocation of households is not anticipated under this Project. However if such impacts were to occur then lump-sum cash compensation shall be identified by the Land Acquisition Group based on the number of years the PAPs live in the affected house. According to the Land Acquisition Law (Article 66) this is applicable when the affected family lives in the affected house more than 5 years. Relocation compensation will be calculated with percentage (between 5 and 10) of the value of the house. In addition, if requested by PAP, Azerautoyol will assist in finding alternative houses or suitable land to construct a house.

The formula for calculation of relocation allowance isC= V \* P %;

Where C= compensation. V= value of the affected house, P = percentage which is determined based on the following approach:

P = 5%, if the family lives in the house for 5-6 years;

P= 6%, if the family lives in the house for 6-7 years;

P= 7%, if the family lives in the house for 7-8 years;

P= 8%, if the family lives in the house for 8-9 years;

P= 9%, if the family lives in the house for 9-10 years;

P= 10%, if the family lives in the house for more than 10 years;

In addition, if deemed necessary, Azerautoyol will provide information assistance to PAPs to address all concerns related with the new community, possible job applications, available job/ income generate opportunities, available socio-economic services around, communal infrastructure and social services available around that will assist in their restoration of livelihood and living standards after resettlement.

**Escrow/deposit accounts.** In case missing/absent PAPs[[11]](#footnote-11)are identified during the census, demarcation and Detailed Measurement Survey (DMS),cash compensation at the replacement cost of these project affected structures and lands will be deposited to the escrow accounts. However, no other one-time allowances will be allocated. The procedures for accessing an escrow account requires showing a valid ID card or passport to the respective court. Afterwards the court provides a permission letter for the person to take the compensation from the escrow account. Based on this letter the Bank provides deposited money to the PAP.

Unit rates of compensation will be updated if resettlement and land acquisition cannot be completed within 12 months of the issuance of this RAP.

The RAP Entitlement Matrix is as follows (see table 12 below):

**Table 12:** Entitlement matrix

| **No** | **Type of Loss** | **Application** | **Entitled Person** | **Compensation Measures** | **Policy Basis** | **Responsible Agency** |
| --- | --- | --- | --- | --- | --- | --- |
| 1 | Loss of private land (permanent) | Agricultural, residential and commercial land | Land owner (with legal title/  traditional land rights) | Cash Compensation at full replacement cost. Land with same size, quality and production value for the lost land, if preferred by affected PAP. In case of agricultural land, same size, quality and production value for the lost land.  Plus an additional 20% according to Presidential Decree dated 26, 12, 2007.  Any other compensation for improvements, as agreed between affected people and Acquiring Agency.  Land users will be given at least 3 months of prior notice before they should vacate the land | Law on Acquisition of Lands for State Needs  (LAL, April 20, 2010);  The President Decree (December 26, 2007) on provision of 20% additional compensation to the calculated market price of the acquired property | Azerautoyol, Rayon Executive Power (REP), State Committee on Property Issues (SCPI), Ministry of Finance (MOF) |
| 2 | Loss of municipal land (permanent) | All types of municipality lands | Relevant municipality | Compensations are calculated based on the prices provided by the SCPI, MOA and EP (based on the normative prices and respective coefficients for different category of lands .  Based on their request, they will also be provided with assistance to lease new land that has similar characteristics  Private land users on municipal lands will be given at least 3 months of prior notice. | LAL (2010)  Law on land lease  Cabinet of Ministers’ Decree No158 (1998),  Land Code (1999): | Azerautoyol, REP, SCPI, MOF |
| 3 | Loss of houses and auxiliary buildings and structures | Affected private structures (such as houses, kitchens, stables etc) | Owners (Including  those with no registered right on the land where the structure is located). | Such structure losses will be compensated in cash at full replacement cost free of deductions for depreciation, salvaged materials, and transaction costs irrespective of the registration status of the affected item. Based on the decree of the President of Azerbaijan Republic, an additional 20% of compensation amount will be paid to cover additional costs. The cost of affected connections to utilities will be included in the compensation | LAL (2010) | Azerautoyol, REP, SCPI, MOF |
| 4 | Loss of commercial structures | Affected commercial structures (such as Petrol filling station, shop, auto repair workshop, gravestone workshop and etc) | Owners (Including  those with no registered right on the land where the structure is located). | Cash compensation at full replacement value for all structures that will be lost – free of deductions for depreciation, salvaged materials, and transaction costs irrespective of the registration status of the affected item;  Based on the decree of the President of Azerbaijan Republic, an additional 20% of compensation amount will be paid to cover additional costs  Targeted assistance, support and monitoring to be provided to vulnerable households as required, to ensure that their vulnerability is not increased | Law on Acquisition of Lands for State Needs (LAL, April 20, 2010);  The President Decree (December 26, 2007) on provision of 20% additional compensation. | Azerautoyol, REP, SCPI, MOF |
| 5 | Loss of public structures | Community Structures and public utilities | Rayon administration | If damages to public structures and utilities are unavoidable, replacement or restoration to pre-project status will be undertaken as part of the Contractor’s responsibility. | The Civil Code,  LAL (2010) | Azerautoyol, REP, SCPI, MOF |
| 6 | Loss of trees, crops | Standing crops and trees | Owners/ cultivators, tenants, lease holders | 60 days’ advance notice to harvest standing seasonal crops. If crops cannot be harvested within 60 days, cash compensation will be provided at current prevailing market rates for the gross value of 1 year's harvest losses  Cash compensation for perennial crops and fruit bearing trees based on replacement principle.  Cash compensation equivalent to prevailing market price of timber for non-fruit bearing trees. Lumber from these trees may be kept by the owner.  No compensation will be provided for crops already harvested. | Law on Acquisition of Lands for State Needs (LAL, April 20, 2010);  The President Decree (December 26, 2007) on provision of 20% additional compensation | Azerautoyol, REP, MOF,contractor |
| 7 | Severe impact/ vulnerable households | Severely affected people (20% or more land or assets or income lost) / those living below the poverty line, the elderly, women and children | Severely affected people (20% or more land or assets or income lost) / those living below the poverty line, the elderly, women and children | Priority to be given to able household members in employment opportunities under the civil works contracts. In addition the respective Government agencies will encourage employment of the severely affected people to private operators in regards to jobs created in service/rest areas that will be established once the highway becomes operational.  In case any vulnerable HHs cannot benefit from the employment opportunity, Azerautoyol in cooperation with local authorities will help them to access additional income sources (such as targeted social aid as per Government program, targeted welfare improvement program as per several programs are implemented by Ministry of Labour and Social Protection). | Civil works contract | ARS-PIU, contractor and executive powers |
| 8 | Income loss | Income loss due to disruption of business operations | Business Owner /Worker | Permanent loss: cash compensation to business owner equal to a 1-year income based on tax declaration, if unavailable, official minimum salary for 12 months;  Temporary stoppage of business: Cash compensation during period of disruption based on the income from the previous fiscal year confirmed by tax authorities (tax declaration), if unavailable, official minimum salary for the period of stoppage.  Indemnity for lost wages (if not available based on the official monthly minimum salary) for the business interruption period in case of temporary stoppage of business is considered. In case of permanent loss of business wages for 3 month will be paid.[[12]](#footnote-12) | Law on Acquisition of Lands for State Needs  (LAL, April 20, 2010); | Azerautoyol, REP, MOF |
| 9 | Relocation allowances for PAPs | Relocation of PAPs moveable property | PAPs subject to physical relocation | Lump-sum cash compensation shall be identified by the Land Acquisition Group or directly by EA based on the number of years the PAPs live in the affected house. Relocation compensation will be calculated with percentage (between 5 and 10) of value of the house.  Azerautoyol will assist the PAP in finding alternative houses or suitable land to construct a house.  If deemed necessary, Azerautoyol will provide information assistance to PAPs to address all concerns related with the new community, possible job applications, available job/ income generate opportunities, available socio-economic services around, communal infrastructure and social services available around that will assist in their restoration of livelihood and living standards after resettlement. | Law on Acquisition of Lands for State Needs  (LAL, April 20, 2010); | Azerautoyol, REP, MOF |

# ****5.ELIGIBILITY****

# ****5.1 Eligible Persons****

Persons who are eligible for compensation under this RAP are those identified during the Census and losses inventory preparation as being affected by the land acquisition impacts described in sections 3 and 5 above, and any others who may be subsequently identified during verification of the surveys and any RAP updates. The squatters, whose livelihoods are affected, will be provided with livelihood restoration support, based on the social survey undertaken as part of the RAP preparation and detailed in the RAP, resettlement assistance, and compensation for lost structures and other assets/

# ****5.2 Cut-Off Date****

The date of the decree for land acquisition[[13]](#footnote-13)is considered as a Cut-Off Date beyond which no new arrivals in the project area nor further investments in land will be considered for compensation purposes, thus limiting the risk of opportunistic arrivals and investments by people seeking simply to benefit from compensation pay-outs.

Accordingly to the Law of Azerbaijan on Acquisition of Land for State Needs 2010 after the date of the decree for land acquisition, the lands are recognized as acquired. People living in and using the expropriated lands are considered to be affected by land acquisition.

# ****6. VALUATION AND COMPENSATION FOR LOSSES****

# ****6.1 Overview****

According to OP 4.12 lost assets should be replaced or compensated for at full replacement value. Under the Land Acquisition Law 2010 compensation is calculated at current market price or replacement value, in case if market price is not available. Where can be made on the basis of both replacement and market value, the highest value is applied.

Moreover, accordingly to the Decree of the President of Azerbaijan, dated December 2007, and No 506-3 additional 20% compensation should be added on to calculated market price of the affected property.

Methods for valuation for lost land, structures and crops and trees are addressed the following sections.

# ****6.2 Determination of Compensation Values****

## ****6.2.1Land Values****

Project affected persons will be offered a choice between the cash compensation and the provision of alternative land plot of the same size and quality. The land swap option will be provided to the affected households if they prefer getting land plots of the same size and quality to cash compensation. This will be offered in case land is available for swap in the same administrative area. The transaction cost and other start up costs of using new land plots would be compensated by the ARS through contingency budget.

All land swaps will be completed prior to initiation of civil works. The monitoring consultant will work closely with ARS to ensure that the land swaps are processed appropriately and timely and all related transaction costs are covered by ARS.

Land Swap procedure will start with the PAP's claim to representative of the Azerautoyol LAD for the land-for land compensation option. LAD, through the management of Azerautoyol coordinates with local authorities to reveal whether there are suitable municipal land parcels or not. If such land plots are available then they will be offered to the PAP, otherwise cash compensation will be the only option. If any of the offered land plots are accepted by the PAP, Azerautoyol will request the Cabinet of Ministers to change the ownership status of the land parcel and allocate to the PAP. Upon resolution by the Cabinet of Ministers the process would be considered complete.

Based on discussions during public consultations as well as land acquisition experience with other projects in Azerbaijan, it is expected that most PAPs will prefer cash compensation, especially when the size of land to be acquired is minor. However, if the impact will be significant then PAPs may request additional assistance to restore livelihood. In this case, Azerautoyol will provide information assistance to PAPs to address all concerns related with the new community, possible job applications, available job/ income generate opportunities, available socio-economic services around, communal infrastructure and social services available around that will assist in their restoration of livelihood and living standards after resettlement.

As per the Land Acquisition Law Azerautoyol as an Acquiring Agency will hire an independent valuator through the official procedure to determine market or replacement values for the further revision and approval by the Ministry of Finance of Azerbaijan Republic. Twenty percentage additional bonus will also be added onto the determined market prices of land.

Unit prices of different category municipal lands were determined by using normative prices established by the Cabinet of Ministers' with the decree dated 23 July 1998, numbered 158.

## ****6.2.2 Compensation for Building and Structures****

The compensation for affected building and structures will be valued at replacement cost or market price, whichever is higher, based on construction type, cost of materials, type of construction, labor, transport and other costs associated with building a similar structure. No deductions for depreciation and transaction costs will be applied. The estimated price will also incorporate a twenty percent (20%) bonus according to the Presidential decree (2007) and between 5% to 10% relocation assistance (so called hardship compensation) for residential dwelling[[14]](#footnote-14)will also be added to the estimated price. Moreover, 10% additional compensation will be applied in those cases in which PAPs sign transaction agreements on a voluntary basis without going through expropriation procedures.

For the draft RAP the same approach was employed to estimate compensation amounts. However, this estimation must be reviewed and verified or redone during RAP finalization stage by an independent valuator who will be hired officially by Azerautoyol.

## ****6.2.3 Compensation for Trees****

Cash compensation for affected fruit trees are calculated at current market value and according to type, age, and productive value of project affected fruit tree. Annual yield capacity of a mature fruit-bearing tree multiplied to market price of a fruit (kg/AZN) and multiplied to the number of years required to grow a new tree to same productivity age. Contractor will ensure free delivery of timber of all logged down perennials to the residence of PAPs and PAPs will be eligible to dispose logged trees themselves.

For the draft RAP the same approach was employed to estimate compensation amounts. However, this estimation must be reviewed and verified or redone during RAP finalization stage by an independent valuator who will be hired officially by Azerautoyol

## ****6.2.4 Compensation for Loss of Income****

Individual valuator who will be hired by ARS will determine nature of impacts. If the impact is permanent then cash compensation equal to a 3 months income based on tax declaration will be calculated. In case of unregistered income source or lack of tax information, the official minimum salary for 3 months will be used.

For temporary loss of income, cash compensation during period of disruption based on the income based on the tax declaration will be calculated, if unavailable, official minimum salary for the period of stoppage less than three months. Azerautoyol shall ensure that temporary stoppage duration for income generated structure will not be more than three months. On the contrary, the Contractor will bear responsibility to compensate such losses.

## ****6.2.5 Compensation for affected crops****

Crops will be compensated for using the same rate to ensure uniformity, consistency and transparency.

The following formula will be used: CrC=((RP xYd) –CC)xAxT

CrC = the compensation for loss of income from annual crops; RP = the retail price of the produce (AZN/100 kg);

Yd = the yield (100 kg/hectare);

CC = the growing costs including material inputs, agro-technical activities, transport, and taxes and duties (AZN/hectare);

A = the area cleared by the Project (hectares); and

T = the number of lost growing seasons

# ****7. INFORMATION DISSEMINATION,CONSULTATION AND PARTICIPATION****

Meaningful and effective consultation with and participation of RAP stakeholders is essential for proper RAP implementation. They are also requirements of both OP4.12 and the 2010 Land Acquisition Law of Azerbaijan Republic.

Consultation with affected households began during resettlement preparation with in-depth household surveys and focus group discussions as part of the RAP fieldwork. During implementation, communication with affected households needs to continue in relation to (i) information regarding compensation entitlements for lost assets, eligibility for compensation, resettlement assistance, and grievance redress, (ii) explanation of rights of PAPs and grievance procedures; and (iii) identification of temporary impacts.

The project design includes support to develop a communication strategy, to strengthen ARS/MMU capacity to engage with beneficiaries, and to develop tools to facilitate engagement with users (such as a website, a telephone/SMS hotline), community consultations, and a series of road users’ satisfaction surveys. In addition, the project will finance the preparation of a grievance redress mechanism. These activities would result in strengthening of participation and consultations with host communities and PAPs.

Public consultation is carried out in two phases. The first phase captures impacts assessment stage which includes provision of information to PAPs on planned design of the road and scale of impacts, as well as WB's and national key requirements on involuntary resettlement and land acquisition. Two public consultations were held within the first phase. One of them was held in Sabir settlement where majority of land acquisition and resettlement impacts will be occurred. It was held on 25 February 2016 with participation of 37 PAPs and local authorities. The consultant gave information on tentative scope of impacts and key policies that will be followed to assess impacts and to compensate lost assets. Then people questions and suggestions were listened. All of the questions were answered by the Consultant. The other public consultation was held in Shamakhy town on 5 March 2016 with participation of local authorities, PAPs, resettlement consultants and design consultants. Minutes of these public consultations are attached to the report as an **Annex 7.**

The second phase of information dissemination and public consultation was conducted after the draft RAP is approved by ARS and cleared by the WB. It aimed to give more detailed information to all stakeholders on the RAP’s contents with an emphasis on eligibility for entitlements, compensation principles, and resettlement assistance and grievance management. The mentioned public consultation was held on 7 April 2017 in Shamakhy city. Representatives of rayon executive power, local authorities. Azeratoyol, consultant and local residents participated in the meeting. There were 43 participants in the meeting. After presentation on contents of the RAP, people’s questions were answered. Minutes of the public consultation was attached to the report as **Annex 7e.**

# ****8. GRIEVANCE RED RESS MECHANISM****

The Grievance Redress Mechanism (GRM) is a process through which the project affected people need a trusted way to voice and resolve concerns about the project and the project finds an effective way to address affected people’s concerns. Project affected people will not be obliged to cover the cost of using the GRM which is described here.

A grievance redress mechanism will be established as per provisions of the Law on Acquisition of Lands for State Needs (Article 75), whereby affected people will be fully informed of their rights and procedures for addressing complaints either verbally or in writing during consultation, survey, and at the time of receiving compensation and resettlement assistance. In order to streamline this process, A Grievance Redress Commission (GRC) will be set up by the Relevant Rayon Executive Powerbefore commencement of RAP implementation and willconsist of 3 to 5 persons (representatives from local NGOs, appropriate state agencies, community, municipalities, etc) who have knowledge and experience of mediation and conflict management. A grievance logbook sample is provided in **Annex 6.**Steps to be followed to address grievance are as given below:

**Step 1 (Grievance Redress Commission):** The GRC will act as the mediator between aggrieved parties and will make efforts to resolve conflicts through mutual consent. Recommendations of GRC are sent to the Acquiring Authority (EA[[15]](#footnote-15)). The AcquiringAuthority is responsible for addressing the grievances of the PAPs and if necessary will forward these grievances to appropriate agencies/ offices for taking action. Excluding recommendations on compensation costs, the EA will accept all recommendations of the GRC and forward them to the Control Authority (CA). PAPs will be able to contact the grievance redress specialist (GRS) through phone, email, direct meetings and letters. The contact details of GRS will be distributed to the AP and posted on the main locations in the communities before the commencement of RAP implementation. GRC shall review received complaints within 15 working days and send decisions or clarifications in written format to the complainant. If complainant is not satisfied with the decision, he can send his complaint to the Control Authority.

**Step 2 (Control Authority):** The Control Authority (CA) in its turn will review the complaint and send decision to the complainant within 30 working days. Complaints which are associated with compensatory amounts will be discussed with Acquiring Agency and the Valuator.

**Step 3 (Court of law):** The court of law will be the last resort for PAPs, who can appeal to the court ifs/he disagrees with the decision of the Control Authority or in any stage without waiting result of the investigation.

# ****9. GENDER IMPACTS AND MITIGATION MEASURES****

In general women compose about 51.7% of the total affected population. Almost 15% of the affected households are women- headed. Women play important economic role in the project areas and engage in a variety of income generating activities in the agriculture and marketing sectors. The Project will ensure that women also share the benefit derived from the Project as well as receive the appropriate compensation directly as PAP

The project will pay particular attention to ensure that women receive compensation and assistance as per their entitlements. As women are the de-facto household heads, need to be listed as beneficiaries and stakeholders of compensation and rehabilitation process. In order to ensure greater participation of women in the project, following steps will have to be considered:

* Gender disaggregation of data to focus on women who are likely to be affected by the project and how to ensure their participation in every stage of the project.
* Ensure participation of women in all the public consultation processes to determine and negotiate for compensation entitlements and for effective implementation of the RAP.
* Ensure special attention to women and other vulnerable groups during monitoring and evaluation of the RAP.

# ****10. ORGANIZATIONAL RESPONSIBILITIES& INSTITUTIONAL FRAMEWORK****

Based on the Land Acquisition Law of 2010, the main institutions that need to be involved in land acquisition and resettlement activities are the Acquiring Agency (AzerAutoYol OJSC), Ministry of Finance (MOF), State Committee on Property Issues (SCPI), Ministry of Ecology and Natural Resources (MENR) and Rayon (district) and Baladiya (municipalities) authorities. Moreover, the following institutions will be created: (a) Land Acquisition Group(s)(LAG), (b) Resettlement Commission(s)(RC), and (d) Grievance Redress Committee(s) (GRC) in subprojects withcases of land acquisition and resettlement impacts.

In general, ARS as an Acquiring Agency will be responsible for managing and coordination of all land acquisition and resettlement related activities for the project. Implementation of the RAP will be coordinated with the relevant Rayon Executive Power and municipalities, as well as with contractors and civil society organizations.

# 10.1AzerautoyolOpen Joint-Stock Company (ARS JSC)

The ARS OJSC will have overall responsibility for all roads and highway projects funded by the World Bank, including preparation, implementation, and financing of all LAR tasks and for interagency coordination.

Azerautoyol will be responsible for the timely allocation of the funds needed to implement the resettlement action plan. In order to ensure timely delivery of funds, the ARS will coordinate closely with the MoF and the Cabinet of Ministers. Allocations will be reviewed twice a year based on the budget requirements indicated by the RAP. Funds allocated for compensation payments for various losses and resettlement assistance will be disbursed by ARS through the LAD directly in coordination with concerned local governments.

ARS OJSC will exercise its functions through the Project Implementation Unit (PIU), which in turn will be responsible for project execution and oversight of day-to-day project activities at rayon/subproject levels. At present, ARS-PIU has a full-time Safeguards Specialist who will coordinate with the Land Acquisition Division (LAD) of ARS on safeguards related matters. The LAD’s tasks involve coordinating and supervising the activities of different units of ARS. It recommends to ARS management actions related to land/ assets acquisition, compensation, expropriation and resettlement assistance. The LAD is responsible for ensuring that all project affected persons are duly compensated. The PIU will ensure that the civil work contractors adhere to all mitigating measures as caused due to temporary impacts like hauling of transport and machinery, borrow areas, construction camps, labor camps etc.

The ARS-LAD will be supported by other units of ARS to deal with the affected people on matters related to land acquisition and resettlement.

# 10.2Supervision Consultant (SC)

A Supervision Consultant will be engaged for the project to monitor the activities of the civil works contractor on social safeguards and resettlement issues. The SC will be mandated to monitor and report in the regular monitoring report, resettlement and other social issues that may occur during implementation. Any significant social issues that in the judgement of the SD require immediate reaction by the ARS will be reported promptly. The SC will include a social specialist who will also assist the contractor in conducting community consultation to receive grievances and other feedback directly from the project affected.

# 10.3 Local Governments

The local administration, especially at the rayon level plays a crucial role in matters of identification of land titles, valuation of assets and other such matters related to land acquisition and resettlement. In order to provide effective interagency coordination and official endorsement of compensation rates and survey findings in the appropriate regions, special commissions (Resettlement Commission) will be formed subject to specific agreements between the expropriation authority and relevant executive authorities.

# 10.4Civil Works Contractor

As a rehabilitation measure, members of households which are either severely affected  
or vulnerable will be given priority in project-related employment. This requires close  
coordination with the civil works contractor and the municipalities to inform and prioritizeworkers from the targeted households. Moreover, the Contractor will be responsible for identifying areas for their own use that will be based on voluntary arrangements with the owners. No involuntary land acquisition or its impacts will occur for these areas.

# 10.5Local Team

In order to expedite the resettlement process, local and international consultants will be engaged by the Design Consultant to assist the PIU in the preparation of RAP during the design stage. The ARS/ PIU will take the responsibility of periodic monitoring of the implementation process and will also validate the resettlement plans.

# ****11. IMPLEMENTATION SCHEDULE****

The steps and procedures involved in RAP implementation will be aligned with the requirements of the Land Acquisition Law as closely as possible.

It is anticipated that RAP implementation will take approximately 10 months. This RAP should be fully implemented and compensations paid before the start of the civil works.

The *Gantt* chart below sets out these activities against a timeline:

**Resettlement Plan Implementation Schedule**

|  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **No** | **Activity** | **Duration** | **Months** | | | | | | | | | |
| **1** | **2** | **3** | **4** | **5** | **6** | **7** | **8** | **9** | **10** | |
| **1** | **Preparation/Finalization of the RAP** |  |  |  |  |  |  |  |  |  |  |  | |
| 1.1 | Consultation/Disclosure Activities on the draft RAP | 2 weeks |  |  |  |  |  |  |  |  |  |  | |
| 1.2 | Valuation |  |  |  |  |  |  |  |  |  |  |  | |
| (i) | Hiring of independent valuator to estimate unit rates for all losses | 2 weeks |  |  |  |  |  |  |  |  |  |  | |
| (ii) | Determination of replacement costs | 3 weeks |  |  |  |  |  |  |  |  |  |  | |
| 1.3 | Revision and Submission of Final RAP to the Ministry of Finance | 2 week |  |  |  |  |  |  |  |  |  |  | |
| 1.4 | Pursuing RAP approval and clearance from the WB | 1 week |  |  |  |  |  |  |  |  |  |  | |
| 1.5 | Preparing RAP Implementation mechanism | 1 week |  |  |  |  |  |  |  |  |  |  | |
| (i) | Establishing of Land Acquisition and Resettlement Group(LAG) | 2 weeks |  |  |  |  |  |  |  |  |  |  | |
| (ii) | Review of the DMS results and cadastral maps | 4 weeks |  |  |  |  |  |  |  |  |  |  | |
| **2** | **RAP Implementation** |  |  |  |  |  |  |  |  |  |  |  | |
| 2.1 | Information Dissemination on construction schedule | 1 week |  |  |  |  |  |  |  |  |  |  | |
| 2.2 | Conduct of field assessment/ verification/audit of ownership | 3 weeks |  |  |  |  |  |  |  |  |  |  | |
| 2.4 | Preparation of land documents for registration with the State Real Estate Registration Service | 3 weeks |  |  |  |  |  |  |  |  |  |  | |
| 2.5 | Verification of preference between cash compensation versus swap | 1 week |  |  |  |  |  |  |  |  |  |  | |
| 2.6 | Allocation of resettlement budget to Azerautoyol by MOF | 2 weeks |  |  |  |  |  |  |  |  |  |  | |
| 2.6 | Signing of agreements with PAP who agrees with cash compensation | 5 weeks |  |  |  |  |  |  |  |  |  |  | |
| 2.7 | Opening of local bank accounts for PAPs and payment of cash compensations within 30 days | 1 week |  |  |  |  |  |  |  |  |  |  | |
| 2.8 | Application to court for getting resolution on missing PAPs (to get right of entering the affected area and start of construction after depositing the approved compensation to a local bank account) or to start expropriation procedures for PAPs who refused voluntary transaction | 3 weeks |  |  |  |  |  |  |  |  |  |  | |
| 2.9 | Management of land swap who preferred land-for-land compensation | 3 weeks |  |  |  |  |  |  |  |  |  |  | |
| 2.10 | Provision of other assistances (other than employment) to vulnerable and severely affected PAPs | 2 weeks |  |  |  |  |  |  |  |  |  |  | |
| **3** | **Construction phase** |  |  |  |  |  |  |  |  |  |  |  | |
| 3.1 | Dismantling/takeover of ROW structures by Contractor | 3 weeks |  |  |  |  |  |  |  |  |  |  | |
| 3.2 | Start of Construction | - |  |  |  |  |  |  |  |  |  |  | |
| 3.3 | Holding of regular public meetings to monitor RAP implementation progress and address any residual concerns amongst PAPs. | Ongoing during RAP implementation |  |  |  |  |  |  |  |  |  |  | |
| 3.4 | Provision of employment for vulnerable and severely affected households | 4 weeks |  |  |  |  |  |  |  |  |  |  | |
|  | Grievance Redress Action and Monitoring Activities | Ongoing during RAP implementation |  |  |  |  |  |  |  |  |  |  | |

# ****12. ESTIMATED COST AND BUDGET****

**Table 13:** Resettlement Budget in Summary

|  |  |
| --- | --- |
| **Category** | **Cost (AZN)** |
| Land compensation | 66,696 |
| Structure compensation | 165,695 |
| Trees and crops | 1,480 |
| Registration costs | 80,000 |
| Internal Monitoring | 5,000 |
| External Monitoring | 15,000 |
| **Total** | **333,871** |
| Bank fee (1%) | 3,338 |
| Contingency (10%) | 33,387 |
| **TOTAL BUDGET** | **370,596** |

# ****13. MONITORING AND EVALUATION****

In accordance with the World Bank’s Resettlement Policy, all projects that result in land acquisition and resettlement need to be properly monitored and evaluated. To ensure that the Project is implemented in compliance with the provisions of the RAP, a monitoring will be carried out during the implementation of the RAP. Ex -post evaluation will also be undertaken to assess the effectiveness of RAP implementation and determine whether the PAPs have the level of livelihood at least as same as before the road construction.

The monitoring system will also set responsibilities for specific tasks, including data collection, data analysis, verification, quality control, coordination with related agencies, preparation of reports, submission of reports to the executing agency and the World Bank.

# 13.1Internal Monitoring

Internal monitoring will be carried out by the LAD/PIU. The results will be communicated to the ARS and the World Bank through the monitoring reports. Indicators for internal monitoring will be those related to process and immediate outputs and results. This information will be collected directly from the field by the supervision consultant and will be reported to the PIU on a monthly basis to assess the progress and results of implementing resettlement plans and to adjust the work program, if necessary.

Specific benchmarks for internal monitoring will include (i) information campaign and consultation with affected persons; (ii) status of land acquisition and payments on land compensation; (iii) compensation for affected structures and other assets; (iv) relocation of affected persons; (v) payments for loss of income; (vi) selection and distribution of replacement land areas; vi) payment of resettlement assistance, and (vii) income & livelihoods restoration outcomes. The above information will be collected by LAD/PIU, which are responsible for monitoring the day-to-day resettlement activities under the project through the following instruments: (i) review of census information for affected persons (ii) consultation and informal interviews with affected persons (iii) in-depth case studies (iv) sample survey of affected persons (v) key informant interviews, and (vi) community consultation meetings.

# 13.2External Monitoring

External monitoring will be carried out through an external monitor and its results will be communicated to the PIU and the World Bank through half-yearly reports. External monitoring reports will also be presented to ARS. Indicators for external monitoring tasks will include (i) review of internal monitoring reports prepared by PIU; (ii) identification and selection of impact indicators; (iii) impact assessment through formal and informal surveys with affected persons; (iv) consultation with affected persons, officials, community leaders for preparing review report; and (v) assessing the resettlement efficiency, effectiveness, impact and sustainability, drawing lessons for future resettlement policy formulation and planning.

The following factors will be taken into consideration while assessing the status of affected people:

* Socio-economic conditions of affected persons in the post-resettlement period;
* Response from affected persons on entitlements, compensation, resettlement options, alternative developments, and relocation timetables etc.;
* Changes from income and consumption levels;
* Rehabilitation of Internally Displaced People (IDPs) and informal settlers;
* Valuation methods adopted for businesses and properties;
* Grievance procedures adopted;
* Disbursement of compensation and resettlement assistance; and
* Level of satisfaction of affected persons in the post resettlement period.

Apart from reviewing compensation and resettlement assistance process in general, the external monitor will pay special attention to assess the status of project affected vulnerable groups such as female-headed households, disabled/elderly, and families below the poverty line.

# Annex 1: Inventory and assessment form

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **INVENTORY** | | **AND** | **ASSESSMENT** | **FORM** |
|  | **Baku-Shamakhy road widening project**  **(Km 91- Km 107; Km 107 - Km 116; 121+400- 21+700)** | | | | |
|  |  |  |  |  |  |
| Section:\_\_\_\_\_\_\_\_\_\_\_\_ Rayon:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Village:\_\_\_\_\_\_\_\_\_\_\_\_\_ | | | | | |
|  | |  | | |  |
| Date: \_\_\_\_\_\_\_\_\_\_\_/ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/ 2016 | | | | | |

**1.1 Full name of land owner/user and address:**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**1.2** **Plot identification (corresponding to the cadastre map data)**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **No of land parcel** | **Area of Plot: (ha)** | | **Area required by road(ha)** | **Note** |
| Registered | unregistered |  |  |
|  |  |  |  |  |

**1.3Plot classification**: 🞏 private 🞏 municipal 🞏state

**1.4Land/plot use**

|  |  |  |  |
| --- | --- | --- | --- |
| Please indicate the type of the plot: | | |  |
| 1-agricultural | 2-household | 3-commercial | 4-other non-agricultural |

|  |  |  |  |
| --- | --- | --- | --- |
| **1.5 Annual/Seasonal crops** | | |  |
| Name of crop | Area (m2) | Average productivity (kg/ha) | Average price (AZN/kg) |
|  |  |  |  |
|  |  |  |  |

|  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **1.6 Perennail crops / trees** | | | | | | | | | | | |
|  | sort | area(m2) |  | trees in | | No of fruit | bearing | | harvest (kg) | | price | No of non fruit bearing trees |
|  |  | total |  | trees |  |  | (AZN\kg) |
|  | apple |  |  |  |  |  |  |  |  |  |  |  |
|  | pear |  |  |  |  |  |  |  |  |  |  |  |
|  | quince |  |  |  |  |  |  |  |  |  |  |  |
|  | plum |  |  |  |  |  |  |  |  |  |  |  |
|  | cherry |  |  |  |  |  |  |  |  |  |  |  |
|  | apricot |  |  |  |  |  |  |  |  |  |  |  |
|  | peach |  |  |  |  |  |  |  |  |  |  |  |
|  | walnut |  |  |  |  |  |  |  |  |  |  |  |
|  | hazelnut |  |  |  |  |  |  |  |  |  |  |  |
|  | vine |  |  |  |  |  |  |  |  |  |  |  |
|  | pomegranate |  |  |  |  |  |  |  |  |  |  |  |
|  | other |  |  |  |  |  |  |  |  |  |  |  |

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **2.**Please indicate the structures and other facilities located on the plot and relevant information | | | | | | | |
|  |  |  | | |  |  |  |
|  | **2.1** | Residential | | | 1- Operational | 2-non operational |  |
|  |  | 2.1.1 | | | area as indicated in the p  lan (m2) | |  |
|  |  | 2.1.2 | | | number of floors: (0-under construction) | |  |
|  |  | 2.1.3 | | | construction materials and other relevant information | |  |
|  |  |  | | | | | |
|  |  |
|  | **2.2** | Commercial | | | 1- Operational | 2-non operational |  |
|  |  | 2.2.1 | | | area as indicated in the plan (m2) | |  |
|  |  | 2.2.2 | | | number of floors: (0-under construction) | |  |
|  |  | 2.2.3 | | | construction materials and other relevant information | |  |
|  |  |  | | | | |  |
|  | **2.3** | Public Building | | 1- Operational | | 2-non operational |  |
|  |  | 2.3.1 | | area as indicated in the plan (m2) | | |  |
|  |  | 2.3.2 | | number of floors: (0-under construction) | | |  |
|  |  | 2.3.3 | | construction materials and other relevant information | | |  |
|  |  |  | | | | |  |
|  | **2.4** | Other building | 1- Operational | | | 2-non operational |  |
|  |  | 2.4.1 | area as indicated in the plan (m2) | | | |  |
|  |  | 2.4.2 | number of floors: (0-under construction) | | | |  |
|  |  | 2.4.3 | construction materials and other relevant information | | | |  |
|  |  |  | | | | |  |

3. If the building is used for commercial purposes then indicate the following:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 3.1 | number of employees | |  |  |  |
|  |  |  |
| 3.2 | average salary of employees | | | AZN |  |
| 3. 3 | net profit per day |  |  | AZN |  |
| 3.4 | price of building |  |  | AZN |  |

# Annex 2:Socioeconomic survey form

**INTERVIEW QUESTIONS**

Village Rayon Location to the Road Code

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  |  |  |  |  |  |  |

**1.What is your position to the Head of the Household**? Specify\_\_\_\_\_\_\_\_\_\_\_

**2**. **Marital Status:** \_\_\_\_\_\_\_\_\_\_ **3. Age \_\_\_\_ years 4. Nationality \_\_\_\_\_\_\_\_\_\_\_**

**5.Gender:\_\_\_\_\_\_\_**

**6. Education of Adult Members of Household:**

1. Primary (1-4 grades) \_\_\_\_\_\_\_\_ persons

2. Incomplete (5-9 grades) \_\_\_\_\_\_\_\_ persons

3. Complete High School (10-11 grades) \_\_\_\_\_\_\_\_ persons

4. Vocational training (technical) \_\_\_\_\_\_\_\_ persons

5. Incomplete High School \_\_\_\_\_\_\_\_ persons

6. University \_\_\_\_\_\_\_\_ persons

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Specify education of respondent and HH head

**7. How long have you lived in this village?** \_\_\_\_\_\_\_\_\_\_\_\_ years

7a. If you have migrated from another location, please specify when and why?

**8. What is your main occupation and since when? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**9. How many people reside in your households and what do they do? \_\_\_\_\_\_\_\_\_\_ Total (persons)**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
|  | | Total | Including– Occupation | | | | |
| Permanent work | Temporary work | Unem-ployed | In school | Handicapped,  on pension |
| Adult Household Members | Pensioners |  |  |  |  |  |  |
| above 21 |  |  |  |  |  |  |
| 17- 20 years |  |  |  |  |  |  |
| Children | 12 - 16 years |  |  |  |  |  |  |
| Under 12 |  |  |  |  |  |  |

**10.** How does your family cultivate your land plot and who participate in this work (specify all family members who participate)? Please elaborate

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**11**. How does your family care for your cattle and who participate in this work (specify all family members who participate)? Please elaborate

12.How do you consider your family in economic terms?

🞏very good🞏good🞏mid-level🞏low income🞏poor

13. Does your family have the following types of assets?

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  |  | How many heads/pieces/ ha? | Since when? | Cost in AZN |
| 1 | Tractor |  |  |  |
| 2 | Mini-bus |  |  |  |
| 3 | Car | . |  |  |
| 4 | Cart | . |  |  |
| 5 | TV |  |  |  |
| 6 | Refrigerator |  |  |  |
| 7 | Radio |  |  |  |
| 8 | VCR/DVD Player |  |  |  |
| 9 | Washing Machine |  |  |  |
| 10 | Horse |  |  |  |
| 11 | Cattle |  |  |  |
| 12 | Sheep |  |  |  |
| 13 | Goat |  |  |  |
| 14 | Poultry |  |  |  |
| 15 | Garden |  |  |  |
| 16 | Apartment flat |  |  |  |
| 17 | House |  |  |  |
| 18 | Land Plot |  |  |  |
| 19 | Other (specify) |  |  |  |

14. Do you have access to the following utilities?Their condition?

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| No | Utility | Excellent | Good | Satisfactory | Poor |
| 1 | Gas supply |  |  |  |  |
| 2 | Electricity supply |  |  |  |  |
| 3 | Water supply |  |  |  |  |
| 4 | Sewerage |  |  |  |  |

15. What is your main source of income? (Specify amount of income)

Primary \_\_\_\_\_\_\_\_ Secondary \_\_\_\_\_\_\_\_\_

1- incomes from self-employment in agriculture, Monthly amount:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

2- incomes from self-employment in non agricultural field, Monthly amount:\_\_\_\_\_\_\_\_\_\_\_\_\_

3- salary from employment in agriculture; Monthly amount:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

4- salary from employment in non-agricultural field; Monthly amount:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

5- income from property (rent, saving accounts, etc.); Monthly amount:\_\_\_\_\_\_\_\_\_\_\_\_\_\_

6- pension, state allowances and benefits; Monthly amount:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

7- aid from relatives; Monthly amount:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

15. Income from Land Plot (specify the year):

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| No | Crop | Area (m2) | Productivity (kg/ha) | Unit price | Approx.income |
| 1 |  |  |  |  |  |
| 2 |  |  |  |  |  |
| 3 |  |  |  |  |  |

16. Income from cattle per year:\_\_\_\_\_\_\_\_\_\_AZN; Specify what?\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

17. Type of Household Expenses

Monthly Expenses

|  |  |  |
| --- | --- | --- |
|  |  | **AZN** |
|  | Food |  |
|  | Clothes |  |
|  | Loans |  |
|  | House rent |  |
|  | Gas |  |
|  | Water |  |
|  | Electricity |  |
|  | Car maintenance and petrol |  |
|  | Other transportation costs |  |
|  | Medical expenses (medicine, medical treatment – specify) |  |
|  | Education (specify) |  |
|  | Communication |  |
|  | Ceremonies (wedding, burial, etc, specify) |  |
|  | Solid waste collection |  |
|  | *Other (specify)* |  |

**18. What are your HH’s sources of drinking and cooking water?**

Piped lines 🞏 River 🞏

Own well 🞏 Other (specify) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**19.How you handle garbage?**

🞏19.1 through waste collection services

🞏19.2 burn

🞏19.3 bury

🞏19.4 dispose in official landfill

🞏19.5 other (specify)

**20. Please indicate whom do you address when your household member gets sick 1-yes, 2-no**

🞏20.1 district state hospital

🞏20.2 private clinic

🞏20.3 local ambulance

🞏20.4 private doctor

🞏20.5 other (specify)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**21. Attitude toward the project**

21.1 Have you heard about the proposed Project on widening of Baku-Shamakhy Road Project? 1-yes, 2-no

21.2 if "yes", please indicate the source of information:

21.2.1 Project representatives

21.2.2 Local government

21.2.3 neighbours

21.2.4 newspapers, radio, TV

21.2.5 other (specify)

*if "no" provide the respondent with brief information about the project*

21.3 How does you household use the motor road?

code

21.4 How do you think, is the proposed widening of the Baku-Shamakhy road useful?

1-yes🞏, 2-no🞏, 3- do not know🞏

21.5 You may be aware that the Project implementation may require the use of a part of the land which is currently occupied, cultivated or otherwise used by you. If you are requested by the Government would you give up this part of your land?

1-yes🞏, 2-no🞏,

# Annex 3: List of affected land parcels in Section 4-1

# ****Annex 4: Detailed information on affected structures in Section 4-1****

|  |  |  |  |
| --- | --- | --- | --- |
| **No:1** | | | |
| **Owner:** | MaharramovPanah | **Position on the Road:** | Km 94+000 |
| **Description:**Structure is affected  - Butcher's shop  - Area = 70 m2 | | | |
| **Photos:** | | | |

|  |  |  |  |
| --- | --- | --- | --- |
| **No:2** | | | |
| **Owner:** | JasaratJabrailov | **Position on the Road:** | Km 95+450 |
| **Description**: Structure is affected  - Butcher's shop  - Dimension: 3.4m x 7.7m = 26 m2 | | | |
| **Photos:** | | | |

|  |  |  |  |
| --- | --- | --- | --- |
| **No:3** | | | |
| **Owner:** | Naghiyev Elbrus | **Position on the Road:** | Km 95+800 |
| **Description:**Structure is affected  - Butcher's shop  - Area = 40 m2 | | | |
| **Photos:** | | | |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **No:4** | | | | |
| **Owner:** | Rauf AllishovRafig o | **Position on the Road:** | | Chiragli settlement, Km 97+250 |
| **Description:**Structure is affected  - Used to be office building for inoperative flouring-mill  - Dimension: 8m x 11.2m = 89.6 m2 | | | | |
| **Photos:** | | | | |
| **No:5** | | | | |
| **Owner:** | Rauf AllishovRafig o | **Position on the Road:** | Chiragli settlement, Km 97+250 | |
| **Description: Only open part of the structure (with ceiling) is affected. Main structure will not be affected**  - Dimensions of the open part of the structure is 33m x 11.7 = 386 m2 | | | | |
| **Photos:** | | | | |

|  |  |  |  |
| --- | --- | --- | --- |
| **No:6** | | | |
| **Owner:** | To be identified | **Position on the Road:** | Km98+100 |
| **Description**: **Structure is affected**  - Butcher's shop  - Dimensions: 5m x 8m = 40 m2 | | | |
| **Photos:** | | | |
| **No:7** | | | |
| **Owner:** | To be identified | **Position on the Road:** | Km 98+400 |
| **Description: Structure is affected**  - Butcher's shop  - Area = 40 m2 | | | |
| **Photos:** | | | |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **No:8** | | | | | |
| **Owner:** | Yagubov Salman | **Position on the Road:** | | Km 98+850 | |
| **Description**: **Structure is affected**  - Gravestone making shop  - Officially registered commercial structure | | | | | |
| **Photos:** | | | | | |
| **No:9** | | | | | |
| **Owner:** | Melikov Malik | | **Position on the Road:** | | Km 99+000 |
| **Description**: **Structure is affected**  - Auto repair shop  - 13 x 9.5 =123.5 m2  - 4 persons work in this place | | | | | |
| **Photos:** | | | | | |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **No:10** | | | | | |
| **Owner:** | NuriyevaKhanim | | **Position on the Road:** | | Sabir settlement, Km104+000 |
| **Description:Structuresare affected**  - Stable and penthouse are affected  - Dimensions  Stable: 4 x 6.3  penthouse: 20.8 x 4.7 | | | | | |
| **Photos:** | | | | | |
| **No:11** | | | | | |
| **Owner:** | FermanovBalabey | **Position on the Road:** | | Sabir settlement, Km 103+370 | |
| **Description:Structure is affected**  - Stable and foundation for a new structure  - Stable made of stone with dimensions: 4m x 10m = 40 m2  - Two foundations with dimensions: 12m x 6m and 4.5m x 11m | | | | | |
| **Photos:** | | | | | |

|  |  |  |  |
| --- | --- | --- | --- |
| **No:12** | | | |
| **Owner:** | Azercell Telecom LLC | **Position on the Road:** | Sabir settlement, Km 103+000 |
| **Description: Embankment will reach to the tower. Therefore relocation will be needed.**  - Tower of mobile operator to be relocated  - Exact arrangements for relocation of the tower should officially be agreed between Azerautoyol and Azercell Telecom | | | |
| **Photos:** | | | |

# ****Annex 5: Summary of**** affected trees in section 4-1

|  |  |  |
| --- | --- | --- |
| **Location**  Sabir | **Total number of affected trees** | **Total compensation** |
| 8 | 210\* |
| 42 | 1270 |
|  | 1480 |
| \* Affected trees are hazel nut, walnut, mulberry, pear, fig, pomegranate and grapes, | |  |

# Annex 6: Sample grievance log book

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **No** | **Project** | **Title of complaint** | **Date of complaint  receipt** | **Who addressed  complaint** | **Contact details of complainer** | **Summary of complaint** | **Time bound action** | **Responsible  person and position** | **Status** |
|  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |
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# Annex 7: Minutes of Public Consultations

Annex 7a: Minutes of public consultation, Sabir settlement dated 25.02.2016

Place: Shamakhi, Sabir municipality

Date: 25 February, 2016

Time: 15:00

Attended by: 39 Persons

**Discussion topics:**

1. To inform community about the new project
2. To give information about the project impact corridor and potential impacts
3. To listen opinions and suggestions of local people and answer generic questions

Participants:

1. MammadovRamiz – representative of EP in Sabir settlement
2. VusalaRustamova - Resettlement consultant, local individual consultant
3. 37 PAPs

The representative of EP in Sabir settlement MammadovRamiz gave general information on the project.

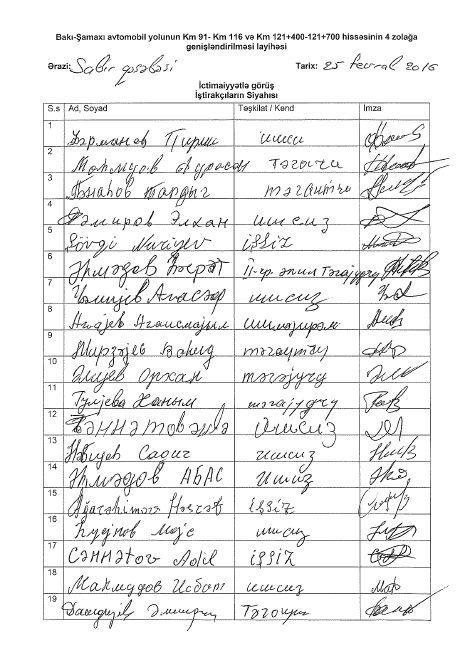
Afterwards, general information about WB Safeguards policy and calculation of compensation according to Azerbaijan Legislation were explained. Potential impacts of this project was also explained.

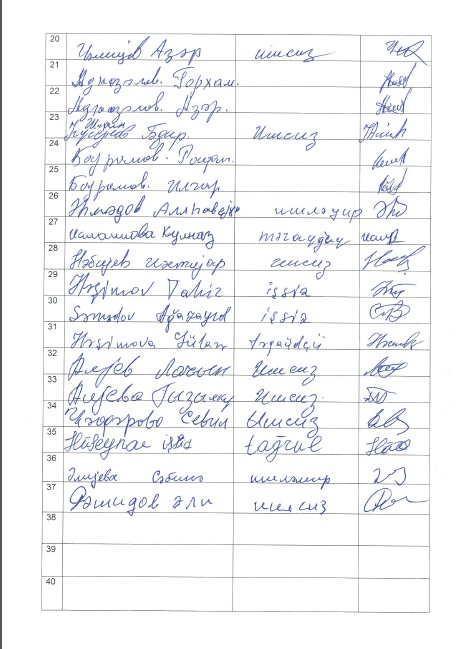
Raised issues and answers are the following:

| **Questions** | **Answers** |
| --- | --- |
| When the project will be implemented? | The Consultant is preparing a detailed design and draft resettlement action plan based on this design. The EA (Azerautoyol) will decide implementation timeframe. The implementation will be conducted after approval of the detailed design. |
| How compensation payments will be deliveredto affected persons? | Calculation of compensation will be done based on WB and Azerbaijan requirements. Azerautoyol will open local bank accounts for affected persons and will pay compensations directly to these accounts.. |
| Will Azerautoyol pay compensation for our affected trees? | Yes. According to the WB policy and national legislation trees also should be compensiated. |
| During previos project Todini took our land without compensiation. We are wooried for our land. | We don't have information for the previous projects. We are here for the new project which includes widening of Km91-Km107 Section of the Baku-Shamakhy road. Under the project all land acqusition and resettlement activities will be carried out based on WB policy and Azerbaijan legislation. So, there will not be any impact without paying proper compensation beforehand. |
| What is the corridor forimpacts assessment? | Under the current legislation the ROW is 30 meters from the centerline of the carriageway in each direction. Therefore, by considering the current design we can say that in most areas it is about 72meters wide. |
| Within the project one of my structures and major part of the residential land will be affected. Without this structure I can not use my home. So is it possible you acquire my entire home? | This issue will be considered and decided by the Land Acquisition Group which will be established by Azerautoyol in later stages. If this group decides that your house can not be operated without the affected structures and residential land then Azerautoyol will agree the solution with the MOF and then can pay you for a full house. |
| How Azerautoyol willpay compensation for affected municipal land | It will also be compensated according to requirements of Land Acqusition Laws. Thus, same approach is followed for productive municipal lands. Prices of unuseful municipality lands will be taken from the State Property Committee. |

**Agreed:**

It was agreed to have more detailed consultations and discussions with affected persons in later stages after the draft RAP is approved by Azerautoyol JSC.

Annex 7b: List of attendances of Public Consultation held in Sabir settlement 









Annex 7c: Minutes of public consultation, Shamakhy town, dated 05.03.2016

Place: Shamakhi EP

Date: 5March, 2016

Time: 11:00

Attended by: 23 Persons

**Discussion topics:**

1. To inform community about the new project
2. To give information about the project impact corridor and potential impacts

To listen opinions and suggestions of local people and answer generic questions

Participants:

1. OsmanovIrshad – Representative of Shamkahy Executive Power

2. VusalaRustamova - Resettlement consultant

3. Kong Hyunchul – DOHWA, Engineer

4. 22 stakeholders (PAPs, local authorities)

The representative of EP OsmanovIrshad gave general information on the project.

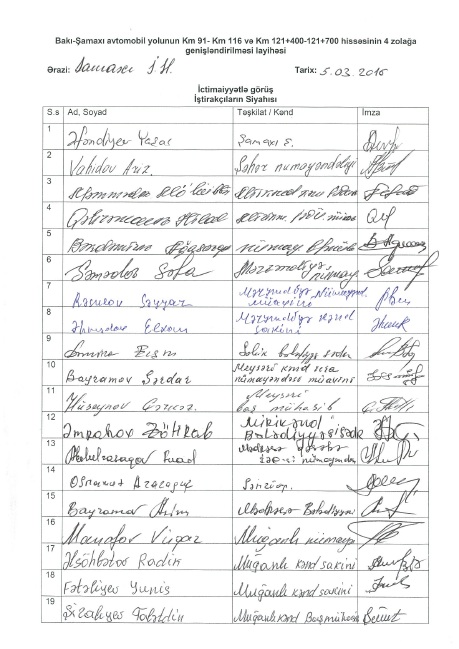
Afterwards, the Resettlement Consultant gave general information about basic principles of Azerbaijan legislation and WB Safeguards policy on involuntary resettlement. Potential impacts of the project was also explained.

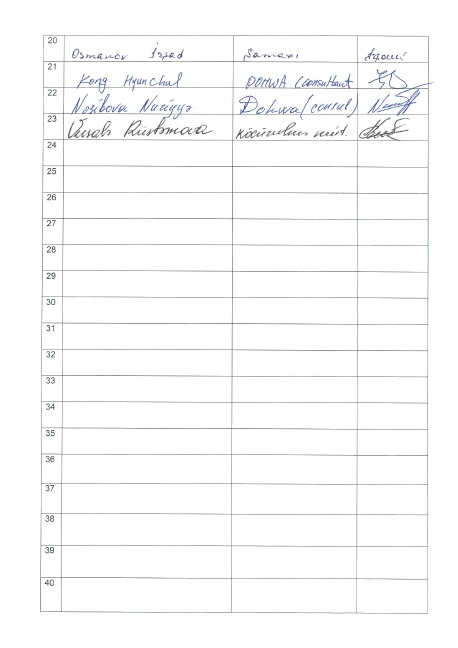
| **Questions** | **Answers** |
| --- | --- |
| Our land is productive. I am worried because I may not be able to find the alternative land of this productivity after receiving cash compensation. | PAPs will be offered two option: cash compensation or land-for-land compensation. Alternate land will be allocated from the municipality fund. According to Azerbaijan legislation the offered land parcel should have same characteristics with the affected one. ThereforeAzerautoyol together with the rayon Executive Power will try to find suitable land parcels for whom prefers land swap. |
| There are a lot of trees in roadside which belong to state. Is it possible to relocate these trees rather than cutting them? We are worried because growing same kind of trees will take years. | Relocating or cutting trees will be decided by Azerautoyol together with the Ministry of Ecology and Natural Resources. All environmental impacts will be considered under the Environmental Management Plan. For the RAP purposes we assessed trees which are situated in private parcels. |
| As I was informed my vineyard will be affected by the new road in Shahriyar settlement. How are you going to pay compensation for the affected trees? | Full replacement value will be calculated. It includes all costs which enable you to cultivate and grow a vineyard of this productivity. Of course compensation for the affected portion of the land and all affected improvements will also be paid. |
| I have income from trees. Thus I sell fruits and earn money. How I will be compensated? | Cash compensation for affected fruit trees will be calculated at current market value and according to type, age, and productive value of project affected fruit tree. Annual yield capacity of a mature fruit-bearing tree multiplied to market price of a fruit (kg/AZN) and multiplied to the number of years required to grow a new tree to same productivity age. |
| Will the compensation unit values be same for renovated and damaged houses ? | Independent valuator who will be hired by Azerautoyol JSC will have individual approach for every affected structures. Same unit rate will not be used. However, depreciation of structures will not be considered. |
| There is a water connection to a house which will be affected by the new road. I request you to consider restoration of this utility during implementation. | Land Acquisition Group that will be established by Azerautolyol will conduct detailed investigations and will make demarcation of the road corridor. If such impacts will be identified than it will be either compensated on full replacement principle or will be restored by the Contractor. |
| When the implementation will start? | We are preparing draft plan. We don't have information about implementation. After approval of preliminary RAP more detailed investigation will be carried out. The implementation will be after approval of detailed design. |
| How Azerautoyol willpay compensation for affected municipality land? | It will also be compensated according to requirements of Land Acqusition Laws. Thus, same approach is followed for productive municipal lands. Prices of unuseful municipality lands will be taken from the State Property Committee. |

**Agreed:**

It was agreed to have more detailed consultations and discussions with affected persons in later stages after the draft RAP is approved by Azerautoyol JSC.

Annex 7d: List of attendances of Public Consultation held in Shamakhy town











**Annex 7e:** Minutes, list of participants and photos of the public consultation held for public disclosure of the final Resettlement Action Plan**.**

Minutes of Public Consultation

Place: Shamakhi EP

Date: 07 April, 2017

Time: 11:00

Attended by: 43 Persons (Male:36, Female:7)

**Discussion issues:**

1. Public disclosure of Final Resettlement Action Plan
2. Information dissemination regarding to grievance redress mechanism

Participants:

1. Agamustafa Vahidov – 1st Deputy of Head of Shamkhy Executive Power
2. Eyyub Huseynov – PIU, Engineer
3. Ilaha Ilyasova – PIU, Safeguard specialist
4. Vusala Rustamova - Resettlement consultant
5. Ziya Gasimov – Project design consultant, road engineer
6. Ahad Garabagliyev – Coordinator, DOWHA
7. Ramiz Mammadov – Representative of EP in Sabir settlement
8. Elshan Demirov – Head of Sabir municipality

Mr.Agamustafa Vahidov, the first deputy of EP gave general information about the project and finalization of the Resettlement Action Plan. Then he introduced Azerautoyol representatives and project consultants.

Ms.Ilaha Ilyasova informed attendees about the final Resettlement Action Plan and she said that minutes of this meeting will also be prepared and attached to the RAP. Afterwards, this document will be posted in Azerautoyol’s website and will be accessible to everyone.

Ms.Vusala Rustamova had a presentation and talked about contents of the RAP. After the presentation she gave floor to meeting participants for the question and answer session.

Table: Questions and Answers

| **Questions** | **Answers** |
| --- | --- |
| Is there any impact to lands of Shehriyar village within the mentioned project? | No, under the considered section of the road there will not be any impacts to Shehriyar village. |
| Which butchers’ shops will be affected? | There are 5 roadside affected butchers’ shops. Names of their owners were provided to the meeting participants. |
| Have you planned any underpasses or road crossings for people and animals? | Yes, 5 road crossings and underpasses are designed. The consultant showed locations of them on the map. |
| I am owner (Abishov Vugar) of the mill and the office building which are partly affected by the road. Will I get full replacement value for the entire building or only for the affected portion? | According to the national legislation if one part of the structure is affected and the remaining section cannot be operated fully then full compensation should be paid. In your case, valuation specialists will come and determine full or partial impact. |
| How will you avoid impact on roadside agricultural fields during construction of the road? | We will use the current road as a service road. Thus, after we complete two lanes we will open this part for vehicles and then by using these two lanes we will construct other two lanes. In this manner, we will avoid impacts on private lands. |
| Our agricultural lands are situated in the other part of the road. How we will cross the road to other side. We need underpasses for agricultural machinery to cultivate our lands. | There is a road going to Marzandiya village at the start of Sabir settlement. We designed road widening in this section to maintain turning back to other side of the road.  In addition, as a result of discussions with the Rayon Executive Power during initial stages importance of access roads and crossings were highlighted. Therefore the project design includes these components. |
| How citizens of Sabir settlement will go to Shamakhy? | People can easily go to Shamakhy by using collector road and then get access to the main road and will turn towards to Shamakhy city near the Pirsaat river. |
| What happens with other part of my land, if one part is impacted and paid? | As you know in order to minimize the impact it is assumed acquisition of land at one meter from embankment, especially considering the fact that lands are located perpendicular to the road. So impacted land will be compensated and the rest of your land you still may use |
| How will you arrange service roads? | Existing road partly will be used as service road. No new land will be taken for service road. |
| There are 28 of us having 56 ha of agricultural land at Acidere. How and where from will we come in and out to our lands from the road? | (Showing in the map) There will be a u-turn at “Yurd” restaurant, at km 91, so through this u-turn you may reach your lands. Besides, it is considered to build 3 u-turnes within 16 km of project road |

1. Possibility of IDPs to be specifically affected by the project was investigated during RAP preparation as per RPF provisions. For this purpose, discussions were held with local authorities of all the affected villages, as well as socioeconomic department of the Shamakhy Executive Power. It was revealed that there are not any IPD families who are affected in the project corridor. Therefore, consideration of IDPs as a vulnerable PAPs was excluded from the entitlements. [↑](#footnote-ref-1)
2. ROW for highways was 30 meters either side (total 60m) till September 2015, [↑](#footnote-ref-2)
3. roads, pasture lands. [↑](#footnote-ref-3)
4. The cut-off date in the date of the decree for land acquisition beyond which no new arrivals in the project area nor further investments in land will be considered for compensation purposes [↑](#footnote-ref-4)
5. Abbreviated Resettlement Action Plan can be prepared where impacts are minor (the affected people are not physically displaced and less than 10 percent of their productive assets are lost) or less than 200 people are displaced [↑](#footnote-ref-5)
6. See definition of replacement cost in the Definition of Terms [↑](#footnote-ref-6)
7. Proposed land should have same productivity and value with the affected plot. [↑](#footnote-ref-7)
8. Additional costs may include but not limited to costs related to hardship, transportation, etc [↑](#footnote-ref-8)
9. Normative prices established by the Cabinet of Ministers' Decree dated 23 July 1998,No158 [↑](#footnote-ref-9)
10. Official minimum salary is approved as116 AZN by the Presidential decree dated 21 January 2017 [↑](#footnote-ref-10)
11. The local Police office which carries out review to attempt to locate the person. This includes identifying and interviewing his relatives, family members and friends, advertisement in the newspaper, among others. Based on this information local court based on the documents or request from the local authority representative announces the person missing and allows fund transfers to his account and the territory to be authorized for construction [↑](#footnote-ref-11)
12. Official minimum salary is approved as116 AZN by the Presidential decree dated 21 January 2017. [↑](#footnote-ref-12)
13. Based on the national legislation, such a decree will be issued following the review and clearance of relevant resettlement instruments such as RAPs. [↑](#footnote-ref-13)
14. Article 66 of the Land Acquisition Law [↑](#footnote-ref-14)
15. EA stands for the Client, Azerautoyol OJSC, assigned by the COM at the beginning of the Project. [↑](#footnote-ref-15)