

**MINISTRY OF ECONOMIC DEVELOPMENT**  
**OF THE REPUBLIC OF AZERBAIJAN** **RP1412**

**ABSHERON REHABILITATION PROGRAM**

**INTEGRATED SOLID WASTE MANAGEMENT PROJECT**  
**Resettlement Policy Framework**

**BAKU, FEBRUARY 2013<sup>1</sup>**

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<sup>1</sup>This RPF was prepared in March of the 2008 and updated in February of 2013.

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## **1. Introduction**

### **Sector context**

The Integrated Solid Waste Management Project (ISWMP) implemented since 2009 seeks to contribute to improving solid waste collection services and to strengthening environmentally sound and cost effective disposal of solid waste. Currently, there are significant deficiencies and problems in both the collection and disposal of solid waste throughout the Absheron Peninsular with a wide variation in the effectiveness of collection services and generally substandard disposal sites and practices. Preliminary data indicates that out of the estimated 900,000 tons of waste generated annually in the region, only 60 percent is collected and delivered to an official disposal site. The remaining solid waste is dumped in informal dumping areas with resulting water and air pollution, odor generation and disease vector proliferation problems. The provision of solid waste collection services in the region is fragmented, with a number of different agencies providing overlapping services. Additionally, there are some areas within Greater Baku where substandard or no collection services are provided, which results in solid waste accumulations and random dumping at improperly maintained collection points and at a growing number of informal dumping areas.

The Government of Azerbaijan recognizes that significant changes are needed in the solid waste management system in the Greater Baku region. In 2011 Government reassigned the overall responsibility for solid waste management in the Greater Baku area to the Ministry of Economic Development (MED) although the actual provision of principal services remains with the Baku City Executive Department of Housing and Communal Services (DHCS) and the DHCS district offices. While this reassignment of responsibilities aims to consolidate and enhance service provision, such improvements can only occur with a major investment in infrastructure, equipment and capacity building necessary to achieve a sustainable level of effective service.

Since 2009 the ISWMP project activities have helped mitigate the environmental impact of substandard solid waste disposal in the region. 41 unauthorized dumpsites, larger than 200 sq m each were identified and currently are being cleaned, and a tender process for rehabilitation of the Surakhani and Garadagh landfills has started, a Waste Information System is being developed, procurement of the waste bins and trucks started, collection system design and roll-out plan has been prepared. 20-year development strategy for Solid Waste Management for Greater Baku area is being developed. In 2012 Waste-to-Energy Plant and Material Recovery Facility were launched. Currently, Government of Azerbaijan is establishing Balakhani Industrial Park.

The project is paying particular attention to the Balakhani landfill. Very poor conditions at Balakhani landfill, the main disposal site for Greater Baku, had become a pressing and highly visible environmental issue. Remarkable progress has been made since 2009 and the Government's sector approach has evolved beyond the original project design. The medium-to-long term strategy of the Government is to develop Balakhani as Greater Baku's principal recycling, recovery and waste management center. For that purpose, the Government plans to rehabilitate the Balakhani landfill for long-term disposal capacity to accommodate waste from the Greater Baku area for up to 20 years, including introducing a methane gas capture system.

ISWMP, which was due to close in September, 2013 is to be extended through an Additional Financing for a full rehabilitation of the Balakhani landfill and to prepare the site for long-term future waste disposal in line with international standards of good practice. Full rehabilitation of the landfill is in line with medium-to-long term strategy of the Government to develop Balakhani as a Greater Baku's principal recycling, recovery and waste management center.

## **Project Development Objectives**

The original project's overall objective was to support the reform of the Greater Baku solid waste collection and disposal operations into an effective and sustainable system in the fields of (i) data collection and strategic planning, (ii) buildup of operational, management and communication capabilities of the responsible agency, (iii) the rollout of collection services, and (iv) the improvement of environmental conditions at the existing waste disposal sites.

## **Description of the project**

The original project consisted of the following components:

- ***Component A: Institutional reform, capacity building and project management.*** This component will support the completion of strategic planning and the establishment, operationalization and capacity building of the new joint stock Solid Waste Management Company (SWMC). The SWMC will consolidate the current fragmented waste collection and disposal systems under one new entity. The development of this entity into a capable and sustainable organization for integrated solid waste management will require a robust corporate plan based on the strategic plan for the sector. MED is currently undertaking the first phase of this strategic planning exercise.
- ***Component B: Balakhani Landfill upgrading and management.*** The proposed investment aims to upgrade operations at the current site and deal with the negative environmental impacts from site operations including the closure of inactive areas. This component will finance equipment (weighbridges, bulldozers, etc) and civil works (fencing, waste coverage, drainage control, internal roads, etc.) to control environmental impacts and improve site-use effectiveness while other solid waste management options are developed
- ***Component C: Closure and management of other dumps.*** In addition to Balakhani, there are two other formal and a number of informal dumps in the Greater Baku area. This component of the project will finance closure and cleanup of the informal dumps and improved management (or closure) of the formal ones.
- ***Component D: Urgent Collection Equipment for Underserved Baku Districts.*** This component will help to increase service quality and availability throughout the region including those areas that do not have effective collection at present. The component will finance trucks and bins that are urgently needed to improve solid waste collection coverage and service efficiency in the most acutely underserved areas of Baku.
- ***Component E: Technical Preparation of post-Project investments.*** This component will finance feasibility studies and environmental impact assessments needed to develop landfill capacity and introduce transfer stations to maintain an effective enhanced collection system.

Extension of the project under the Additional Financing is mainly related to Component B "Balakhani Landfill Rehabilitation and Management" including (i) the full remediation and closure of the old waste disposal areas; (ii) installation of water and leachate controls; (iii) development of new waste cells; and (iv) introduction of a methane gas capture system. In addition, Component A "Institutional reform, capacity building and project management" and Component E "Technical preparation of post-project investments" would be revised to explicitly include activities to (i) update a sector development strategy and prepare a national legal framework; (ii) support preparation of a national waste management and implementation roll-out plan; and (iii) finance

other national-level technical assistance to support improving Solid Waste Management (SWM) sector performance.

## **2. Scope of impact**

The Project includes the improvement of management and the upgrading and rehabilitation of the Balakhani Landfill site and measures to mitigate short term problems on solid waste management.

The original project triggered the Operational Policy 4.12 on land acquisition and resettlement in relation to the existence of ‘waste pickers’ at the Balakhani site. The rehabilitation works of the site had the potential to affect the residence and livelihoods of this group by necessitating their relocation and limiting their access to recycling materials. In line with OP4.12, a resettlement policy framework (RPF) was prepared under ISWMP and published in 2008. The RPF outlined measures for the protection of these waste-pickers or project affected persons (PAP).

Two different groups of PAP were identified; (i) six families resident at the site and who by necessity would be relocated in the course of the site rehabilitation works at the site and, (ii) those people who do not live on the landfill but earn a living from waste picking and whose source of income could be affected by changes at the site and possible loss of access to recycling materials from which they derive an income. .

In accordance with Azerbaijan’s legislation and the provision of the World Bank’s OP 4.12 (Involuntary Resettlement), the following potential impacts were identified in relation to above mentioned PAP:

- Loss of informal access to land for the six families residing on the landfill territory;
- Loss of assets of the recycling business used by the six families, and including the following: one house, two workshops, two shredders and two storage units;
- Loss of assets in the form of animals (pigs) that have been owned by the six families;
- Possible loss of income if access would be constrained to waste resources and trading and recycling activities for the six families and non-residents engaged in waste picking and sorting.

In the light of impacts identified, a decision to develop and implement a Resettlement Action Plan for Landfill resident waste pickers was taken in 2011. The process involved a census and socio-economic surveys, meetings with the PAP, discussions with key informants and revision of existing documentation. For the purposes of RAP preparation a consultant firm EPISTA/RAW, was hired. All actions under the RAP were completed by 2012 and monitoring shows that the outcomes of the RAP have been successful in delivering the following aspects for the PAP: improved living conditions in new location, access to social infrastructure, improved health conditions.

For those PAPs that were not residents of the landfill the development of RAP was not proved to be necessary because evidence showed that impacts of the project were to their benefit. A set of assistance options were implemented. They include licensing PAPs for collection and trading activities on the landfill, and provisions to provide contractual employment once the MRF and Incineration plants were functional. Monitoring reports at six and twelve months have highlighted that progress was visible: waste pickers are identified at the gate and there are restrictions for minors, protective equipment has been provided by TS JSC, restrictions were enforced in areas of the landfill considered dangerous for human health, employment was provided for some of the waste pickers. Although a full RAP was not required, the project did in 2012 prepare a ‘Guiding Document for a Resettlement Action Plan for Non-Resident Wastepickers’ which outlines the

conditions under which a full RAP for non resident waste pickers should be prepared and outlined possible assistance options should the need arise.

Under ISWMP, negative impacts on PAP have either not occurred or been addressed. It is anticipated that no further detrimental impacts will be experienced by waste pickers at the site under the ISWMP Additional Financing (AF). Indeed the AF will expand landfill capacity to operate for another 20 years. The site will be operational for a longer period than originally foreseen, during which waste pickers will maintain access to waste. However OP4.12 remains triggered for the AF. The original RPF will be superseded by this revised version and the Guiding Document for a Resettlement Action Plan for Non-Resident Wastepickers' is maintained. The RPF and Guiding Document is maintained (i) as a precautionary measure to guide preparation of a RAP in case negative impacts on waste pickers are identified during monitoring and need to be addressed, (ii) to guide the continual monitoring of the situation of the waste pickers.

### **Project affected people**

The Social Impact Assessment (SIA) was carried out during project preparation that explored project impacts on the "nonresident" waste pickers who live nearby and come to the landfill to pick waste, and "resident" waste pickers who live at the landfill. The SIA found that waste pickers operating in Balakhani, both "non-resident" and "resident" waste pickers, are not organized into work gangs or any meaningful work groups, and collect solid waste purely on a voluntary basis and in an unorganized manner.

#### *Resident waste pickers*

The six resident families, comprising 14 persons (8 men and 6 female) came to the landfill in 1993-1994 in response to one of their leaders seeing the opportunity to earn livings from waste picking and recycling. Five of the families, with a total of 12 members, are all related by birth or by marriage to form one extended family and are all internally displaced persons (IDPs). The sixth family (comprising 2 persons) was employed by the families to work with them at the workshops and is not an IDP.

The families state that the recycling business generated AZN 700-800 per family per month. The PAPs owned two waste recycling workshops. The first was established in 2004 with assistance from a "foreign donor"; the workshop was 26x6 meters and included the first shredder for plastic. In 2006, the families obtained a second shredder for plastic waste and included washing lines in the workshops.

Based on the RAP for resident waste pickers prepared by EPTISA/RWA, a multilateral contract was signed between the Ministry of Economic Development, State Committee of Refugees and Displaced Persons, "Tamiz Shahar" JSC and the persons affected by Integrated Solid Waste Management Project" (PAP) on December 07, 2012. According to this agreement, PAP's have been provided with 60,5 sq mt size apartment in Ramana settlement of Baku city, the access to pick and sort waste at the landfill site, and transportation of the assets to a place of their choice.

#### *Non-resident waste pickers*

The non-resident persons currently working as waste pickers at the Balakhani landfill total 144 people but indications show that for all the 144, waste picking is not a full time employment. TS JSC has a list of waste pickers which is constantly updated; the figure was confirmed by the representatives of the waste pickers. Starting in 2010, TS JSC monitored the number of waste pickers who enter the Balakhani landfill. The daily and monthly registers reveal the average number

of waste pickers on the landfill daily to be somewhere between 55 (July 2010) and 65 (February 2011).

As TS JSC has a strict policy related to human resources that is reflected in its relations with the waste pickers no minor is allowed into the landfill. About 40 percent of the people working on the landfill are over 45 years; these are the people who will face the most difficulties in changing their jobs if needed. Around 39 percent are between 16 and 35 years old, while those between 36 and 45 years account for approximately 22%.

Most of the waste pickers (about 87 percent) live near the Balakhani landfill, in the surrounding communities around the landfill. However, only 62 percent of those interviewed are legally registered in Balakhani community. Most of the interviewed waste pickers (77 percent) declared that they are the owners of the houses they occupy. Almost all the interviewees (81 percent) are married and have families living with them. The majority of the waste pickers (62 percent) have 3-4 family members.

The waste pickers are well educated, with a substantial majority (83 percent) of survey respondents having completed secondary school or higher, although not having any specialization. The remaining 17 percent out of the total respondents have no education or uncompleted secondary education. Most of the respondents (95 percent) do not visit regularly a doctor and go to health facilities only for emergencies.

Most of the non-resident PAP (90 percent) earns AZN 5-15 per day. This means that a person can earn a minimum of AZN 120 AZN (about USD 150) and a maximum of AZN 420 AZN (about USD 530) per month if working six days per week.

Continuous monitoring of the non resident waste pickers at the site by EPTISA/RWA has found that implementation of Integrated Solid Waste Management Project did not have any negative impact on activities of “waste pickers” in the territory of landfill site. They were not denied access to waste collection at the landfill site after putting into operation Balakhani landfill by “Tamiz Shahar” JSC. In terms of environment, health and safety there has been improvement and systematic working conditions have been established for continuation of their activity. The activities under the Additional Financing are expected to have no negative impacts on non-resident waste pickers at Balakhani site. Their conditions are expected to continue to improve with increased work opportunities in recycling and waste management. However this RPF and the ‘Guiding Document for a Resettlement Action Plan for Non-Resident Wastepickers’ prepared in 2012 will be retained under the AF in order to support the preparation of a RAP should the situation of waste pickers be found to be negatively affected.

### **3. Legal and institutional framework**

#### **3.1. Azerbaijan Laws and Regulations on Land Acquisition and Resettlement Legal Framework on Matters Relating to Land Acquisition**

Azerbaijan legislation has the following norms, which provide instruction on matters relating to land, land acquisition and compensation for other property losses:

- The Land Code (25 June 1999);
- The Civil Code (01 December 1998);
- Law on Acquisition of Lands for States Needs (20 April 2010);

❖ **Land Code dated June 1999**

When land is required for projects of national interest, compensation is initially offered on the basis of valuations made in accordance with a standard code (No. 158, dated 1998). If landowners are unhappy with this valuation, there is scope for agreeing on a revised valuation. In the event that such agreement cannot be reached, the acquiring authority can process its application for acquisition through the courts. The landowner also has the option of seeking recourse through the courts. The Land Code also allows for an exchange of land that is equivalent to the land being acquired. When a relevant local executive authority decides a land case, the decision shall come into force immediately, and this decision will not be terminated by the lodging of a complaint with the relevant court. Articles 110 and 111 describe willful occupation of land plots and implementation of illegal construction on land plots as violations of the land legislation, and state that these are prohibited acts

❖ **Civil Code dated December 1998**

This Civil Code states that any rights to immovable properties must be registered with the state, and that land may be recalled from owners for state or municipal needs as approved by the relevant courts.

❖ **Law on Acquisition of Lands for States Needs dated 20 April 2010**

This law provides the detail procedure of acquiring the lands for state needs, calculating the amount of compensation, the rules of paying this compensation as well as stipulates the other relations between the parties relating the land acquisition.

According to the legislation of the Republic of Azerbaijan, there are three possible scenarios for land acquisition:

1. The landowner is offered land of equal size and quality.
2. The landowner is compensated by proponents of the land acquisition on the basis of current market prices.
3. The dispute is the subject of court consideration.

The main avenue for land acquisition in actuality is the provision of cash compensation through a valuation method based on current market prices and timely payment of compensation.

### **3.2. Compensation Valuation Methods in Azerbaijan**

#### *Land Compensation*

Procedures for valuation for compensation and other purposes are laid down in the Law on Acquisition of Lands for States Needs, the Land Law, the Land Code, and the following legal instruments:

- Cabinet of Ministers Resolution N.42 (2000) - on Some Normative and Legal Acts Relating to the Land Code;
- Cabinet of Ministers Resolution N.110 (1999) - On Approval of Regulations for an Inventory Cost Estimation of Buildings owned by Natural Persons.

#### *Permanent Acquisition of Land*

The land compensation price must be based on the market price, provided that such price is not less than the cadastral or normative price for the subject land (*Land Code*, article 96.5). Normative or cadastral rates for lands in each district are established by *Cabinet of Ministers Resolution N158 on Establishment of New Normative Prices for Land in the Azerbaijan Republic*. The project will pay compensation for permanent acquisition of land based on negotiated rates from government share. The government normative or cadastral rates will be the minimum. The final agreed-on price paid as compensation for land lost to expropriation will correspond to the World Bank's requirement of "replacement value," enabling the affected person to purchase land of equivalent area and quality. During land privatization, land titles allocated to families had all members of the family in the land parcel ownership certificate. In such cases, the household head is responsible for signing project documentation relating to leases or assignment of rights. The household head must, however, obtain the written consent of all other people listed on the ownership documents.

#### *Compensation for Immovable Assets and Land Attachments*

This covers a range of items such as cabins, fences, walls, animal enclosures, small irrigation channels, drains, wells, hand pumps, artesian bores, water pumps, hay sheds, animal shelters, and roads. These items will be valued on the basis of full replacement cost. No demolition of structures is expected. However, should it occur, no "depreciation" will be used in calculating the compensation payable for affected structures, so that affected people will be able to replace their structures with the compensated amount.

### **3.3. Comparison of Azerbaijan Government Policy and WB Policy on Resettlement (WB OP 4.12 on Involuntary Resettlement)**

Many requirements of the WB's OP 4.12 are covered in full or in part by current Azerbaijan legislation. These include:

- The requirement to pay compensation in advance where land is compulsorily acquired (Land Code, article 70.5)
- The need to compensate based on full market value or through grant of another land plot or building of equal quality, size, and value (Land Code articles 8 and 70.5)
- The need to avoid, wherever possible, impacts on agricultural land and forests (Cabinet of Ministers Decree N42, section I, article 2)
- The requirement to compensate for losses, whether temporary or permanent, in production or damage to productive assets and crops (Cabinet of Ministers Decree N42, Sections I and II)
- Provision for pre-judicial avenues for resolution of disputes and rights of appeal etc.

The OP 4.12 principle of avoidance or minimization or resettlement is addressed in Article 70.4 of the Land Code and article 3 of the Law on Acquisition of Lands for States Needs, which stipulate that lands can be withdrawn only for location of state, municipal, or public facilities of high importance. Under Article 22 of the Land Code, the state is required to establish protection zones with special (restrictive) regime for the purposes of construction and operation of industrial facilities. The law requires that landowners, users and lessees shall not lose their rights of access and use of such lands, other than in cases which require full withdrawal of land. There are, however, five broad areas where the borrower's obligation under OP 4.12 extends beyond those required under Azerbaijan legislation. These are as follows:

- Land acquisition (and or resettlement), planning, and procedural requirements;
- Public consultation and participation of project-affected communities;
- Extent of compensation and types of assistance to be offered;
- Categories of people eligible for compensation;
- Income restoration.

### *Resettlement Planning and Procedural Requirements*

There is presently no requirement to prepare a formal Resettlement Action Plan (RAP) under Azerbaijan legislation, nor to undertake any of the component activities of a resettlement action plan such as, as a census, socioeconomic survey, consultation with project affected people, monitoring, or reporting. There are no specific references in the legislation to "involuntary resettlement." Core WB planning requirements, such as the need for community participation in the resettlement planning process and the requirement to improve or enhance project-affected people's living standards and income and production levels, are not explicitly addressed in current legislation.

Measures that will be employed under the Project to ensure compliance with OP4.12 will include:

- Consulting with potential project-affected people on feasible measures for land acquisition if applicable;
- Drafting and implementing a full public consultation strategy and disclosure plan before land acquisition procedure (funds will need to be allocated for consultation activities);
- Informing PAPs of their rights to assistance and explaining this clearly, with supporting information and material, if appropriate;

- Full disclosure of the approved and agreed RAP, if one is required.

### *Public Consultation and Participation*

OP 4.12 specifies that PAPs should be informed about their options and rights pertaining to land acquisition and "...consulted on, offered choices and provided prompt and effective compensation at full replacement." (Clause 6 (i), (ii)). Currently there is no explicit consultation requirement in Azerbaijan legislation.

Measures that will be employed under the project to ensure compliance with OP4.12 will include:

- Public consultation meeting that will be carried out after social screening to inform the PAPs of the nature of the project, expected impact, entitlements for compensation, and measures for grievance redress;
- Disclosure of project environmental and social information as an integral part of the public consultation process, with information being provided about both benefits and disadvantages of the project;
- Information clearly presented in appropriate local languages and dialects and in modes that are sensitive to local communities;
- Information disclosed in locations that are open to the public and that are readily accessible to PAPs.
- Special measures to make sure that women are well represented in consultation and participation processes.

### *Compensation Eligibility*

The categories of people who must be compensated under Azerbaijan legislation are narrower than those defined under OP 4.12. Under the legislation, the only individuals and entities entitled to compensation are those with registered property rights, for example, registered landowners, leaseholders, users and those with registered third-party rights, and those who have legally obtained the right to register their title but who have not completed registration. This potentially precludes many categories of affected people that would be entitled to compensation under WB Group policies, including waste pickers.

World Bank OP 4.12 by contrast embodies the principle that a lack of legal land title does not disqualify people from resettlement assistance. Therefore under the Project non-formal users (such as waste pickers) will be considered in RAP preparation and compensation.

### *Income Restoration*

Some types of compensation fully or partly have been covered by the Civil Code. In adherence to WB OP 4.12, special compensation is planned under the Project for all those people, who might lose income because of loss of access to waste materials for recycling. Should loss of income occur because of loss of access to waste, then government counterpart funds will be used to secure waste pickers with alternative sources of income, either as licensed individual agents, as members of association or any other means of income generation. Any necessary training and skills development in support of these new livelihoods will also be financed under the project.

### **3.4 Child Labor**

For the purposes of ISWMP it is appropriate to consider measures for the Project to protect children from hazardous and exploitative forms of child labor. According to the Azerbaijan Labor Code the age limit for acceptance of employment is determined as 15. Article 250 prohibits the employment of persons younger than 18 years old in jobs with difficult, exposing and hazardous work conditions. Under the code it is prohibited to employ persons younger than 18 years old in execution of jobs which may deprive them of the opportunity to receive this education.

The Project has determined waste picking to be a form of hazardous labor as defined by Azeri legislation and has taken all legal measures to ensure that young people under 16 will not participate in waste collection at Balakhani. In practice, since the transfer of the site to the management of “Tamiz Shahar” JSC in 2009, no person under 18 has been involved in waste collection and this standard will be maintained.

## **4. Principles of resettlement and mitigation for income loss**

The objective of this RPF is to provide measures to project affected people to help them restore their livelihood.

The project will continue to monitor the situation of non-resident waste pickers at the Balakhani site. Their situation will be monitored against several indicators including income levels, employment and livelihood opportunities and number of complaints made. If the project results in negative impacts and a fall in the condition of the PAP against these indicators, there will be need for preparation of a full RAP. A Resettlement Action Plan (RAP) will be prepared according to the policies and procedures laid out under this RPF, which should describe a practical and time-bound action plan to ensure that all waste pickers are provided with alternative sources of income, either as licensed individual agents, as members of association or any other means of income generation.

RAP will be prepared in consultation with the project affected people to restore their livelihood. The following principles will apply:

- Incomes of PAP should be equal to or higher than those earned before the Project started.
- PAP will benefit from assistance to pursue alternative livelihoods. Waste pickers under 35 will be encouraged to apply for other occupations. Depending of the level of education graduated, the company will recommend suitable jobs and trainings.
- The PAP will be sufficiently informed of the nature of the project and the expected impact.
- The PAP will be consulted prior to and participate in the decision of the RAP.
- Cutoff date will be set for the RAP to be developed, which will be announced clearly to the public and the PAP to determine the eligibility to income restoration measures.
- A consultant will be hired who will inform the PAP of the cutoff date, conduct a series of headcount on-the-spot to determine eligibility for entitlements under the RPF, and collect waste pickers’ views on terms of contract for licensed agents and inform the MED of their views.
- Once the precise list of PAPs eligible for income restoration measures is developed, the MED will consult and agree with the Bank on the format and details of the RAP to be prepared for the segment.

- A RAP for waste pickers will describe a practical and time-bound action plan to provide all waste pickers with alternative sources of income, either as licensed agents, or other means of income generation whose wage/ revenue level is on or above the officially set minimum wage.
- MED will establish a visible, full time field "interlocutor" during implementation of the RAP(s), who will be responsible for interacting with and providing sufficient information to PAP.

Although a consultant may be hired for the purpose of RAP preparation, final responsibility for agreeing the content of the RAP will be with MED. In the course of RAP preparation a World Bank social development specialist will review the content of the RAP and give comments for quality enhancement. There will be a public consultation on the final draft of the RAP, which will be subject to World Bank approval and then once given a no objection will publically published through MED and the World Bank.

Should a RAP be prepared and implemented there will be monitoring is to assess the physical progress of the RAP implementation (performance monitoring) and the effectiveness of the RAP (impact monitoring). Monitoring surveys are proposed in order to provide the Government of Azerbaijan and the World Bank feedback on actions taken by the Consultant and to identify if any gap occurred during implementation of compensation measures.

## **5. Implementation**

MED will have an overall responsibility for project implementation. The Management Team (PMT) established within the MED will continue to manage day-to-day project management responsibilities, liaise with the government, the Bank and other donors, and monitor project progress. The Social and Communication Coordinator will be in charge of the implementation of the Resettlement Policy Framework (RPF).

The need for consultancy services depends on the outcomes of monitoring process for the non-resident waste pickers. If there is no visible progress in the implementation of mitigation measures, than, under the supervision of the Social and Communication Coordinator, an individual consultant shall be hired for Resettlement Action Plan development, implementation and monitoring as per policies and procedures set out in this RPF.

## **6. Agreements**

The following principles govern the implementation of this policy framework:

- MED will ensure that Resettlement Action Plans (RAPs) are prepared following provisions of this RPF and OP 4.12 for any project activities that will result in the relocation of households and loss of income.
- A consultant will be hired that will prepare and implement the RAP, under the supervision of the PMT and as per policies and provisions set out in this RPF.
- Access to landfills will not be fully denied to the identified PAPs until the relevant RAP is completely and successfully implemented.
- The Bank will review drafts of the respective RAP(s) and recommend revisions, as needed.

- MED will establish a monitoring capacity to monitor the preparation and implementation of the RAP(s), report the implementation status periodically to the Bank.
- The Bank will participate in different aspects of preparation, implementation and monitoring of the RAPs during regular missions.
- MED will promptly inform the Bank of significant unforeseen problems or circumstances that may affect outcomes of the RAPs and implementation plans.

## **7. Grievance Mechanism**

It is proposed that a strong single point coordination channel is created for the non-resident waste pickers for timely redressal of grievances that may come up during rehabilitation of the landfill. Such a grievance redress mechanism is vital for both the implementation of the livelihood restoration plan of the non-resident waste pickers group and the completion of the landfill rehabilitation project on schedule.

It is recommended that grievances are best redressed through MED. The project management should make every effort to resolve grievances at the initial level without delaying as delays may lead to resistance to project implementation. Recourse to the legal system should be avoided except as a last resort. The following framework is suggested to ensure that grievance redress procedures are in place and to monitor those procedures to ensure that grievances are being handled properly and quickly.

Grievances related to any aspect of the Project will be handled through negotiations, which will be aimed at achieving consensus following the procedures outlined below:

- MED will appoint a contact person for handling grievances and complaints and will make the information known to PAPs.
- MED will prepare a grievance template (one A4 page format, containing basic data about the person who is submitting the complaint and the content of the complaint) which will be available at any time at their offices and main entrance to the landfill. Also, there should be a board or at least one announcement posted outside the main entrance of the landfill, where the grievance template is presented and people are informed about where and how to submit their suggestions/complaints.
- Grievances will be filed by the person affected by the project with the contact person at MED. MED will respond or act within 30 days on receipt of the grievance.
- All complaints will be received in writing (or written when received verbally) and must be documented and signed by both the complainant and receiving authority (MED representative).
- If no understanding or amicable solution can be reached, or if the affected person does not receive a response from the MED within 30 days of the registry of the complaint, He/she can appeal to the Office of the Ministry of Economic Development, Director in charge of the project who should act on the complaint/grievance within 30 days of the day of its filing.
- If the affected person is not satisfied with the decision of the Project Director at the MED - he/she, as a last resort, may submit the complaint to a court of law, Affected persons will be exempt from all administrative and legal fees incurred pursuant to the grievance redress procedures.

## **8. Preliminary Entitlement Matrix**

The following entitlement matrix is taken from the Guiding Document for a Resettlement Action Plan for Non-Resident Wastepickers' and if a RAP is required will inform the development of compensation packages for PAP.

<b>Project Impact</b>	<b>World Bank Policy on Rights to claim</b>	<b>Government of Azerbaijan Policy on Right to Claim</b>	<b>Proposed Mitigation Agreement</b>	<b>Comment/Remarks</b>
Potential loss of income from picking, sorting and selling waste materials.	Lost income due to project implementation should be compensated.	Does not recognize compensation for such loss of income.	Guarantee to provide continued access to waste materials for picking with rights over materials. If income is lost a RAP will be prepared and compensation measures agreed	Possible compensation measures may include providing contractual employment to waste pickers in other waste management jobs; for example, at MRF/Incineration facility, Provide training if required to accommodate them at MRF/Incineration plant. Training and skills training may be delivered to waste pickers to start-up in other livelihoods, if they so desire. Restoration activities should start immediately after impact occurs and runs for a minimum of 3 years.