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Submission to the UPR Review of Azerbaijan (3rd cycle) concerning the rights of communities affected by hydrocarbon development in Azerbaijan

October 5, 2017

Introduction

Azerbaijan's economy relies heavily on the hydrocarbon sector. Recent reports indicate current production to be around 1 million barrels of oil a day, and about 607 billion cubic feet of gas annually. Recent reports¹ indicate that oil and gas account for 95 percent of all exports, 74 percent of government revenue, and 47 percent of the national GDP. While revenue from the extractive industries has the potential to lift the economic, social, and cultural standards of living in Azerbaijan, poor governance has led to rampant corruption and misuse of these resources for the private gains of the ruling family and the elite. As a result, Azerbaijani citizens have not experienced the benefits of their wealth of subsoil natural resources. Importantly, the villages located near the extraction sites for natural gas and oil are severely impoverished, lacking access to the most fundamental social and economic rights, including: right to health, water, sanitation, adequate food, housing, and right to education. This Submission to the Universal Periodic Review will address the rights enshrined in Articles 11, 12, and 13 of the ICESCR for 8 villages impacted by oil and gas exploration in Azerbaijan: Balakhany, Bibiheybet, Gala, Ramana, Sangechal, Massive III, Ezimkend, and Umid.²

Methodology

Due to the current severe crackdown on civil and political rights in Azerbaijan, Crude Accountability had very limited access to the communities impacted by oil and natural gas exploration in Azerbaijan. Limited social surveys were conducted in the villages of Balakhany, Bibiheybet, Gala, Ramana proximate to oil extraction and processing sites, and villages of Sangechal, Massive III, Ezimkend, and Umid impacted by the natural gas extraction and processing at Shah Deniz site. Villagers were afraid to disclose information for fear of reprisal from the government, and only some were willing to share under the condition of anonymity. Fear, intimidation and political repression have made it impossible to conduct scientific testing at this point, and reporting has been only qualitative in nature. Nevertheless, this UPR Submission sheds light on the violations of the rights of communities impacted by hydrocarbon developments in Azerbaijan.

¹ <https://resourcegovernance.org/our-work/country/azerbaijan>

² The villages of Balakhany, Bibiheybet, Gala, Ramana are located near oil extraction sites, and villages of Sangechal, Massive III, Ezimkend, and Umid are impacted by the Shah Deniz Gas field.

1. Right to Health—Right to Clean Air

Most villagers interviewed from the Sangechal, Massive III, Ezimkend, and Umid settlements near the Shah Deniz gas extraction site complain about air quality. Massive III villagers specifically noted a yellow dust that accumulates on window screens, coming from the gas terminal. Villagers in Sangachal reported a marked deterioration in air quality after the gas terminal was built. A noxious, sulfurous odor is noticed particularly at night, accompanied by visible smoke coming from the terminal.

2. Right to Safe and Potable Water

Lack of access to clean drinking water is a central concern of residents from Balakhany, Bibiheybet, Gala, Ramana villages. All four villages lack clean drinking water, and, as a villager from Bibiheybet said, “It is difficult to find a single person who does not complain about their kidneys.” Villagers cite kidney problems as the main widespread health issue arising from drinking the available water. Another respondent from Bibiheybet said that every member of her family suffers from kidney stones, and attributes this to the fact that the water available is full of debris, and according to reports, causes illness. Another villager stated that her nephews, who are young children, suffer from kidney stones.. Half of the village of Balakhani does not have access to water. Those who can afford it purchase a water filter, but many residents are unable to afford this purchase. One resident sent three letters to President Aliyev about the issue, asking him to provide access to clean water services. He has not received an answer.

3. Right to Sanitation

Adequate sanitation facilities and infrastructure are absent in all villages assessed, and sewage disposal is a central concern. In villages near the Shah Deniz natural gas terminal, at least two of the four villages do not have closed sewage systems. People either construct makeshift outhouses, or the excrement flows into the streets. During the hot months from April until September, the smell of open sewage in all of the villages is unbearable under normal conditions.

In the village of Ramana, the sewage system is open, visibly flowing through the streets. Villagers are concerned for the health of their children as they play in streets contaminated with raw sewage.

4. Right to Adequate Food

Villagers in Sangechal, Massive III, Ezimkend, and Umid have historically relied on subsistence household gardens and subsistence livestock. Since the terminal at Shah Deniz became operational in 2007, residents of the four villages have been unable to grow fruits and vegetables due to soil contamination. Plants do not mature and do not produce edible fruit. Soil contamination is a key violation of the villagers’ rights as they rely heavily on subsistence food production due to the economic depression, high levels of unemployment, and poverty in the villages.

Villagers in Sangechal, Massive III, Ezimkend, and Umid also report abnormally high rates of deformities and mortality in livestock in the last several years. One villager from Ezimkend reported at least 20 of her baby sheep were born with severe physical defects and either died or had to be slaughtered.

5. Right to Medical Care

Citizens from all of the villages included in our survey lack basic access to medical care. Although healthcare is reportedly free in Azerbaijan, all interviewees reported the demand to pay either unaffordable bribes or direct payment for in-hospital services. Villagers from Balakhany, Bibiheybet, Gala, and Ramana all report that the costs of seeking medical care are prohibitive. An elderly villager from Ramana, who lives on a standard public pension of 150 manat (USD 88) per month, reported that a single basic visit to a public doctor can range from 10 to 20 manat—an unaffordable expense. Massive III, Ezimkend, Umid, and Bibiheybet villages lack even medical dispensaries (pharmacies) or access to the most basic medical services. A villager from Bibiheybet reported that the nearest pharmacy is over an hour away, and there is no public transportation.

6. Right to Housing

Some citizens interviewed for our survey have had their rights to adequate housing violated. A villager from Ramana said that villagers, including herself, have not been able to obtain deeds to their houses from the government. Government authorities maintain that it is illegal to build houses and infrastructure near the oil and gas fields, and have not provided deeds to the existing houses. Another villager from Ramana, who inherited his land from his grandfather, wanted to build a stable on his own territory. He wanted to build a barn to keep a few livestock animals for subsistence purposes. According to his report, he was sued by the government, which stated that he occupied public property despite having owned the land for generations.

In 2016, a main gas pipeline coming out of the Sangachal terminal exploded, which passed through the Massiv III village. As a result, private property was severely damaged, but there has been no compensation provided to the villagers.³ After the blast, many people who could afford to moved away. The villagers never received compensation for all of the cracked houses. Some houses are still cracked and villagers have no means to fix them without compensation.

7. Right to Education

The government of Azerbaijan fails to ensure that the children living in the communities we surveyed exercise their fundamental right to primary education. The conditions of the schools are deplorable: the schools in Ezimkend and Massive III are in bad condition and lack heating in the winter, which is a barrier to attendance in those months. The school in Ramana lacks flooring and the ceiling and walls continuously collapse, posing a danger to the children. According to interviews with residents of all villages, only about half of girls attend school past 4th grade, as families do not let them continue for cultural reasons. More should be done by the government to encourage residents to allow their girls to continue their education.

³ See <http://en.apa.az/azerbaijani-news/accidents-incidents-news/socar-explosion-line-localized-no-one-injured.html>

Recommendations:

- Azerbaijan should invite the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy, and sustainable environment to assess the rights of communities living near oil and natural gas exploration and processing sites in Azerbaijan;
- Azerbaijan should invite the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health to assess the protection of rights of communities living near oil and natural gas exploration and processing sites in Azerbaijan;
- The Azerbaijan Ministry of Health should conduct a timely investigation into the air, water, and soil quality in the affected villages;
- The Azerbaijan Ministry of Health should ensure that all citizens of Azerbaijan enjoy their right to clean potable water, air, adequate sanitation, and healthy environment;
- The Azerbaijan Ministry of Health should ensure that free quality public health care is enforced, and not corrupted by bribes or unlawful additional fees;
- The Azerbaijan Ministry of the Interior should ensure that land tenure rights are protected and that damages to houses as a result of oil and gas activities are compensated for accordingly;
- Azerbaijan should provide safe school buildings with access to sanitation, clean potable water and adequate heating in all regions of the country, including in villages affected by hydrocarbon developments;
- Azerbaijan should develop and implement national strategies to promote the retention of girls in schools.