

Resettlement Policy Framework

Lebanon Municipal Service Emergency Project

1. Introduction

1.1 Project background

Since the onset of the Syrian crisis in 2011, Lebanon has received the largest influx of refugees from Syria, amounting to date to around a million refugees or almost 25% of Lebanon's pre-crisis population. This is threatening Lebanon's institutional and political stability, and putting pressure on already limited public services and infrastructure. With rapid and large scale increase in population, municipalities lack the funds to keep up their service provision, such as providing adequate roads, transportation and street lighting, maintaining adequate waste collection and disposal and delivering core social and community oriented services. For all of these services, because of the emergency needs, funds from planned capital expenditures have been diverted towards operating costs, hindering investments in more cost effective and sustainable solutions. Large scale gaps in key services are now starting to impact longer term development outcomes.

1.2 Project description

The proposed Project will address urgent community priorities in select municipal services, targeting areas most affected by the influx of Syrian refugees. Interventions would focus on priority areas such as solid waste management, drainage, road maintenance and rehabilitation, water, wastewater and sanitation, street lighting, etc., with the objective of improving sanitary conditions, improving mobility and safety, and strengthening social cohesion in the context of the crisis. The project would also support provision and/or rehabilitation of essential community and social infrastructure, among them parks and similar recreational facilities, community centers, women's centers, etc.

1.3 Project Components

The Project consists of three components: (i) Emergency Response; (ii) Rehabilitation of Critical Infrastructure; and (iii) Project Implementation Support.

Component 1: Emergency Response. This component will finance the provision of high priority municipal services (component 1A) and initiatives that promote social interaction and collaboration (component 1B) in all the eleven participating unions of municipalities. Allocation of resources among the participating unions of municipalities will be based on the number of registered Syrian refugees, as collected by UNHCR, considering the number of Syrian refugees as a proxy of the additional stress on local communities. Initiatives will be selected in consultation with local governments and communities, with a decentralized approach to decision-making. These initiatives will provide non-exclusionary benefits addressing some of the most immediate service needs in the unions most affected by the crisis and will be aimed at (i) improving safety and mobility; (ii) mitigating the increasing health and

environmental risks associated with the deterioration of water, waste, and sanitation; and (iii) increasing collaboration and interaction amongst the communities.

Subcomponent 1A will focus on improving municipal service delivery in areas such as water supply and wastewater; solid waste management; roads improvement; and recreational facilities and community centers. Subprojects will be small in scale, and will, depending on the expressed needs of communities and municipalities, include small works (such as minor road repair), equipment (e.g. well generators and water filters for schools, etc.) and services (e.g. surge capacity for garbage collection). For the first six months of project implementation and in order to gain credibility, subcomponent 1A will address immediate service delivery requiring simple preparation, prioritizing interventions identified by elected officials at union and municipal levels, and which can deliver quick impacts in the areas of water supply and wastewater, solid waste management, and local roads including lighting. Beyond this period, activities may also include interventions that require longer preparation or implementation, which will be selected through extensive consultations with elected officials and community representatives.

Subcomponent 1B will finance activities that the communities and municipalities find conducive to reduce some of the social tensions stemming from cohabitation. In light of the increasing youth unemployment, communities may demand activities that occupy, inform or entertain the youth. Activities could also be targeting children through after school activities or learning programs, as well as women by facilitating e.g. skills exchanges, child care opportunities. They could also target the communities even more widely through, for example, informational campaigns related to water usage or town events and celebrations. It is thus expected that the activities will be inclusive, but with a particular focus on women, children and the youth.

Component 2: Rehabilitation of Critical Infrastructure. This component will finance more complex works to rehabilitate and/or provide critical infrastructure in the areas of solid waste management, roads improvement, water and sanitation, and community infrastructure. Anticipated types of infrastructure include waste sorting and composting plants, small scale waste water treatments plant or rehabilitation road works exceeding the union allocations under component Due to their larger scale and costs, and given the existing financing envelope, the initial number of unions benefitting from this component may be limited and priority will be given to those demand-driven projects that can generate benefits to the highest number of beneficiaries in several unions. These investments will be identified through extensive consultations between elected officials and community representatives and will be coordinated with relevant line ministries to ensure coherence with sector policies.

Component 3: Project Implementation Support. This component will finance the management of the Project and any support needed for the implementation of the decentralized, consultative approach. The component will cover the costs of the project management unit (PMU) housed in CDR, which will be responsible for implementing the project. The unit will hire the required staff to carry out the responsibilities of the PMU, including coordination, reporting, financial management, procurement, social and environmental safeguards (see Implementation Arrangements). Municipalities and their unions will be in charge of undertaking the consultations with their constituencies, using already established participatory mechanisms and platforms where they exist. The first round of consultations will take place while the initial activities under component 1A are underway to gain credibility and focus. For the currently existing funding envelope, it is anticipated that all subprojects under component 1A and 2 will

be identified as well as approximately half of activities under component 1B during this round. It is expected that further rounds will be initiated to allocate the remainder of the funds under component 1B, as well as for any additional contributions to the project. The process will be facilitated by teams of social and technical experts, who will help communities translate the identified challenges into concrete proposals for infrastructure and social activities. Finally, the component may also fund other activities deemed conducive to the promotion of decentralized decision-making, such as knowledge-sharing events between unions themselves or between unions and central authorities.

1.4 Rational for preparation of a resettlement policy framework (RPF)

All activities financed by the project are relatively in small scales in terms of total cost of single subproject. Land requirements are expected to be small scale in nature and subproject investments will be carried out primarily on municipally owned land (or other government owned land). However, the project implementation may result in impacts on squatters or encroachers approaching to government owned lands or involuntary taking of land. Since the location of subprojects cannot be determined prior to project appraisal, this Resettlement Policy Framework (RPF) is prepared based on the requirements of World Bank Policy on Involuntary Resettlement OP 4.12 and relevant Lebanese laws and regulations as a guideline for resettlement preparation and implementation, if there is any.

2. Objectives and Key Principles

2.1 Objective of Framework

The purpose of the RPF is to set down the principles for resettlement impact mitigation, as well as to clarify the organizational arrangements for preparation and implementation of resettlement action plan that may be needed during project preparation and implementation phases. This includes compensating all project affected persons (PAPs) for the loss of lands, properties, and livelihoods resulting from displacement and resettlement, as well as assisting these people in relocation and rehabilitation. The RPF may be triggered whenever any of the project's activities entail the acquisition of land and / or the displacement of people, causing the loss of land, property, assets, access (to land, property, and assets), income, or sources of livelihood.

This framework shall cover all the project's activities, and shall apply to all displaced persons regardless of the total number affected, the severity of impact, and whether or not the affected persons have legal title to the land. Since resettlement often affects the most vulnerable and marginalized groups (economically, politically, and socially), the RPF shall be particularly sensitive to the affects which displacement may have on these groups, including the poor, landless, elderly, women, children, ethnic minorities, or persons with specific mental or physical disabilities.

Every effort will be made to avoid or minimize the need for land acquisition and resettlement for any components. In the unlikely and exceptional event that any of the components under the project require additional land, houses and other assets becomes unavoidable; the projects shall adopt this RPF.

2.2 Key Principles

The principles outlined in the World Bank's OP/BP 4.12 have been adopted in preparing this RPF. In this regard the following principles would be applied:

- (a) Acquisition of land and other assets, and resettlement of people will be minimized as much as possible. Where land acquisition is unavoidable, the project will be designed to minimize adverse impact on the PAPs, especially the vulnerable groups;
- (b) All PAPs will be compensated, relocated and rehabilitated, if required, so as to improve their standard of living, income earning capacity and production capacity, or at least to restore them to pre-Project levels;
- (c) All PAPs residing in, or cultivating land, or having rights over resources within the subprojects areas are entitled to compensation for their losses and/or income rehabilitation. Lack of legal right to the assets lost will not bar the PAP from entitlement to such compensation, rehabilitation and relocation measures;
- (d) The rehabilitation measures to be provided are (i) compensation at full replacement cost for houses and other structures; (ii) compensation for land acquisition; (iii) dislocation allowance and transition subsidies; (iv) full compensation for crops, trees and other similar agricultural products at market value; and (v) other assets, and appropriate rehabilitation measures to compensate for loss of livelihood;
- (e) Land-for-land is the preferred option. Land-for-land may be substituted by cash provided that: (i) land is not available in the proximity of the subproject area; (ii) PAP willingly accept cash compensation for land and all assets on it; and receive full replacement value without any deductions for depreciation; and (iii) cash compensation is accompanied by appropriate rehabilitation measures which together with project benefits results in restoration of incomes to at least pre-subprojects levels;
- (f) Resettlement plans will be implemented following consultations with the PAPs, and will have the endorsement of the PAPs;
- (g) Any acquisition of, or restriction on access to resources owned or managed by PAP as common property will be mitigated by arrangements ensuring access of those PAP to equivalent resources on a continuing basis.

3. Legal Framework for Resettlement

Resettlement and land acquisition issues under the proposed Project and subsequent subprojects will be addressed through relevant laws and regulation of Government of Lebanon and the World Bank's OP 4.12. The RPF represents the reference to be used in managing land acquisition issues and addressing the involuntary resettlement and displacement of people related to WB financed projects. CDR shall be committed to complying with the national laws and WB policies and to any future amendments to them.

3.1 Government of Lebanon Relevant Laws and Regulations

Lebanon's legislation provides the legal framework for the implementation of the entire project and its related sub-projects. It provides for expropriation only by due legal process and after compensation has been paid for all tangible losses of property and economic prejudice at current market rates or better; and it provides for a mechanism of appeal and review. The relevant laws and regulations are as follows:

Expropriation: Lebanese law protects the right of private property, including land. **Law No. 58 enacted in 1991** authorizes the expropriation of private property in the public interest but only after fair compensation has been made. The compensation is determined through an assessment by an independent judicial committee and is always a monetary award, comprising two components: (i) identification of damage or loss to improvements (buildings, trees, fences etc) and (ii) compensation for the value of the land. Under Lebanese Law, the expropriation is considered final unless the public interest claim is itself challenged by an individual directly affected (an association, municipality, NGO etc does not have the right to appeal).

A decree is published in the Government Official Gazette announcing and authorizing the expropriation with a timeline which should not exceed 8 years from the publication of the announcement. Annexed to the decree are the following: a) a sketch of the entire project area proposed; b) a detailed plan of the properties to be expropriated; c) a list showing the registration numbers of each property, its location, the names of all the owners and right holders in the Land Registry; and d) a detailed list of the immovable contents of the property as well as a detailed plan of buildings constructed prior to the date of the decree's publication. The complete document is made available for public access at the government offices. In addition, these documents are posted at the municipalities where the properties to be expropriated are located.

Compensation: Compensation is determined by an Expropriation Committee set up by a decree in accordance with proposals from the relevant ministers for each Mouhafaza. The members of the commission consist of (i) a chairperson (a judge or a magistrate of at least the 10th degree) (ii) an engineer and (iii) a property valuator. If the affected person does not satisfy with the compensation, he or she can appeal to a higher level committee-Appeal Committee, which consists of a chairperson (a magistrate of at least the 6th degree) (ii) an engineer and (iii) an expert in land law and valuation. Each committee is assigned alternates for each of its members, as well as a clerk and a messenger.

The Expropriation Committee determines all compensation for any economic prejudice arising from expropriation, decides on requests by owners for total expropriation and full compensation, and determines the value of small portions of land which cannot be used for building and resolves disputes over the division of compensation between shareholders. Its awards are always based on prevailing local market rates.

The Expropriating Agencies for the proposed will be the Expropriation Department of CDR and the Unions and municipalities concerned, with the support of the PIU.

Land Tenure: In Lebanon there is generally little contestation over ownership, legal rights or boundaries of land because plots are generally well surveyed and title is recorded at an administrative service based in the Ministry of Finance (with the exception of areas affected by uncontrolled movement and settlement due to the civil war). The survey unit also maintains cadastral maps that are regularly updated. Since land ownership is recorded in shares, along with all those whoever held title to it, the exact value of any transaction for an individual owner can be determined. In addition, land laws in Lebanon are gender neutral. However, the situation with regard to historic urban cores is much less clear, with informal land subdivisions not represented in the cadastre, and complex vertical layers that do not always correspond to horizontal boundaries. These features reinforce the need in this project to conduct careful and detailed empirical research in the affected areas, consultation, and to tailor the project actions to the social realities on the ground.

Tenancy Laws: A new rent law enacted in 1991 relaxed rent control and gave the landlord the right to repossess the property at the end of the contract. Rent laws prior to 1992, however, permitted tenants automatically to renew their contracts and capped rent increases. Moreover, tenants could sublease the property to third parties with only minor increases in the rent at the signing of each new contract. As a result, rent contracts signed after 1991 favor the landlord and those signed previously favor the tenant. Where expropriation causes loss of tenancy, expropriation commissions divide their awards between landlords and tenants according to the economic value of the tenancy, enabling tenants to secure alternative housing by rental or down payment against purchase.

Antiquities Laws: According to the Antiquities Law of 1933 historic monuments, even those on the General Inventory List, can be either publicly or privately owned. Although archaeological finds are considered state property, the parcels on which archaeological discoveries are made can remain the property of private individuals or institutions. Under this law, private property owners of listed

historical buildings are responsible for the repair and maintenance of the structure. The discovery of important archaeological remains could also lead to the expropriation of private property or to limitations on its use. If a building is placed on the list of classified monuments, the owner receives no compensation for the freezing of development rights. However, if the listing is erroneous the owner may eventually be compensated. This disposition of the Antiquity Law would be contrary to the World Bank Policy on Involuntary Resettlement, however in this case although the discrepancy is mentioned there is no case of this nature financed by the project.

Maritime Public Domain: Lebanese Law provides that the entire intertidal shore is public domain. This law has not been fully enforced. In some places, such as at Tyre, a small number of semi permanent informal business structures have been erected which is inconsistent with the World Heritage character of the site. Consequently, the owners will be assisted to relocate their businesses to a more suitable site.

Lebanese law provides for legal process: i) expropriation is effected after compensation has been determined and paid ii) prior warning and public disclosure is made iii) full judicial compensation is independently awarded and iv) payment is transferred to a special account in a Bank and citizens can retrieve their payments and v) citizens have the right to appeal. There are however, several sequencing features of Lebanese procedures which are commonly encountered in many countries that differ slightly from what the Bank documents anticipate. Expropriation is initiated by a ministerial decree and signed by the President with no prior public debate. However, informal public consultations may precede the decree and this has been the case in *medinas* and detailed specificity about expropriations would not be appropriate to Lebanese conditions. The compensation levels made through an independent judicial process are situation specific and cannot be known at the time of the RAP but may in some cases be estimated on the basis of known precedent.

The Lebanese law of expropriation only compensates those with legal rights. However, mechanisms exist that protect various forms of customary rights made on a case by case basis to the expropriation committee. In practice, since squatters cannot be evicted without an order from the governor, resettlement is most often done through amicable negotiation, by agreeing on a level of compensation or inducement that will encourage voluntary departure. Widespread displacement of people during the civil war led to a proliferation of squatting between 1975 and 1991. As part of the reconciliation process a Displaced Peoples Fund (DPF) was established to encourage squatters to return to their villages. However, since many did not wish to return to their respective villages, the DPF provides them with financial support to relocate wherever they choose. This project will follow Lebanese practice of humane treatment and amicable resolution of cases to avoid hardship where poor residents lack formal legal rights. However the Displaced Peoples's Fund is not involved in the Project.

Appeals Procedures: The decisions of the Expropriation Committee may be appealed to the Appeals Committee by either party (the CDR or the individual property owner, but not by public bodies, NGOs or municipalities) and the decisions of the Appeals Committee are binding on both parties. The appellant must be represented by a lawyer. The appeals fee is about USD 125 (including stamp and insurance fees to initiate the appeal) plus 3.5 % of the increased compensation amount demanded in the appeals case. Appeals Committee may make upward adjustments in the level of compensation awarded and must make a decision within three months of the lodging of the appeal. This appeals process might be too onerous (average monthly family income is about \$200) for project affected people, especially in poor areas. Hence it is important to set up a robust grievance and redress mechanism upstream from the appeals mechanism.

Payment of compensation: Where there is an appeal, at least 65% (sixty five) of the compensation is paid in advance, and if no structures are found to be existing within expropriation limits, additional 25% are paid and the expropriation party reserves the right (only if it wishes so) to hold the

remaining 10% till the decision of takeover is issued, but the process of expropriation itself cannot be halted unless the validity of the public interest decree itself is challenged. To fill in this gap, CDR will ensure that no land will be taken over under this project without full prior payment of compensation.

3.2 World Bank Safeguard Policies

The WB's policy on Involuntary Resettlement OP 4.12 sets forth all the resettlement requirements and principles which will be well considered and fully applied in the proposed project.

3.3 Policy Gaps

Consultation and participation. According to OP 4.12, PAPs should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs. It further requires that the resettlement process include measures to ensure that the PAPs are consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives. However, there are clear requirements in relevant Lebanese laws and regulations on consultation with and participation of affected person in the planning and implementation of the resettlement program.

Loss of income and livelihood. OP 4.12 makes provisions for loss of income sources or means of livelihood, whether or not the affected persons must move to another location. It requires that PAPs should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher. In this regard the Lebanese laws do not have clear provision for restoring loss of income sources or means of livelihood.

Squatters and encroachers. Squatters and encroachers in occupation or use of land before project initiation are likely to have invested in structures or land improvements that are eligible for compensation. OP 4.12 states that those without legal title to affected land may be compensated for their structures and may qualify for other resettlement and rehabilitation assistance. While the Bank's involuntary resettlement policy is explicit on the compensation entitlement to people without title or use of rights, the Lebanese laws are less clear on the issues of compensation payments for illegal occupation or use of registered properties.

3.3 Gap Filling Measures

In some cases Lebanese laws may differ from World Bank rules and regulations. This may be the case with regard to the extent of stakeholder consultation/participation in the resettlement process, payment of compensation, grievance redress mechanisms, squatters and encroachers. In all these cases the requirements of the World Bank Policy on Involuntary Resettlement OP 4.12, as outlined in the following sections, will take precedence over the Lebanese regulations.

4. Estimated Resettlement Impacts

4.1 Estimation of PAP Population

As the subproject locations have not yet been determined, it is difficult to estimate the number or likelihood of people to be negatively impacted by the project at this stage of the project. Therefore, the purpose of this RPF is to establish the mechanisms by which the appropriate tools, screening checklists

and RAPs, will be implemented to mitigate potential social and economic impacts once subprojects have been identified.

4.2 Vulnerable Groups

Specific attention should be paid to the needs of the following vulnerable groups, including:

- Persons below the poverty line, the landless, and other very poor groups
- Elderly, women and children, indigenous peoples, ethnic minorities, and so on
- Project affected persons who may not be protected through national land compensation legislation.

Vulnerable people will be identified at the socio-economic survey stage. Each RAP developed under the project will make precise provisions with respect to identifying and assisting vulnerable groups which include:

- Identification of vulnerable people and identification of the cause and impacts of their vulnerability, either through direct interviews by the Project social worker or through the community; this step is critical because vulnerable people often do not participate in community meetings, and their disability/vulnerability may remain unknown,
- Identification of required assistance at the various stages of the process: negotiation, compensation, moving,
- Implementation of the measures necessary to assist the vulnerable person,
- Monitoring and evaluating continuation of assistance after resettlement and/or compensation took place.

5. Eligibility Criteria for Affected Persons

5.1 Defining Affected Persons

Project affected persons (PAPs) are defined in this policy framework as individuals who may be subjected to adverse economic, social, or cultural impacts by the proposed project. These impacts may constitute anything from the loss of physical assets such as land, farm lands, crops, commercial properties, homes, personal belongings, sources of income, and cultural / historical / religious sites, to nonphysical assets such as social capital and cultural networks and activities. Moreover, adverse impacts also include the loss of access to the physical and non-physical assets and the involuntary restriction of access to legally designated parks and protected areas. Table 5-1 highlights some of the key losses that may arise from land acquisition.

Table 5-1: Possible Losses from Land Acquisition

Land	<ul style="list-style-type: none"> ▪ Agricultural land (rented or owned) ▪ Access to land
Structures	<ul style="list-style-type: none"> ▪ Houses or living quarters (rented or owned) ▪ Other physical structures (rented or owned)
Income	<ul style="list-style-type: none"> ▪ Income from crops ▪ Income from wage earnings

	<ul style="list-style-type: none"> ▪ Income from fishing areas ▪ Income from affected business ▪ Access to formal employment opportunities
Communal ¹	<ul style="list-style-type: none"> ▪ Public Schools ▪ Public Hospitals ▪ Markets ▪ Community centers ▪ Cemeteries ▪ Social capital: networks, activities, relationships
Religious and Cultural ²	<ul style="list-style-type: none"> ▪ Religious shrines ▪ Worship areas (mosque, church, synagogue) ▪ Cultural, historical, sites
Environmental	<ul style="list-style-type: none"> ▪ Access to natural resources ▪ Negative environmental impacts resulting from land acquisition or from the project itself

5.2 Eligibility Criteria

All APs who suffer a complete or partial loss of assets or access to assets shall be eligible for some kind of assistance, according to their legal rights to the land, if it can be proven that they occupied the land before the claim cut-off date. A cut-off date will be established for any subprojects which involve resettlement impacts and included in the RAP. The Bank OP4.12 specifically proposes three general categories for eligibility as illustrated in Table 5-2.

Table 5-2: Criteria for Eligibility (OP 4.12)

Displacement Category	Entitlement
Individuals who have formal legal rights to land (including customary and traditional rights recognized under the laws of Lebanon)	<ul style="list-style-type: none"> ▪ Compensation for loss in land and assets at full replacement cost. ▪ In case of physical relocation, provide assistance during relocation (i.e. moving allowances) and residential housing and / or agricultural sites with productive and location advantages equivalent to the lost sites. ▪ Support after displacement, until livelihoods and standards of living are restored to pre-displacement levels. ▪ Development assistance in addition to compensation measures (i.e. land preparation, credit facilities, training, job opportunities).

¹ The sub-projects should not be permitted to infringe on or damage in any way public cemeteries or private graveyards or graves physical assets. If extremely necessary, such cases shall be subject to the laws of the Government of Lebanon to this regard.

² The sub-projects should not be permitted to infringe on or damage in any way religious or cultural physical assets. If extremely necessary, such cases shall be subject to the laws of the Government of Lebanon to this regard.

<p>Individuals who do not have formal legal rights to land, but have a claim to such land or assets (provided that such claims are recognized under Lebanese laws or become recognized through a process identified in the resettlement plan)</p>	<ul style="list-style-type: none"> ▪ Compensation for loss in land and assets at full replacement cost. ▪ In case of physical relocation, provide assistance during relocation (i.e. moving allowances) and residential housing and / or agricultural sites with productive and locational advantages equivalent to the lost sites. ▪ Support after displacement, until livelihoods and standards of living are restored to pre-displacement levels. ▪ Development assistance in addition to compensation measures (i.e. land preparation, credit facilities, training, job opportunities).
<p>Individuals who have no recognizable legal right or claim to the land they are occupying (i.e. squatter settlements, disputed ownership).</p>	<ul style="list-style-type: none"> ▪ Resettlement assistance as appropriate (i.e. land, assets, cash, employment, etc.).

6 Method of Valuation of Affected Assets and Compensation

6.1 Asset Valuation

The valuation of losses in physical assets will be carried out by assessing the market value of the assets, if known, and estimating the replacement cost. Replacement cost is simply calculated as the cost of replacing the lost assets plus any transaction costs associated with bringing the asset to pre-displacement value. However, the valuation of crops will be mainly relied upon the price lists developed by the Agriculture directorate and revisited annually. "Replacement cost" is defined as follows: For agricultural land, it 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. For houses and other structures, it 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 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. Where domestic law does not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures so as to meet the replacement cost standard. Replacement cost will differ depending on the type of asset, as illustrated in Table 6-1.

Table 6-1: Replacement Cost for Tangible Assets

Asset	Replacement Cost
Agricultural Land	Equals 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.
Urban Land	Equals 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.
Houses / Other Structures	Equals 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.

Source: WB OP 4.12

For intangible losses that cannot easily be valued in monetary terms (i.e. access to employment opportunities, public services, natural resources, social capital), the subprojects should attempt to establish access to equivalent resources and earning opportunities that are acceptable to the PAPs.

6.2 Compensation

Compensation will be provided to all individuals whose assets or access to assets is affected or damaged, as a consequence of land acquisition or any other activities undertaken by the projects. The compensation for the loss of physical and nonphysical assets will vary depending on the type of loss, and eligibility of the PAPs. Compensation may come in the form of cash compensation, in-kind compensation, and/or assistance.

All PAPs will be entitled to monetary compensation at replacement cost, at market value (at the entitlement cut-off date) for affected tangible assets. Another option may be in-kind compensation where the affected assets would be replaced with an asset of similar size, value, and quality. The decision on which type of compensation is used should be jointly agreed upon between the project staff and the PAPs and shall be subject to the availability of replaceable assets. Moreover, development and resettlement transitional assistance needed to restore the livelihood and standard of living of PAPs under the subproject to pre-project levels shall also be part of the compensation component of any resettlement plan (i.e. short-term jobs, subsistence support, moving allowance, salary maintenance, food assistance, etc.).

It should be noted here that compensation for losses in communal property shall only be in-kind for the community as a whole, and shall take the form of reconstruction of the affected or damaged facility (i.e. public school buildings, markets, etc.) to - at least - the same standard it was on prior to the project's implementation.

7 Institutional and Organizational Arrangements for Resettlement Planning and Implementation

7.1 Procedures for delivery of Entitlements

7.1.1 Project Screening

Once the subprojects are identified by Unions or Municipalities, the PIU within CDR will obtain all permits/approvals related to the project. Thereafter, they will cooperate with Unions or Municipalities to carry out social screening to determine whether or not the subprojects will result in any resettlement impact and accordingly PIU of CDR will decide the need for the preparation of a resettlement action plan or an abbreviated Resettlement Action Plan.

7.1.2 Preparation of Socio-Economic and Inventory Survey

Following the identification of the sub-projects that may involve involuntary resettlement, PIU of CDR in cooperation with Unions and Municipalities will carry out a socio-economic study and census survey, in which baseline data within the sub-project's target areas is collected. This information shall include the PAPs and related household members or dependents, total land holdings, and affected assets amongst other things. This information will be put in writing and shall be used in determining the appropriate compensation and assistance for each affected individual / household.

The objective of conducting this socio-economic survey is to:

- Introduce the sub-project to the PAPs.
- Collect census data to identify PAPs on the individual and household levels.
- Collect census data to identify vulnerable and severely affected PAPs.
- Collect census data on the overall socio-economic environment of the affected communities
- Identify stakeholders.
- Identify impacts of the sub-project on the livelihoods of the PAP (i.e. property, structures, income, etc.).
- Identify any concerns or worries the PAPs may have
- Identify the resettlement preferences of the PAPs.

7.1.3 Preparation of Resettlement Action Plans

Any subproject that shall entail the acquisition of land or may result in the involuntary resettlement of people or loss or restriction of access to private or communal resources will require the preparation of a RAP or abbreviated RAP depending on the number of people affected or the significance of the resettlement impacts. PIU of CDR is responsible for preparation of the RAPs.

The RAP should assess the number of PAPs, propose alternative locations for the sub-projects if possible, identify the eligibility criteria, include provisions for compensation and assistance, and address the means by which the sub-project monitoring and evaluation will take place to ensure that the PAPs receive their compensation and that their grievances are heard and addressed. The mitigation measures and compensation policies proposed in the RAP shall be disclosed to the PAPs for feedback and comments.

More specifically, the RAP should include:

- A description of the sub-project
- Identification of potential impacts

- Objectives of RAP
- Relevant findings of the socio-economic study
- Legal framework
- Institutional framework
- Eligibility criteria and eligible PAPs
- Valuation and compensation for losses
- Resettlement measures
- Site selection, site preparation, and relocation
- Housing, infrastructure, and social services
- Environmental protection and management
- Community participation
- Integration with host populations
- Grievance procedures
- Organizational responsibilities
- Implementation schedule
- Costs and budget
- Monitoring and evaluation

If fewer than 200 PAPs are affected, or if all the PAPs suffer only minor impacts (i.e., lose less than 10 percent of their income producing assets), and the subproject does not involve any physical displacement, then an abbreviated plan (ARAP) should be prepared. An ARAP should include:

- A census survey of displaced persons and valuation of assets
- A description of compensation and other resettlement assistance to be provided and the basis of compensation rates
- Consultations with displaced people about acceptable alternatives
- Institutional responsibility for implementation and procedures for grievance redress
- Arrangements for monitoring and implementation
- A timetable and budget

7.2 RAP Review and Approval

The RAP, including the proposed mitigation measures within the plan, will need to be reviewed and approved CDR board then will be sent to the WB for final review and approval.

7.3 RAP Implementation

Once the RAP is approved by the Bank, it will be translated into Arabic and disclosed locally as well as in InfoShop at the Bank. The PIU of CDR and Unions and Municipalities concerned are responsible for implementation of the RAP .

7.3.1 Signing Compensation Contract

PAPs will be consulted on their compensation preferences they will be formally informed through written or verbal notification. In case some of the PAPs are illiterate they are notified in the presence of at least

one public official.

In coordination with Unions and Municipalities, PIU of CDR will arrange meetings with the PAPs to document the lands acquired by the sub-project throughout the implementation period and discuss the compensation process.

The PAP will be required to sign a contract detailing the acquired land plots and / or partially or completely affected structures and the corresponding types of compensation (i.e. cash or in-kind) that have been agreed upon. The signature of the compensation contracts as well as the actual payments and in-kin transfers shall be made in the presence of at least one public official from the village authorities. The contracts may also include contracts on possible transitional or developmental assistance and income restoration measures that will be given to the PAPs including, provision of skills training, access to credit, and sub-project related job opportunities.

7.3.2 Compensation Payment

All handing over of property such as land and buildings and compensation payments will be made in the presence of the affected party and village officials. The compensation to the PAPs for the affected assets should be completed before civil works start.

8. Public Consultation and Disclosure

Acquisition of land or other assets and the RAPs preparation require consultation with the project-affected population (PAPs). In addition to tenants, residents, and business owners affected, the concerned municipalities must also consult with associations, NGOs and other representatives of civil society within the affected areas. The purpose of the public consultations is to also generate partnerships and cooperative engagement among those affected.

8.1 Public Consultation Carried out During RPF Preparation

Public consultations were carried out with various stakeholders in preparation of the RPF on March 12, 2014. Annex 1 includes the minutes of the main findings of the consultations.

8.2 Public Consultation in Resettlement Planning and Implementation

Public consultation must be an on-going activity taking place throughout the entire project cycle. Thus, public consultation shall take place during the:

- Project inception and planning,
- Screening process,
- Feasibility study,
- Preparation of project designs,
- Resettlement and compensation planning,
- Drafting and reading/signing of the compensation contracts,
- Payment of compensations,
- Resettlement activities and,
- Post compensation monitoring and as relevant community support activities.

The public consultation and participation must take place through local meetings, radio and television, requests for written proposals/comments, completion of questionnaires/application forms, public consultations and explanations of the Bank financed project ideas and requirements. The public consultation must take into account low literacy levels prevalent in rural communities.

8.3 Notification Procedures

Public documents must be made available in English and Arabic at the national, local and household levels and at other relevant locations (including the official residences/offices of village governments and village elders) to ensure easy access to them by PAPs.

The project will through the CDR notify the public of its intention to acquire land assigned for the project. Thus, a public notice must be announced to the beneficiaries concerning physical resettlement and temporary relocation.

The notice must state:

- a) Government's proposal to acquire the land,
- b) The public purpose for which the land is needed,
- c) That the proposal or plan may be inspected by CDR/PIU or the offices of the Mayor of Municipality in the respective Unions and Municipalities, during working hours,
- d) That any person affected may, by written notice, object to the transaction giving reasons for doing so, to the Project Team with copies to District Administration [Insert Project Specific Information] and the Local Village Chief's Headquarters within 14 days of the first public announcement or appearance of the notice. Assurances must be made that affected persons have actually received this information and notification.

8.4 Documentation of Compensation Process

For each individual or household affected, the municipality staff completes a compensation dossier containing necessary personal information on the affected party and those that s/he claims as household members, dependents, total landholdings, inventory of assets affected, and information for monitoring their future situation.

This information is confirmed and witnessed by CDR. Dossiers must be kept current and must include documentation of all assets surrendered and/or impacted. Each individual will be provided a copy of the dossier at the time of negotiations. This is necessary because it is one way in which individuals and households can be monitored over time. All claims and assets must be documented in writing.

8.5 Disclosure

CDR will ensure that affected persons and communities can obtain relevant information relating to the project in general and the land acquisition and resettlement arrangements in particular. The RAP or Abbreviated RAP (excluding individual names and the amounts of monetary awards) must be made publicly available in Arabic and English and will be posted in an accessible and prominent place accessible to project affected persons. The RAPs or Abbreviated RAPs must be approved by the Bank

prior to disclosure and the implementation of the resettlement activities.

When RAPs are prepared during project implementation, they will be disseminated to the project-affected persons in a manner accessible to them. Information disseminated to the project-affected persons will include: (i) compensation rates for all categories of affected assets; (ii) eligibility criteria for all other forms of assistance that may be provided; and (iii) grievance procedures. The resettlement and environment consultation and disclosure requirements will also be harmonized and streamlined as appropriate.

9. Grievance Redress Mechanism

At the time that the resettlement plan is approved and individual compensation contracts are signed, affected individuals and households will have been informed of the process for expressing dissatisfaction and to seek redress. The grievance procedure will be simple, accessible by PAPs and should be administered at the local level.

9.1 Procedures for Handling Complaints

All objections to land acquisition must be made in writing, in a language that the PAP understands and is familiar with, to the appropriate Municipalities. Attempts must be made to settle grievances amicably.

The Municipalities will inform and consult with Unions to determine validity of claims. If considered valid, the Local Leader will notify the complainant and s/he will be assisted. If the complainant's claim is rejected, the matter must be brought before CDR for settlement. The complainant may seek redress in the established Lebanese legal system. Copies of the complaint must be sent to PIU within 15 days after the public notice.

Resolving complaints at the Municipality level is aimed at addressing the problem of distance and cost the PAP may have to face in pursuing grievance redress. The GRM unit must maintain records of grievances and complaints, including minutes of discussions, recommendations and resolutions made.

The procedure for handling grievances must be as follows:

- The affected person should file his/her grievance in writing, to the Municipalities. The grievance note should be signed and dated by the aggrieved person. Where the affected person is unable to write, s/he should obtain assistance from the municipality and CDR PIU to write the note and mark the letter with his/her thumbprint.
- The Municipality should respond within 14 days during which any meetings and discussions to be held with the aggrieved person should be conducted. If the grievance relates to valuation of assets, experts may need to be requested to revalue the assets, and this may necessitate a longer period of time. In this case, the aggrieved person must be notified by the Local Leader/authorities that his/her complaint is being considered.
- If the aggrieved person does not receive a response or is not satisfied with the outcome within the agreed time s/he lodges her or his grievance to CDR which will refer them to the Grievance Redress Process.
- The Expropriation will then attempt to resolve the problem (through dialogue and negotiation) within 14 days of the complaint being lodged. Grievances that cannot be

solved by the Expropriation Committee must be submitted to the Appeals Committee by either the concerned Expropriating Agency (DGA, or concerned municipality or the individual right holder.)

9.2 Appealing Procedures

The decision of the Appeals Committee is binding and final. Appeals Committee may keep the same level of compensation or make upward adjustments in the level of compensation awarded and must issue their decision within 15 days from submission of the complaint. Irrespective of who appeals (CDR or owner), the owner is required to vacate the property, with rights of sale but not of development, and with access to 75 percent of the compensation until the Appeals Committee reaches its final decision. These funds should be set aside in a special escrow account.

If no agreement is reached at this stage, then the complaint can be referred to the Courts of Law according to Lebanese Law.

10. Resettlement Cost, Budgeting and Funding

At this stage, where the locations of the project have not yet been determined, and when the number of PAPs cannot be identified, it is not possible to provide an estimated budget for the total costs of resettlement that may be associated with the implementation of the project. Therefore, activities for resettlement plan will be funded like any other project. Funding will be processed and effected through the project's financial processing arrangements.

Funds for implementing inventory assessments and resettlement plans will be provided by the implementing agency. In general, the cost of compensation will be borne by the project.

The resettlement plan for a Bank financed project should include an itemized, indicative budget and the implementing agency will finance this budget through the administrative and financial management rules and manuals like any other activity eligible for payment under the Bank financed project. This budget will be subject to the approval by the implementing agency.

The implementing agency will have to finance the resettlement compensation because they will be impacting on the people's livelihoods. Disbursements based on budgetary requirements, established by the resettlement plan in consultation with PAPs and local leaders, will be made through the relevant Union or Municipal Administration.

11. Monitoring and Evaluation

11.1 Internal Monitoring

In line with WB requirements, internal monitoring the implementation of the resettlement activities will be carried out by CDR. Internal monitoring will be held every three months, results and findings will be included in quarterly project progress report. The report will mainly cover resettlement policies and compensation standards, resettlement progress, delivery of resettlement compensation, provision of development and transitional assistance to PAPs (especially vulnerable groups), implementation schedule, fund disbursements, land or structure allocation, and grievances and redress.

11.2 External monitoring

External Monitoring might be required to ensure that the overall objective of the resettlement plan is achieved in an equitable and transparent manner and ensure the effectiveness of the monitoring and evaluation activities carried out by CDR.

Based on the degree of the complexity of the Resettlement Action Plan, several agencies may also be involved in this process (CDR signed a contract with a research center (Consultation and Research Institute) for external monitoring and evaluation services). The Project Implementation Plan spells out the RAP monitoring arrangements; more specifically, it will lay down the performance indicators which will be used to monitor this part of the project and the procedures to be used.

11.3 Monitoring and Evaluation Indicators

The RAP monitoring indicators will be simple but robust indicators or proxies that should be as far as possible visible and verifiable and that will, according to the nature of the impacts, measure the following key outcomes against the pre-resettlement baseline. Some key monitoring and evaluation indicators are shown in the following table.

Table 6-2: Verifiable Indicators for Monitoring and Evaluation Implementation of Resettlement Activities

Monitoring	Evaluation
Percentage of individuals selecting cash or a combination of cash and in-kind compensation	Proposed use of payments
Payment of compensation to PAPs in various categories	Conformance to compensation policies described in the RAP
Number of grievances	Timeliness and quality of decisions made on grievances
Delivery of technical assistance, relocation, payment of transitional subsistence and moving allowances	Facilitation of access to technical and development assistance and transitional allowances
Delivery of income restoration and development assistance	Ability of individuals and households to restore sources of income
Public information dissemination and consultation procedures	Timeliness, quality, and effectiveness of consultation and information disclosure

Annex 1
Minutes of Consultations
March 12, 2014

Lebanon Municipal Services Emergency Project

Minutes of Meeting of the Public Consultations
March 12, 2014

Attending:

Union of Municipalities:

- Mr. Khalid Sharanik, President of the Union of Al Buhaira Municipalities.
- Mr. Mohamad El Majzoub, President of the Union of Municipalities of Sahl (*The President of the Union did not attend, but two heads of municipalities in the Union attended instead; Mr. Ahmad El-Jaroush/Municipality of Sultan Ya'coub and Mr. Kassem Mazloun/Municipality of Al-Khiyarah*).
- Gen. Marwan Zaki, President of Union of Jabal El Sheikh.
- Mr. Issam El Hadi, Vice-President of Union Independence Castle.
- Mr. Fayyad Haidar, President of Union of Municipalities of Central Bekaa.
- Mr. Ibrahim Nasrallah, President of Union of Municipalities of Zahle Caza.
- Mr. Mohamad Saab, President of Union of Municipalities of Aarqoub.
- Mr. Abdel Mouhsin Al Housayni, President of Union of Municipalities of Tyr.
- Mr. Tony Abboud, President of Union of Municipalities of Al Shafat.
- Mr. Ahmad El Mir, President of Union of Municipalities of Central and Coastal Qayta'a.
- Mr. Hussein Awada, President of Union of Municipalities of Baalbeck.

CDR:

- Mr. Nabil El Jisr, President of CDR.
- Ms. Wafa Charafeddine, Head of the Funding Division.
- Mr. Ibrahim Chahrour, Head of the Planning & Programming Division.
- Ms. Amal Karaki, Head of Social and Economic Planning Unit.
- Mr. Ismail Makki, Head of Planning & Sectoral Programming Unit.
- Mr. Youssef Aziz, Economist, Funding Division.

CDR-CHUD PMU:

- Mr. Maher Baker, Senior Contract Management Specialist.
- Mr. Nabil Itani, Senior Urban Specialist.
- Ms. Zeina Fathallah El-Mahmoud. Senior Social Specialist.
- Mr. Adnan Khanfour, Municipal Engineer.
- Mr. Nidal Chehayeb, Municipal Engineer.
- Mr. Joseph Ghaouch, Municipal Engineer.
- Ms. Manale Hallany, Municipal Engineer.

Material distributed during the Meeting:

- Agenda.
- Attendance sheet.
- Presentation: Soft and Hard Copy.
- Executive Summary of the Environmental and Social Management Framework ESMF (Arabic Version).

Introduction:

The Public Consultation Meeting was held at CDR on Wednesday 12 March 2014, and was attended by the Heads of the 11 unions of municipalities included in the Project. Mr. El Jisr gave an opening statement in which he highlighted the importance of the project, as it is directly targeting the needed municipalities which are mostly affected by the influx of Syrian refugees. He stressed on the importance of coordination between the Unions and the Municipalities affiliated to the Unions.

Mr. Chahrour introduced the agenda of the meeting and its objective. After that, he invited the participants to introduce themselves.

Mrs. Charafeddine explained the modalities of the Project preparation. She mentioned the criteria taken into account in selecting the 11 unions, based on the list of most vulnerable municipalities affected by the influx of Syrian refugees, the poverty ranking and the security situation in the cities/villages.

Mr. Itani gave a presentation of the Lebanon Municipal Services Emergency Project which included an overview of project components and a tentative timeline. He highlighted the importance of the Environmental and Social Management Framework (ESMF) and went over its procedures. Mr. Itani mentioned also that a Resettlement Policy Framework (RPF) has been prepared at the appraisal of the project. Any resettlement operation will therefore trigger the application of the RPF. The RPF document will be translated into Arabic and disclosed on CDR website and at the Unions of Municipalities and Municipalities. The meeting participants had no questions or comments to the ESMF and RPF.

Discussion:

The discussion highlighted the following topics:

- *Unions' representatives expressed their views and concerns vis-à-vis the impact of the Syrian Crisis on the public services in their respective areas taking into consideration their limited resources.*

1- The Unions' representatives discussed with CDR Team the selection procedures to be adopted for the sub-projects to be implemented under Component 1 of the Project.

- 2- Most of the Unions' representatives agreed to carry out a consultation with the Municipalities in their respective Union to get their approval for activities to be implemented in their Municipalities.
- 3- All participants in the meeting agreed that the solid waste management is a problematic issue in their respective municipalities, especially when it comes to the volume of garbage. The operation cost for garbage collection has increased in those municipalities and they are having financial difficulties to cover this additional cost. The participants proposed that this Project covers the operation costs of solid waste collection. They suggested the collection of waste for a specific period of time and the possibility of signing a contract with an existing contractor working currently for the Municipality.
- 4- The Unions representatives also emphasized on the negative impact of the Syrian Crisis on their municipalities in terms of security, employment and other social issues. Some representatives raised the need to have a clear decision from the Government regarding the issue of setting up camps for the Syrian refugees; not all representatives favored this approach.
- 5- The important activities for Unions are in the: Water sector, Solid Waste and Street lighting.
- 6- The President of Union of Municipalities of Tyr has already identified one of the Union priority activities under Component 1 of the project: filters to be installed in the public school for safety water supply and its impact on the Public Health.
- 7- The Unions complained about the fact that international and local NGOs are addressing directly the needs of Syrian Refugees without any coordination and consultation with the Municipalities which might lead sometimes to duplication of services.
- 8- Finally, participants express their satisfaction of the CDR initiative to consult with the Unions of Municipalities at that stage of project preparation and they agree to hold during 18 & 19 of March, 2014 a number of meetings with the municipalities of each Union for consultations to be able to present to CDR in March 24 the list of priority activities for the Component 1 of the project.