

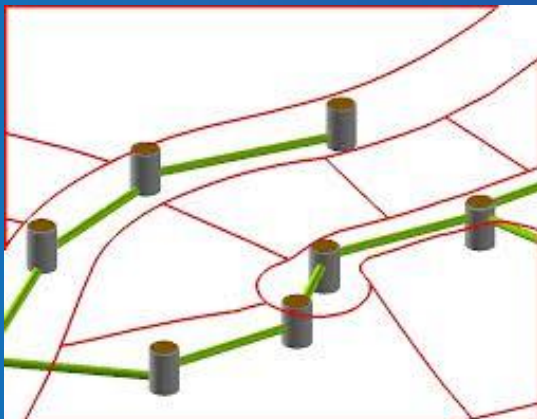


THE COUNCIL FOR DEVELOPMENT
AND RECONSTRUCTION (CDR)

ENVIRONMENTAL AND SOCIAL SAFEGUARD STUDIES FOR LAKE QARAOUN POLLUTION PREVENTION PROJECT

ACTIVITY II

RESETTLEMENT POLICY FRAMEWORK (RPF)



January 29, 2014

ELARD LEBANON			
THE COUNCIL FOR DEVELOPMENT AND RECONSTRUCTION (CDR)		Document Type:	Draft Report
		Contract Ref:	
Environmental and Social Safeguard Studies for Lake Qaraoun Pollution Prevention Project		No. of Pages:	43
Resettlement Policy Framework, Final Report		Revision No.:	C
Document Control			
Revision / Date	Issued by:	Reviewed by:	Approved by:
A-for Client Review October 21, 2014	Lara Bou Ghanem	Mahmoud Taleb	Ricardo khoury
B-for Client Approval December 16, 2014	Lara Bou Ghanem	Mahmoud Taleb	Ricardo khoury
C-for Distribution January 29, 2015	Lara Bou Ghanem	Mahmoud Taleb	Ricardo khoury
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LIST OF ACRONYMS

CDR	Council for Development and Reconstruction
CoM	Council of Ministers
GoL	Government of Lebanon
IFC	International Finance Corporation
IMP	Integrated Pest Management
OP	Operational Policy
PAP	Project Affected Persons
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
WB	World Bank
WWTP	Wastewater Treatment Plant

1. INTRODUCTION

1.1 BACKGROUND

The Litani River which is around 170 Km long, originates from the Bekaa valley in the South of Lebanon and empties in the Mediterranean Sea North Tyre. The Qaraoun dam is a remarkable water feature of the Litani River since it created the largest artificial lake in the country, namely the "Qaraoun Lake", which covers an area of 12 Km² and has a capacity of 220 million m³. The Qaraoun Lake is located in the West Bekaa at an altitude of 800 m and its water is used for hydropower production and irrigation.

The Lake's storage capacity is used to:

- Irrigate 1,400 hectares (ha) of the agricultural area in the Bekaa valley and 36,000 ha in the South of Lebanon; and
- Generate electricity at Markaba ((34 Mega Watt (MW)), Awali (108 MW) and Joun (48 MW) hydropower plants

The Litani River is currently facing major pollution problems that are increasing at an alarming rate. As a result, the concentrations of metals (Arsenic (As), Cadmium (Cd), Mercury (Hg), Vanadium (V) etc.) in Lake Qaraoun exceed the world average concentration in lakes. Also, high concentrations of ammonia, nitrites, fecal coliforms, urban runoff (TPH) and organic industrial pollution, such as phenols and TPH were found in the waters of the Litani River and the Qaraoun Lake. Therefore, the water of the lake became undrinkable and only used for irrigation in certain circumstances. The main sources of pollution are municipal wastewater, industrial wastewater, solid waste, and runoff of agricultural chemicals including non-degradable pesticides (ELARD 2011).

In order to reduce the pollution in the Qaraoun Lake, the quantity of untreated municipal sewage, solid wastes and industrial wastes discharged into the Litani must be controlled and the quality of agricultural runoff that empties into the river must be improved.

As a response to this urgent situation and in order to limit pollution, the Ministry of Environment (MoE) established a Business Plan that identifies the most significant sources of pollution in the Qaraoun Lake and recommends appropriate solutions including detailed prioritized investments for each polluting sector, with an estimated financing requirement of US\$225 million (TOR). In response to the government of Lebanon request, the World Bank will provide technical and financial assistance for some items of the business plan.

1.2 PROJECT DESCRIPTION AND OVERALL CONTEXT

The development objective of the project is to reduce the pollution in the Qaraoun Lake by taking appropriate measures to limit the discharge of untreated municipal wastewater and solid wastes and to improve the quality of agricultural runoff that flows into the Litani River, in addition to monitoring water resources quality and enhancing management of irrigation systems.

The project components are described below:

Component 1- Improve the collection of municipal sewage

The proposed project would finance activities that increase sewerage collection in regions of constructed or planned **WWTPs**. This component's investments are estimated at around 45 Million \$.

Package 1- Expansion of sewage collection to connect to Zahlé WWTP

The project will finance:

- The construction of approximately 90 Km of new sewerage network to connect the villages of Kaa El Reem, Hazarta, Ksara, Saadnayel, part of Taalabaya, and Karak to Zahle's WWTP. Zahlé WWTP is currently under construction and is expected to be completed in February 2015;
- The rehabilitation of part of the old network;
- The establishment of 6000 house connections; and
- The introduction of 3 to 5 pumping stations.

Package 2- Expansion of sewage network to connect to Anjar/Majdal Anjar WWTP

The proposed project includes the construction of 120 Km of networks to connect to the WWTP in Anjar/Majdal Anjar. A detailed design study has already been prepared for 6 out of 17 localities to be connected.

The population that would benefit from this package is presented in Table 1-1.

Table 1-1 List of the localities that would be connected to Anjar/Majdal Anjar WWTP and their corresponding populations in the years 2010 and 2025

		Population 2010	Population 2025
6 Localities	Anjar	10,000	13,500
	Majdel Anjar	26,500	35,770
	Saouiri	8,000	10,800
	Bar Elias	28,000	37,800
	El Marj	12,000	16,200
	Er Raouda	1,600	2,200
Total		86,100	116,270
11 localities	Bouerij	3,600	4,800
	Chtaura	2,700	3,600
	Mraijet	5,000	6,700
	Jdita	15,000	20,300
	Jlala	2,700	3,600
	Makse	4,500	6,000
	Qabb Elias	32,000	43,200
	Taalabaya	30,000	40,500
	Taanayel	5,000	6,800
	Wadi Delem	3,000	4,000
	Zebdol	1,600	2,200
Total		105,100	141,700

(Source: TOR, Environmental and Social Safeguard studies for Lebanon: Lake Qaraoun Pollution Prevention Project, March 2014)

Package 3- Expansion of sewage network to connect to Ablah, El Ferzol, Aitanit WWTPs

The proposed project would increase the utilization of three small WWTPs established by USAID (Ablah, El Ferzol and Aitanit WWTPs) by maximizing the sewage network coverage (package 3).

Component 2- Increase the adoption of Integrated Pest Management (IPM) practices

This component's main goal is to strengthen the capacity of farmers who are considered to be the most significant contributors to pollution in the Agricultural sector, by promoting Integrated Pest Management practices (IPM). IPM is an effective and environmentally sensitive approach to pest management that is based on a combination of common-sense practices and that works on reducing fertilizer applications and improving irrigation and land preparation practices in order to decrease water runoff.

Moreover, it will adopt the most practicable technical solutions according to either local or regional existing experiences in the country and will work on endorsing these solutions in the field and promoting their adoption.

Furthermore, the project suggests public awareness campaigns regarding environmental and public health concerns that can result from the excessive use of agro-chemicals.

Component 3

Technical Studies in Solid Waste Management

In 2011, the quantity of Solid Waste generated in the Upper Litani Catchment was estimated at around 650 t/ day. Today, the population increased in an unprecedented way (up to 50%), mostly due to the high number of Syrian Refugees, which lead to the generation of greater amounts of Solid Wastes that need to be managed in an environmentally sound manner. Only one sanitary landfill that receives 130 t/ day of Solid Wastes exists in Zahle. A new landfill is under construction in Baalbeck and funded by the Italian Cooperation (with a capacity of 100 t/ day). A sorting plant under construction is located in Jeb Jannine and funded by the municipality.

Under this project component, it is proposed that technical, environmental and social studies be conducted for:

- Building a sorting and landfilling facility in Bar Elias;
- Building a sorting facility in Rachaya; and
- Ensuring the closure and rehabilitation of dump sites such as, Qab Elias, Bar Elias, Hawch Al Harim, Al-Khyara, Jeb Jennine, and Gazze.

Capacity Building and Project Management

This component is based on the establishment of a Project Management Unit (PMU) that will provide institutional technical assistance to the Bekaa Water and Wastewater Establishment (BWE) and the Litani River Authority (LRA). It will also support water resources monitoring, management and control of irrigation systems and build-up of the institutional capacity to support the implementation of the business plan.

1.3 RATIONALE FOR PREPARATION OF THE RPF

Land requirements are expected to be small scale in nature and investments of component 1 will be carried out primarily on public roads for the network construction and municipally owned land (or other government owned land) for pumping stations construction. However, the project implementation may require the use of lands that are not public or owned by the municipality. This RPF is prepared based on the requirements of World Bank's Policy on Involuntary Resettlement OP 4.12 and relevant Lebanese laws and regulations as a guideline for resettlement preparation and implementation.

This RPF sets up the criteria of eligibility for compensation and for the different categories of losses and affected persons, describes the methods used for valuing the eligible assets, describes institutional arrangements, roles of different institutions involved in resettlement planning, implementation and monitoring, and describe the methodology for consulting with Project Affected Persons (PAP).

2. OBJECTIVES AND GUIDING PRINCIPLES OF RESETTLEMENT PREPARATION

2.1 OBJECTIVES OF THE RPF

The objective of the RPF is to set out the policies, principles, institutional arrangements, schedules and indicative budgets to address the anticipated involuntary resettlements as defined in OP 4.12 and the Lebanese regulations. 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 covers all the project's activities related to Component 1 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 effects which displacement may have on these groups, including the poor, landless, elderly, women, children, ethnic minorities, or persons with specific mental or physical disabilities. This RPF shall be adopted in case resettlement during the implementation of component 1 became inevitable otherwise, efforts should be made to avoid or minimize the need for land acquisition and resettlement.

2.2 GUIDING PRINCIPLES

2.2.1 *Minimization and avoiding resettlement impacts*

Some strategies must be adopted in order to avoid or at least minimize the need for land acquisitions in connection with this project as much as possible. These include:

- Choosing route locations away from built-up areas or agricultural lands;
- Following existing alignments for constructing networks;
- Modifying the route of the networks to minimize its effects on nearby properties and land uses;
- Limit to the extent possible the amount of involuntary land acquisition to what is strictly necessary to serve the purpose of the design in accordance with World Bank Policy and Lebanese Law;
- Avoid elimination or destruction of any constructed buildings or physical relocation of people; and
- Building pumping stations and installing networks in areas owned by the government or municipalities rather than people.

2.2.2 *Participation of and consultation with PAPs*

Public Participation is an essential step for a resettlement process which highly depends on the responsiveness of the potentially affected people. This step engages the public in decision - making and takes their opinion into consideration. As such, appropriate participation mechanism will benefit both the project and the displaced people.

Regarding consultation process, and the participation of the potentially affected community, the operational policy 4.12 necessitates the following:

- Consulting the resettling community, giving them the chance to participate in planning and implementing the resettlement programs;
- Including measures into the resettlement framework to ensure that the displaced people will be consulted on the possible, technically and economically feasible resettlement alternatives; and
- Providing the displaced persons, their communities, and the hosting communities receiving them, with appropriate information, resettlement options, and opportunities to participate in planning, implementing, and monitoring resettlement.

2.2.3 *Providing Compensation and Assistance to Affected People*

Once the need for involuntary resettlement in a project is defined, the borrower should carry out a survey to identify the project affected people and determine who is eligible for assistance and develop a procedure that specifies the criteria for being eligible for compensation or any other assistance.

The resettlement planning process should explore the possibility of sharing project benefits with PAPs. The Bank's policy on involuntary resettlement requires that PAPs benefit from the project. Sharing benefits can be through:

- Financial compensation for replacement cost, at market value (during project implementation) for affected properties (houses, lands, other assets...);
- Replacing the affected property with other property of similar value;
- Reconstruction of any damaged property to restore the livelihood and standard of living of PAPs to pre-project implementation conditions;
- Employment in construction and other project activities, as well as training and financial support for contracts to provide goods and services to the project;
- Dislocation allowance and transition subsidies; and
- Compensation for crops, trees and other agricultural products at market value.

2.2.4 *Rehabilitation of livelihood to level prior to project construction*

When resettlement affects the income-earning capability of the resettled families, compensation alone will not ensure the restoration or development of their living standards. Table 2-1 presents the rehabilitation process to be implemented.

Table 2-1 Rehabilitation to Pre-Project Implementation Levels

Acquired asset	Rehabilitation
House	If the house was partially affected by the project, reconstruction of the damaged area to pre-project conditions will be required

Acquired asset	Rehabilitation
Land	• Physical preparation of farm land • Fencing for pasture or cropland • Agricultural inputs • Veterinary care • Access to markets
Income	Wage earners in the community may benefit from training and employment of qualified local workers
Communal	Reconstruction of the affected or damaged facility

2.2.5 *Lack of legal rights to the assets lost will not bar the PAP from entitlement to such measures*

According to the OP 4.12, those PAPs having no legal right to the assets lost shall benefit from compensation, rehabilitation and relocation measures.

3. PROCESS FOR PREPARING AND APPROVING RESETTLEMENT PLANS

The World Bank policy on Involuntary Resettlement OP4.12 is triggered because the project will finance investments that may require the involuntary taking of land, other assets or economic impact. Since the location of these areas were not known at the time of the preparation of the project, the preparation and disclosure of this RPF by the World Bank and Lebanese Government is a conditionality for appraisal of this project. However, during implementation of this project, in a process defined here below, the identification of these areas will be made.

Resettlement and land acquisition issues under the proposed Project 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.

To address the impacts under this policy, resettlement and compensation plans must include measures to ensure that displaced persons are:

- Informed about their options and rights pertaining to resettlement and compensation;
- Consulted on, offered choices among, and provided with technically and economically feasible resettlement and compensation alternatives; and
- Provided prompt and effective compensation at full replacement cost for losses of assets and access, attributable to the project.

3.1 RESPONSIBLE INSTITUTIONS FOR RESETTLEMENT PLANNING

The CDR is the exclusive party responsible for expropriation procedures and issuing administrative authorizations and licenses, except in the case where the Council of Ministers (CoM) issues them.

The CDR Expropriation Unit staff members work closely with the CDR Projects Department Engineers and the Legal Department from the initiation of the decree process until payment of settlements.

The duties of the Expropriation Unit are to ensure that all tasks related to expropriation are completed in accordance with Lebanese Law and the World Bank Policy on Involuntary Resettlement OP 4.12 and to verify the details of the expropriation files. During the project development phase, and as the need for expropriation arises, the Expropriation Unit, along with the engineers from the Projects Department, start working on the expropriation decrees along with consultants commissioned to prepare the expropriation plans and files. Upon approval of the final expropriation decrees, the Unit sends the decrees to the board of CDR for official approval. The decrees are then sent to the CoM for approval and issue. The Unit continues to verify the expropriation files after approval. Upon issue of the Decree, the Expropriation Unit forwards the Decree along with the expropriation files to the Expropriation Commission.

The Unit also provides advice and information to the owners of properties affected by the Decree so that they may present themselves before the commission, and provides proof of their legal rights (as owner, tenant, etc.).

3.2 THE PROCESS AND PROCEDURES FOR RAP PREPARATION/APPROVAL

When acquiring a land, or when involuntary resettlement of people or the loss or restriction of access to private or communal resources is needed while executing component 1 of the project, a Resettlement Action Plan (RAP) or abbreviated RAP depending on the number of people affected or the significance of the resettlement impacts shall be prepared.

When preparing a resettlement action plan, the following steps should be followed:

- Define project area of influence and all potential socioeconomic impacts within that area;
- Select resettlement sites as appropriate;
- Carry out socio-economic and other related surveys as required;
- Establish legal framework for RAP; identify gaps between WB policy and Lebanese requirements; propose means for bridging gaps if any;
- Develop and consult with PAPs regarding entitlements;
- Design income stream restoration/appropriate development interventions in consultation/participation with PAPs;
- Establish and verify monitoring and evaluation indicators;
- Consult and establish grievance/dispute resolution arrangements;
- Assign implementation and monitoring responsibilities;
- Complete arrangements for participation of affected populations/communities in RAP implementation and monitoring; and
- Finalize budget.

According to the OP 4.12, a RAP should include the following:

- Description of the project: General description and identification of project site;
- Potential impacts identification: Identifying activities causing resettlement and specifying their impacts, alternatives and mechanisms to minimize resettlement;
- Objectives of RAP: The main objectives of the plan;
- Socio-economic study findings: conducting a census survey to concerned PAPs, characteristics of affected households, the magnitude of potential loss of assets, information on vulnerable groups;
- Legal framework: the nature of compensation and the valuation methodology; applicable legal and administrative procedures; relevant law governing land tenure, valuation of assets and losses, compensation, and natural resource usage rights; laws and regulations related to the agencies responsible for resettlement activities implementation; gaps, between local laws the Bank's resettlement policy and the mechanisms to bridge such gaps; and legal steps necessary for effective implementation of resettlement activities;
- Institutional framework: Identifying agencies responsible for resettlement activities and NGOs that might have a role in implementing the project; Assessing the institutional

capacity of those agencies; and proposing steps to enhance the institutional capacity of those agencies;

- Eligibility criteria: Defining PAPs and the criteria for their eligibility;
- Valuation and compensation for losses: Methodology to be used for evaluating losses and their replacement costs with a description of the proposed compensation;
- Resettlement and compensation measures: A description of technically and economically feasible compensation and resettlement measures that are compatible with the cultural preferences of the affected persons, and prepared in consultation with them;
- Site selection, site preparation, and relocation: Considering and explaining all possible alternative relocation sites;
- Housing, infrastructure, and social services: Plans to provide or finance housing, infrastructure and social services and plans to ensure comparable services to host populations;
- Environmental protection and management: Describing the boundaries of the relocation area, conducting an EIA and suggesting mitigation measures for the impacts of the proposed resettlement;
- Community participation: Involvement of resettlers and host communities through consultation, summarizing their points of view, reviewing alternatives and choices presented, institutionalized arrangements for communicating concerns with project authorities;
- Integration with host populations: consulting with host communities; arranging for payment for hosts for lands or other assets; addressing any potential conflicts between resettlers and the host community; necessary measures to enhance services in host communities to make them comparable to services available to resettlers;
- Grievance procedures: Affordable and accessible procedures for third party settlement of disputes arising from resettlement;
- Organizational responsibilities: The organizational framework for implementing resettlement, including identification of agencies responsible for delivery of resettlement measures and provision of services;
- Implementation schedule: An implementation schedule that covers resettlement activities, including target dates for the achieving expected benefits to resettlers and hosts and finalizing all forms of assistance;
- Costs and budget: Tables showing cost estimates for resettlement activities, including; timetables for expenditures; sources of funds; and schedules for appropriate flow of funds in areas outside the jurisdiction of the implementing agencies; and
- Monitoring and evaluation: Arranging for monitoring of resettlement activities by the implementing agency, supplemented by independent monitors as considered appropriate by the Bank, to ensure objective evaluation.

According to the World Bank OP 4.12 if fewer than 200 PAPs are affected or if the impacts of resettlement are minor then an abbreviated plan should be prepared and should include the following:

- 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; and
- A timetable and budget.

After RAP preparation:

- CDR shall submit the document to the WB for review and approval;
- RAP is disclosed for public consultation;
- RAP is finalized based on public consultation and disclosure; and
- RAP is approved by WB board.

4. ESTIMATED POPULATION DISPLACEMENT

4.1 ACTIVITIES ACQUIRING LAND ON BOTH TEMPORARY AND PERMANENT BASES

The three investments of component 1 require the construction of sewerage network, rehabilitating the existing ones, and building pumping stations. Investing in sewerage networks construction is likely to result in acquiring land on both temporary and permanent bases, the project activities that might require expropriation are the following:

Investment 1: Constructing about 90 km of new sewerage network, the rehabilitation of part of the old network, 6,000 house connections and 3-5 pumping stations. The area that will be covered is: Greater Zahlé (including Karak and Ksara, Saadnayel; Quaa El Rim; and Hezzerta).

Investment 2: Expanding the sewage network to connect to Anjar/Majdal Anjar WWTP to serve 17 localities from West Bekaa and Zahlé districts (caza).

Investment 3: Expanding the sewage network to connect to Ablah, El Ferzol, Aitanit WWTPs.

4.2 TYPES AND SIZE OF THE IMPACTS

Direct economic and social impacts resulting from the implementation of this project will be the losses from land acquisition such as:

- Land or house loss (rented or owned);
- Losing assets or access to assets;
- Losing the sources of income or means of livelihood, (from crop lands, affected business...); and
- Communal losses (park...).

4.3 ANTICIPATED NUMBER OF POPULATION TO BE AFFECTED

The design of the project, the areas where the networks will be crossing, and the location of pumping stations have not been determined yet and as such the number of population affected by the implementation of the project cannot be estimated at this stage.

5. ELIGIBILITY CRITERIA

5.1 CUT-OFF DATE

Cut-off date will be established during project implementation prior to starting socioeconomic survey. All PAPs 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.

5.2 ELIGIBILITY CRITERIA FOR DEFINING VARIOUS CATEGORIES OF DISPLACED PERSONS

According to the OP 4.12, displaced persons are categorized in one of the following three groups:

- People with formal legal rights to land (including customary and traditional rights recognized under the Lebanese laws);
- People who have no formal legal rights to land at the time the census begins but have a claim to such land or assets under the condition that such claims are recognized under the Lebanese laws or become recognized through a process identified in the resettlement plan; and
- People who have no recognizable legal right or claim to the land they are occupying.

6. LEGAL FRAMEWORK

6.1 DESCRIPTION OF REQUIREMENTS OF THE WORLD BANK POLICY OP 4.12 (INVOLUNTARY RESETTLEMENT)

The objectives of the World Bank Policy OP 4.12 (Involuntary Resettlement) is to:

- Avoid or minimize resettlement or explore all possible alternative project designs;
- If avoiding resettlement is not feasible, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. And as such, displaced persons should be consulted and have opportunities to participate in planning and implementing resettlement programs;
- Displaced persons 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.

Furthermore, The World Bank's Policy requires that a resettlement action plan shall be prepared and cleared by the Bank prior to implementing resettlement activities. The Bank also requires that the provision of compensation and other assistance to Project Affected Persons, to restore livelihoods when these are affected appreciably, shall be done prior to the displacement of people. In particular, the policy requires that possession of land for project activities may take place only after compensation has been paid. Resettlement sites, new homes and related infrastructure, public services and moving allowances must be provided to the affected persons in accordance with the provisions of the RAP.

6.2 DESCRIPTION OF RELEVANT LEBANESE LAWS AND REGULATIONS

Expropriation Law No. 58 dated 29/05/1991 (amended on 8/12/2006):

The Lebanese Constitution guards and protects the right of private property including landed property and the rights attaching to it. The exercise of eminent domain, in Lebanon, for expropriating private property in the public interest is governed by this Law. This law is extensive and governs many cases.

The State may only expropriate rights when it is to be declared in the public interest, and against payment of a prior and equitable compensation ("*indemnité equitable*"). All compensation is financial award through legal assessment, and process of expropriation itself cannot be halted unless the validity of the public interest decree itself is challenged. At least 50% of the compensation is paid in advance when there is an appeal, 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 25% till the decision of takeover is issued.

The Law of expropriation established general provisions for prior compensation of expropriated assets, and easement fees for other restrictions imposed on property. The mode of payment

when compensating for acquisition of land will in practice be in several phases, but no defined time lag exists between taking over of land and final payment.

The decisions of the Expropriation Committee may be appealed to the Appeals Committee by the CDR or the individual property owner and the appellant must be represented by a lawyer. Compensation is determined by an Expropriation Committee set up by a decree according to proposals from the relevant ministers from each Mouhafaza.

Tenancy Law:

The rent law enacted in 1991 gives the land owner the right to retrieve the property at the end of the contract. 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 for purchase.

6.3 KEY POLICY GAPS BETWEEN GOL REGULATIONS AND THE BANK POLICY/ MEASURES TO BRIDGE ANY GAPS

Lebanese laws and regulations differ from World Bank policy regulations in the following areas:

- Extent of stakeholder consultation/participation in the resettlement process;
- Payment of compensation;
- Loss of income sources or means of livelihood;
- Squatters and occupants without legal rights.

Table 6-1 represents the gaps between the Expropriation Law for resettlement, and the World Bank policy OP 4.12.

Table 6-1 Policy Gaps between GoL Regulations and the Bank Policy

World Bank OP 4.12	Lebanese Expropriation Law
Consultation and Participation	
PAPs should be consulted and participate in planning and implementing resettlement programs. It further requires that the resettlement process include measures to ensure that the PAPs are offered technically and economically feasible resettlement alternatives.	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.
Compensation	
Resettlement and compensation plans provide prompt and effective compensation at full replacement cost for losses of assets directly attributable to Bank-financed projects. It also stipulates that "the implementation of resettlement activities is linked to the implementation of the investment component of the project to ensure that displacement or restriction of access does not occur before	Expropriation Commission determines compensation based on prevailing local market rates. Every factor that affects its value is taken into consideration, and transition costs are accounted for. Indemnities however are paid after the Take-over Decision is signed by the Head of the Expropriating Administration, and take-over can be executed within 15 days of the date of Notification for vacant lands and within 30 days for lands and buildings. Nevertheless,

World Bank OP 4.12	Lebanese Expropriation Law
necessary measures for resettlement are in place."	indemnification money is placed and secured in an account before the take-over decision is signed and concerned parties are informed that they can cash their indemnities. Also, concerned parties have the right to appeal should they not be satisfied with the compensation amount.
Compensation is provided for those who have formal legal rights to land; those who have a claim to such land or assets; and those who have no recognizable legal right or claim to the land they are occupying are provided resettlement assistance.	Provides compensation to those with legal rights. Squatters and occupants without official rent contracts have no legal right and therefore are not compensated for eviction. However, resettlement is most often done through amicable negotiation, by agreeing on a level of compensation or inducement that will encourage voluntary departure.
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.	Compensation & acquisition for the loss of income and the damage resulting directly is evaluated based on the location, size and shape, the topic of investment, loss of customers and loss of profits, however, it does not have clear provision for restoring loss of income sources or means of livelihood.

In all these cases the requirements of the World Bank Policy on Involuntary Resettlement OP 4.12, will be considered a priority over the Lebanese regulations.

7. METHODS FOR VALUING ASSETS

7.1 METHODS FOR VALUATION TO REFLECT THE REPLACEMENT COSTS OF AFFECTED ASSETS

Replacement cost is the cost of replacing the lost assets (considering the market value of the assets if applicable) in addition to any transaction costs related to returning the asset to pre-resettlement level. Figure 7-1 below represents the replacement costs of different assets that could be affected during the implementation of this project.

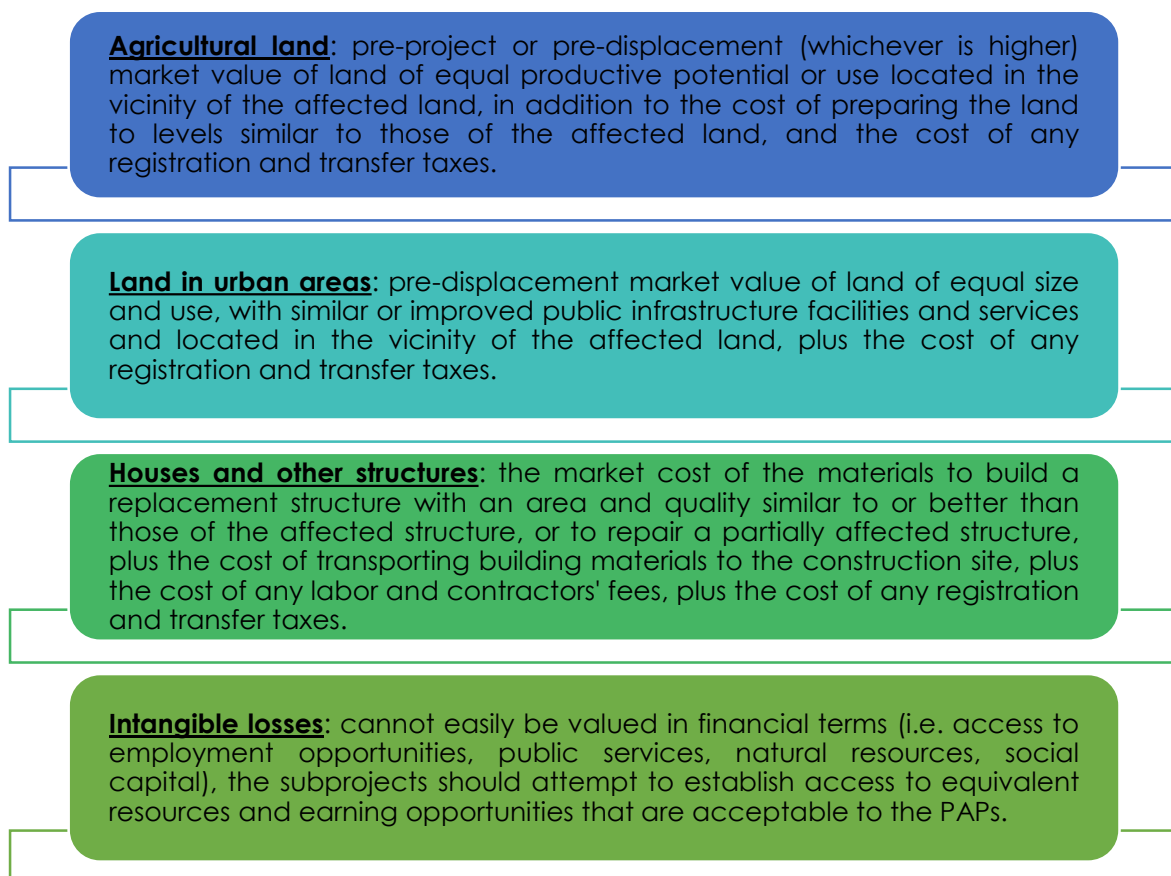


Figure 7-1 Replacement Cost of assets (Source: WB OP 4.12)

The Lebanese law requires the compensation to take into account any factor that might affect the value of the loss. The major assets concerned are land, buildings, and businesses.

- Land is valued at current local market rates, and every factor that affects its value is taken into consideration: size, shape, location (even whether it is on the left or the right hand side of the street);
- Buildings are valued by the square meter, taking into consideration age, condition, materials, purpose (commercial properties are generally valued more highly than residential ones), fixtures and interior decoration;
- Business evaluation is based on business accounts, or where unavailable, on the evidence gathered on-site inspection; compensation includes provision for the loss of

business and clientele, the loss of productive time, moving and other incidental expenses associated with relocation;

- Transition Costs are included: these include the full costs of relocation of residences and business enterprises, which would be valued separately, the costs and time involved in purchasing a new property are taken into consideration, normally by adding a certain percentage to the market value of the land. The costs of re-establishing a business in another area include not only the direct costs of relocation, but the reestablishment of goodwill in another location and the value of business lost in the transition.

The Expropriation Commission takes into account every relevant factor. They may, in addition to the value of major assets (land, buildings, and businesses), also consider quite specific items whose value can be determined: the loss of a parking facility, the value of a tree taking into account its species and age, the approximate hiring costs of a vehicle to move a person's belongings to a new location taking account of the location, time, distance and the size of the vehicle required, or the number of working days that would be lost to a business enterprise. If satisfactory proof is provided then the commission will consider compensation. The owner is required to demonstrate some prima facie evidence of the loss or injury suffered or to be incurred. For example, the Commission may consider the loss of a parking space if it was included in the construction permit for a building, but not if it was absent. After having established the right on the basis of documentation, the commission visits the site to verify the facts and also the prevailing prices, using for example information gained from questioning people in the vicinity.

In addition, and as mentioned above, the expropriating authorities will provide advice and information to the owners of properties affected by the Decree so that they may present themselves before the Commission and provide proof of their legal rights.

The Commission does not summon expert witnesses to assist it in arriving at its conclusions, except in cases where highly technical matters clearly exceed its competence.

The Commission does not prepare a detailed bill of goods, but rather arrives at its best estimate in the light of experience and judgment. When the commission reaches its decision, a formal written and numbered decision is issued, which specifies the amount of compensation, the reasoning on which it was based, and a notification of the entitlements of different shareholders to different proportions of the total compensation. The parties are formally notified and the Administration deposits the whole amount of the compensation awarded, and to notify the person compensated of this fact, together with notice to quit the property.

The real value of the compensation awarded is legally protected. If within the space of six months after notification of the commission's decision, the administration has not deposited the compensation, it is required under force of law to deposit the legal interest accumulated from the date of the Decision. If the administration has not deposited the amount within two years from the date of notification initiating the Expropriation process, the owner may request the Commission to undertake a new evaluation on the basis of current valuation. Property owners are made aware of this provision.

8. ORGANIZATIONAL PROCEDURES FOR DELIVERY OF ENTITLEMENTS

Funding would be processed and effected through the CDR and channeled through the government and will comply with the financial arrangements agreed upon at project appraisal.

The compensation process will involve several steps and would be in accordance with the project resettlement and compensation plans.

8.1 ORGANIZATIONAL PROCEDURES

The organizational procedures for delivering the entitlements are as described below:

Project Screening: After identifying the expropriation needs of the sewer networks and pumping stations construction, the CDR will obtain all the required permits and cooperate with the Municipalities to conduct a screening to determine if the project will result in any resettlement and will decide the need for a RAP or an abbreviated RAP.

Socio-Economic Survey: After identifying the sub-projects requiring involuntary resettlement, the CDR shall carry a socio-economic survey where the baseline data is collected, to include the PAPs, land holdings, affected asset... This data will be used to determine the appropriate compensation or assistance for each. This socio-economic survey will introduce the sub-project to the PAPs, collect data of the overall socio-economic conditions of the affected people, identify the main concerned stakeholders, identify the impacts of the project on the individuals, raise concerns and grievances, and identify the PAPs' preferred resettlement alternatives.

Resettlement Action Plans: If the subprojects require the acquisition of land or can result in the involuntary resettlement of people or loss or restriction of access to private or communal resources, and depending on the number of people affected or the significance of the resettlement impacts, a RAP or abbreviated RAP is required and thus prepared by CDR.

The RAP should address the following:

- Number of PAPs;
- Alternative locations for the project where possible;
- Eligibility criteria;
- Compensation and assistance provisions; and
- Monitoring and evaluation means and processes.

Sharing the mitigation measures and compensation policies proposed in the RAP with the PAPs is necessary for feedback and comments.

RAP Review and Approval: The RAP, and the proposed mitigation measures, should be reviewed and approved by the CDR and sent to the WB for review and approval.

RAP Implementation: After approving the proposed RAP by the Bank, it will be translated into Arabic and disclosed. After that, the CDR will be responsible for implementing the RAP.

Expropriation procedures as per the Lebanese law are presented in Figure 8-1.

EXPROPRIATION PROCEDURES FLOW CHART

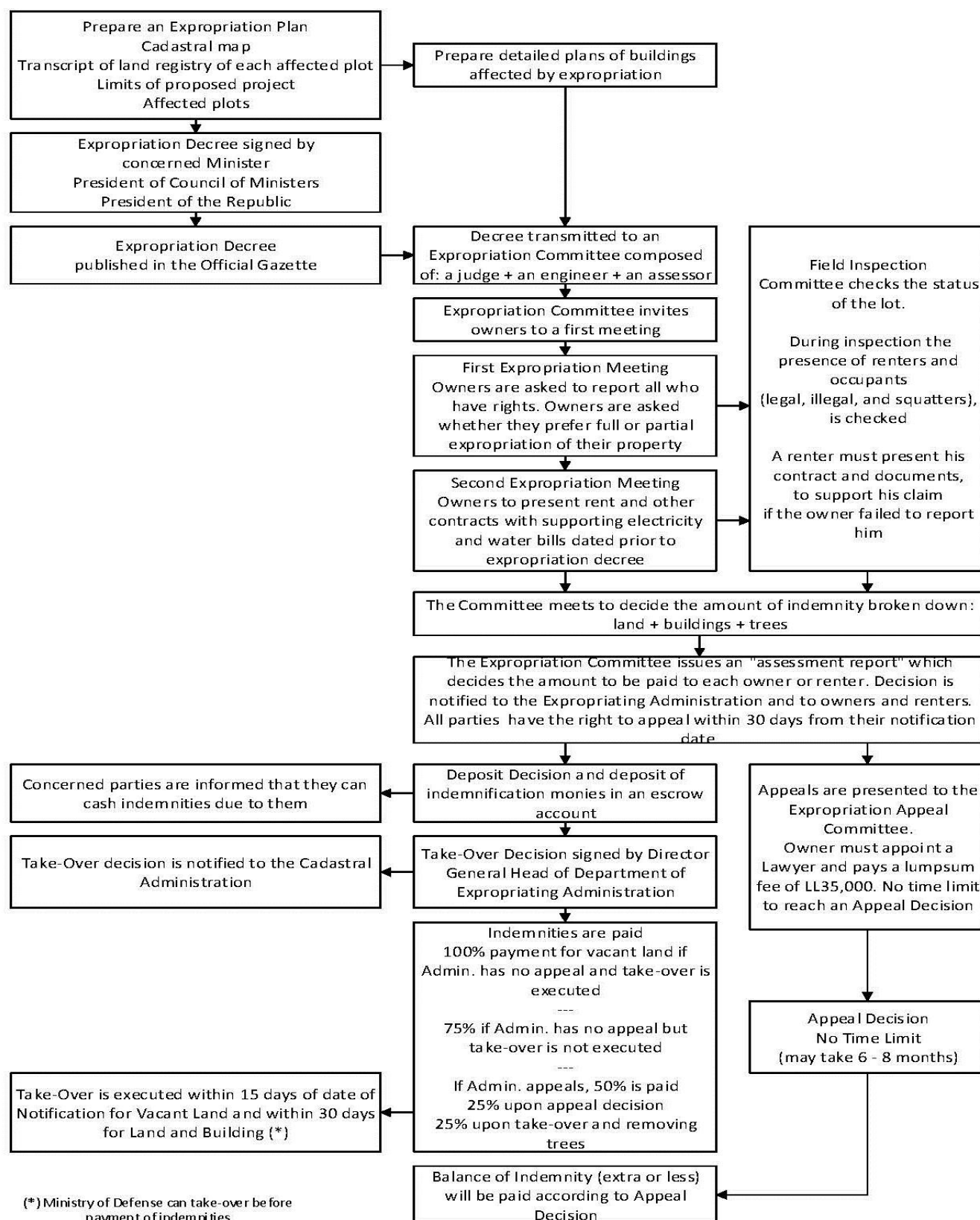


Figure 8-1 Expropriation Procedures

The compensation and project schedule must include dates for the following:

- Public Participation;
- Preparation of Expropriation Decree;
- Expropriations Commissions Work;
- Expropriations Commissions submission of decisions;
- Verification of Budget;
- Appeals Period;
- Completion of Compensation Process;
- Expropriation of lands, houses, assets...; and
- Commencing civil works.

8.2 RESPONSIBLE INSTITUTIONS

The CDR Expropriation Unit comprises 15 staff members headed by a Director who reports to the CDR President. The Unit staff members work closely with the CDR Projects Department Engineers and the Legal Department from the initiation of the decree process until payment of settlements.

The duties of the Expropriation Unit are as follows:

- The Unit ensures that all tasks related to expropriation are completed in accordance with Lebanese Law and the World Bank Policy OP 4.12 and to verify the details of the expropriation files.
- During the project development phase, and as the need for expropriation arises, the Expropriation Unit, along with the engineers from the Projects Department, start working on the expropriation decrees along with consultants commissioned to prepare the expropriation plans and files.
- Upon approval of the final expropriation decrees, the Unit sends the decrees to the board of CDR for official approval.
- The decrees are then sent to the CoM for approval and issue.
- The Unit continues to verify the expropriation files after approval. Upon issue of the Decree, the Expropriation Unit forwards the Decree along with the expropriation files to the Expropriation Commission.
- The Unit also provides advice and information to the owners of properties affected by the Decree so that they may present themselves before the commission and provides proof of their legal rights (as owner, tenant, etc.).

The Expropriation Commissions are set up by decree in accordance with proposals from the competent Ministers for each Mouhafazah (Governorate). They comprise:

- A Commission of the first instance composed of a chairperson (a judge or magistrate of at least the 10th degree) and two members (an engineer and an assessor);

- One or more Expropriation Appeals Committees, consisting of a magistrate of at least the 6th degree as chairperson, an engineer and an expert in land law and valuation; and
- A chairperson and two other members named as alternates in case of absence.

Compensation is determined by judicial process. When the Expropriating Authority, in this case the CDR, wishes to implement a decree, the dossier is sent to the Expropriation Commission for adjudication of compensation.

Each Commission has a court clerk and a sworn messenger for summonses and notifications. The Appeals Committee has a clerk and messenger.

9. IMPLEMENTATION PROCESS, LINKING RESETTLEMENT IMPLEMENTATION TO THE CIVIL WORKS

In order to avoid objections and complaints, resettlement plans must be implemented and PAPs should be fully compensated before beginning with the civil works. Therefore, project management should ensure that:

- Provisions for compensation should be made before resettlement activities that involve land, house or asset acquisition or restriction to access take place.
- Compensation should be paid, resettlement site decided on, and moving allowances provided to PAPs before any land, house or assets are taken away from them; and
- Mitigation measures to address the project impacts should be implemented before commencing work.

In the Implementation Schedule of each RAP, details on resettlement and compensation must be provided. When approving recommendations for resettlement during screening, PAPs must confirm that the resettlement plans contain acceptable measures that link resettlement activity to civil works, in compliance with this policy. Proper timing and coordination of the civil works shall ensure that no affected persons will be displaced (economically or physically) due to civil works activity, before compensation is paid and before any project activity can begin.

10. GRIEVANCE REDRESS MECHANISM

10.1 INSTITUTIONAL ARRANGEMENTS FOR RECEIVING AND RESOLVING COMPLAINTS

PAPs will be informed of the process for complaints and expressing dissatisfaction at the time that the resettlement plan is approved and individual compensation contracts are signed. The grievance procedure should be simple, accessible by PAPs and should be administered at the local level.

In general, complaints and conflicts which occur during land acquisition may include the following:

- Refusing to leave a land or accept restrictions on property;
- Refusing the financial compensation proposed by the government;
- Title deeds not up-to-date and old land titles;
- Conflicts between land owners; and
- Absence of land owners.

As the project will improve vital services to the area, the overall social and economic impacts of the project are positive. Because of this, compensations or land acquisition necessary for the project will normally be done amicably on the basis of the legal expertise of the Expropriation Commissions that independently considers the value, nature of the plot and prices of similar land. If the affected person feels prejudiced or considers that his/her rights were not preserved, he/she person can follow the procedures below:

1. The affected person should file his/her grievance in writing, to the concerned Municipalities.
2. The grievance note should be signed and dated by the aggrieved person.
3. Within a period of 14 days, meetings and discussions should be held with the PAP, and a response should be given by the end of this period.
4. If the aggrieved person does not receive a response within the specified period or is dissatisfied with the outcome, he/she lodges his or her grievance to CDR Expropriation Unit.
5. The CDR Expropriation Unit will then attempt to resolve the problem (through dialogue and negotiation) within 14 days of the complaint being lodged.
6. Grievances that cannot be solved by the CDR Expropriation Unit must be submitted to the Appeals Committee by either the CDR or the affected person Expropriating Agency or concerned municipality or the individual right holder.
7. The decisions of the Expropriation Commission may be appealed to the Appeals Committee by either the CDR or the property owner. Appeals Committee may keep the same level of compensation or increase it, and must make a decision within three months of the lodging of the appeal. However the decision is obligatory and final.
8. 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.

9. The owner is required to evacuate 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.
10. If no agreement is reached at this stage, then the complaint can be referred to the Courts of Law according to Lebanese Law.

11. BUDGET AND SOURCES OF FUNDING

11.1 RESETTLEMENT COST ESTIMATES

The locations of the networks have not been determined yet and as such, the number of PAPs cannot be identified at this stage, therefore, it is not feasible to estimate the costs of the potential resettlement required.

11.2 THE ARRANGEMENTS FOR FUNDING RESETTLEMENT

Funds assessments and resettlement plan will be provided by the CDR and the cost of compensation will be borne by the project. The CDR is responsible for financing the resettlement compensation because they are responsible for the impacts of the project on people's livelihood.

11.3 THE FLOW OF FUNDS

Disbursements will be made by the CDR, based on budget requirements established by the resettlement plan in consultation with PAPs and local municipalities.

12. CONSULTATION AND PARTICIPATION

12.1 CONSULTATION ON PREPARATION OF THE RPF

Consultation on the preparation RPF was conducted on September 13, 2014 in Chtaura to discuss the RPF procedure. A photographic documentation of the meeting is provided in **Error! Reference source not found..**



Arrival and registration of the participants



Introductory/welcoming speech



Presentation



Overview of participants



Figure 12-1 Photos from the Public Consultation Meeting

The workshop attendees represented the following main affiliations (the list of workshop participants is available in Appendix A):

- Ministry of Environment
- Council of Development and Reconstruction
- Municipalities (Alkhyara, Ferzol, Kaa El Reem, Bar Elias, and Aanjar)
- Union of Municipalities (Zahle, Plain)
- Bekaa Water Establishment
- Zahle and Bekaa Chamber of Commerce and Industry
- Ministry of Public Health
- Ministry of Interior and Municipalities
- Caritas Lebanon
- Salam Organization
- Université Saint-Joseph
- Lebanese University

During the workshop the main objectives of the resettlement policy framework were presented and included a general overview of the following:

- Objectives, guiding principles and process of resettlement plan.
- Responsible institutions and approving resettlement plans
- Categories of eligible displaced persons.
- Comparison of the World Bank Policy OP 4.12 requirements with the relevant Lebanese expropriation law.
- Implementation and grievance redress processes and mechanism.

The participants had no major concerns related to resettlement and were comfortable with the presented grievance redress mechanism.

12.2 MECHANISM OF CONSULTATION WITH, AND PARTICIPATION OF, PAPs IN RESETTLEMENT PLANNING, IMPLEMENTATION AND MONITORING

Public consultation is an on-going process that takes place throughout the entire project during preparing the project planning the resettlement, setting the compensation, drafting and signing the contracts, paying the compensation, implementing the resettlement activities and during monitoring and evaluation.

PAPs, residents, affected business owners, and all concerned municipalities, NGOs and other representatives of civil society within the affected areas should be consulted on the resettlement process and offered choices of feasible resettlement alternatives as per the following:

- CDR will 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.
- Potentially affected local people and concerned Municipalities should first be consulted through a socio-economic survey. This activity should involve conducting interviews and surveys through questionnaires with the concerned communities and head of Municipalities.
- Besides oral invitations, project leaflets, prepared in Arabic, shall be distributed during the socio-economic survey, in order to introduce the project and serve as an invitation to participate in a public consultation meeting; As a result of these consultations, decisions will be made to reduce the scope of expropriation decrees for this component to a minimum.
- Invitations should be sent out to concerned Ministries and Municipalities through official facsimile letters from the CDR.
- A Public Consultation event covering the project components should be held.
- The participating audience include mainly directly affected people, concerned Municipalities, Ministries and NGO representatives as well the World Bank's environmental consultant.
- Consultants will present the project details, potential impacts and mitigation measures followed by an open discussion with the attendees where people can raise their concerns.
- CDR shall make all the significant data related to the project, land acquisition and specifically resettlement provisions accessible to all affected persons and communities.
- After implementation of the project and the resettlement process, displaced people should be consulted during the monitoring and evaluation process to assure their satisfaction with the results of the whole resettlement plan.

13. MONITORING AND EVALUATION

To determine if the objectives of the resettlement plan were achieved, upon the completion of the project, the borrower should conduct an assessment taking into consideration the baseline conditions prior to project implementation and the results of the resettlement. If the assessment revealed that these objectives were not achieved, the borrower should propose follow-up measures that may serve as the basis for continued Bank supervision.

13.1 CONTENT AND INDICATORS OF MONITORING AND EVALUATION

The CDR will be the unit responsible for monitoring and evaluation and ensuring that these are being reported to the World Bank on a regular basis. Resettlement monitoring of this project will mainly verify that affected people receive adequate compensation within agreed terms. The following indicators are suggested to be monitored and evaluated:

- Public information dissemination and consultation procedures and the degree of involvement of the beneficiaries;
- Suggested means of payment, and conformity with compensation policies;
- Facilitation of access to technical and development assistance and transitional allowances;
- Level of satisfaction of affected people with the resettlement process; and
- Types of complaints identified after the implementation, how they were handled and their outcomes.

13.2 ARRANGEMENTS FOR MONITORING& EVALUATION

The monitoring process includes both an internal and an external monitoring. The monitoring indicators will be simple, visible and verifiable. According to the nature of the impacts the key outcomes will be measured in comparison to the pre-resettlement baseline conditions.

Internal Monitoring:

The CDR will be conducting internal monitoring for the implementation of the resettlement activities. The communities can conduct their own monitoring based on their involvement in the planning and compensation of expropriation and based on their expectations and agreements. Quarterly or appropriately timed progress report will include the results and findings, and will mainly cover:

- Resettlement policies and compensation standards;
- Resettlement progress and delivery of resettlement compensation;
- Provision of development and transitional assistance to PAPs;
- Implementation schedule;
- Land or structure allocation and fund disbursements; and
- Grievances and decisions made to handle complaints

External monitoring

To ensure accomplishing the overall objectives of the resettlement plan in a fair way and to guarantee an effective monitoring and evaluation process, an external monitoring might be required. Based on the degree of the complexity of the Resettlement Action Plan, CDR may recruit an independent external monitoring agency to prepare the external monitoring report on regular basis.

APPENDIX A: LIST OF PARTICIPANTS

Name	Position	Organization-Occupation	Phone Number	Email
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Lake Qaraoun Pollution Prevention Project

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