

LEBANON

Cultural Heritage and Urban Development Project
(Loan No. 7166-LE)

**Assessment of Current Status of Implementation
and
Update of 2002 Resettlement Policy Framework**

(June 2011)

Table of Contents

| | |
|---|----|
| I. INTRODUCTION | 3 |
| II. SECTION 1: ASSESSMENT OF THE CURRENT STATUS OF THE 2002 RPF AND MEASURES TAKEN..... | 4 |
| III. SECTION 2: REVISED RESETTLEMENT POLICY FRAMEWORK | 9 |
| A. RPF OBJECTIVES | 9 |
| B. INSTITUTIONAL AND LEGAL FRAMEWORK..... | 10 |
| C. PLANNING PROCEDURES AND IDENTIFICATION OF IMPACTS | 15 |
| D. DISCLOSURE AND PUBLIC CONSULTATIONS MECHANISMS | 23 |
| E. GRIEVANCE MECHANISMS..... | 25 |
| F. INSTITUTIONAL AND IMPLEMENTATION PROCESS | 27 |
| G. FINANCIAL COSTS | 27 |
| H. MONITORING AND EVALUATION | 27 |
| ANNEXES | 29 |
| ATTACHMENT 1: SUMMARY OF NEXT STEPS FOR RAPS PREPARATION AND IMPLEMENTATION | 30 |
| ATTACHMENT 2: IMPLEMENTATION OF OP (OPERATION PLAN FOR KHAN EL ASKAR RAP)..... | 31 |
| ATTACHMENT 3: TABLE OF CLAIMS | 38 |

I. INTRODUCTION

1. This document is divided into two sections: **Section 1** is an assessment of the current status of the project; and **Section 2** presents a revision of the 2002 Resettlement Policy framework (RPF) for this project.
2. **Section 1** is an attempt to identify due diligence gaps that need to be filled due to the fact that since the onset of the project (2002) activities on the ground have been delayed and resettlement instruments were not applied consistently. Hence this section includes a discussion of **(i)** the three existing Resettlement Action Plans (RAPs): one prepared prior to appraisal (2002) and two prepared by mid-2009; **(ii)** RAPs not planned at appraisal, but which should have been prepared **(iii)** RAPs planned at appraisal but not prepared because the corresponding subprojects were dropped.
3. **Section 2** consists of a revised Resettlement Policy Framework (RPF) as an update version of the 2002 RPF. This revised RPF is to ensure that the project fully complies with the Bank's safeguard policy on involuntary resettlement (OP 4.12) and mitigates the negative impacts directly associated with involuntary loss of assets or relocation of economic activities. The 2002 RPF had to be revised to reflect the new situation on the ground due to delays in implementation and changes in project design. Naturally the revised RPF builds on the 2002 RPF which sets out the procedures for screening subprojects and guides the preparation of individual site-specific Resettlement Action Plans (RAPs) or abbreviated RAPs.

II. SECTION 1: ASSESSMENT OF THE CURRENT STATUS OF THE 2002 RPF AND MEASURES TAKEN

4. The Lebanon CHUD has four main components located in the five cities of **Baalbeck, Byblos, Saida, Tripoli** and **Tyre**: (i) conservation and management of archeological sites, especially the World Heritage sites of Baalbeck, Tyre and Byblos (ii) rehabilitation of historic city centers, including substantially rehabilitating the *medinas* of Tripoli, Tyre and Saida (iii) improvement of urban infrastructure and (iv) strengthening of institutional capacity, (i.e., the Ministry of Culture, Ministry of Tourism, municipal management of historic city centers and the Council for Development and Reconstruction).

5. The following subprojects have required involuntary resettlement:

○ Rehabilitation of Khan Al-Askar in Tripoli;

- A total of 71 families are being resettled: 38 families have been resettled (Blocks A and B) and 33 families will be resettled in July 2011 (Block C).
- External shops in Khan El Askar were not taken into consideration in the original design of the Project (preliminary studies and census). The detailed design of Khan El Askar revealed the necessity of opening the external shops to the internal court of the Khan and hence freeing the shops from illegal users. Currently there are 35 occupants.
- Unexpected land acquisition for the construction of Block C.

The land assigned originally by the Project for Block C for unexpected reason was not available anymore. To resolve this outstanding issue the municipality has expropriated an adjacent land.

For this purpose, the municipality has taken the following steps:

1. The Municipality of Tripoli took the decision number 132 dated 26 March 2009 to approve the expropriation of the parcel 54/ Al Tabbaneh.
2. The municipal decision number 44 dated 2 June 2009 requesting the expropriation department to implement the decision mentioned above.
3. Issuing on the 28th of May 2009 an order of payment number 852 from the budget of 2009 to the owner of the land.

A recent cadastral document of the parcel states clearly that the ownership has been transferred to the municipality on the 15th of May 2009 and there is no mentioning of any judicial conflict related to this parcel (claim, conflict, etc...).

- Tripoli Market Platform: The relocation of vendors of the right bank vegetable Tripoli Market on the Abu Ali platform;
- Saida: The two families of Salameh building
- Tyre Market in El Bawaba square: 197 informal business owners will be moved to a temporary market in the immediate vicinity where the physical works are carried out. The business owners will move back to the rehabilitated market in January 2012.

MEASURES TAKEN TO ENSURE OP 4.12 COMPLIANCE

6. This section includes a discussion of **(i)** the three existing Resettlement Action Plans (RAPs): one prepared prior to appraisal (2002) and two prepared by mid-2009; **(ii)** RAPs not planned at appraisal, but which should have been prepared **(iii)** RAPs planned at appraisal but not prepared because the corresponding subprojects were dropped.

7. The three existing RAPs include (a) the Tripoli Khan Al Askar (b) the RAPs for the Tripoli Market platform (June 2009), and (c) the RAP for the Tyre Market in Al Bawaba square (July 2009).

8. The final versions of these RAPs will also provide detailed information on the entire consultation process. As soon as the RAPs are finalized these documents will be submitted to the Bank for review and will be subsequently disclosed (along with their Arabic translations) in country and in the Bank Information Center (Infoshop).

Table 1: Summary of O.P 12 issues and measures taken or being taken to address these issues (attachment 1 provides a summary for the dates for the preparation and implementation of the different RAPs mentioned below)

| Key O.P. 4.12 issues | Measures taken or being taken to address these issues |
|---|--|
| <p>a) The Khan-Al-Askar in Tripoli:</p> <p>Issue: Need to update, consult PAPs and disclose this RAP</p> <p>The RAP was prepared prior to appraisal (December 2002), and its partial implementation started only in November 2009 as a total of 199 persons belonging to 38 families have been resettled in Blocks A and B. The remaining 33 families (Block C) are scheduled to be resettled in July 2011 as the construction of the Block C has recently been completed (the second quarter of 2011).</p> | <p>a) Khan-Al-Askar in Tripoli: RAP implementation is expected to start in July 15 and to end by July 30, 2011 and thus, the Khan-Al-Askar resettlement of 319 persons belonging to 71 families is expected to be completed by July 30, 2011.</p> <ul style="list-style-type: none"> • Complete consultations for the RAP for the Khan-Al-Askar (Block C) and disclose the RAP. The remaining 33 families (Block C) are scheduled to be resettled in <u>July 2011 as the construction of the Block C will be completed in the second quarter of 2011.</u> • Document the history of the land acquisition for Block C in the RAP. • Hire a local NGO to assist with initiating and organizing a variety of community activities. These activities as well as a case-by-case description/analysis of the resettlement process will be detailed in the revised RAP. This approach will draw upon lessons learned from Block A and B with regard to both process (consultation, grievance redress) and substance (design related issues, i.e. lack of space for drying laundry, leaking windows). |

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| <p>Issue: It is to be noted that the project team has conveyed only in May 2011 to the Bank mission that land acquisition had been carried out for the construction of Bloc C. This was unexpected but was rendered necessary to avoid displacing a family who had a legal lease on the land considered for construction.</p> | <p>The land assigned originally by the Project for Bloc C for unexpected reason was not available anymore. To resolve this outstanding issue the municipality has expropriated an adjacent land.</p> <p>For this purpose, the municipality has taken the following steps:</p> <ul style="list-style-type: none"> • The Municipality of Tripoli took the decision number 132 dated 26 March 2009 to approve the expropriation of the parcel 54/ Al-Tabbaneh. • The municipal decision number 44 dated 2 June 2009 requesting the expropriation department to implement the decision mentioned above. • Issuing on the 28th of May 2009 an order of payment number 852 from the budget of 2009 to the owner of the land. <p>A recent cadastral document of the parcel states clearly that the ownership has been transferred to the municipality on the 15th of May 2009 and there is no mentioning of any judicial conflict related to this parcel (claim, conflict, etc...).</p> |
| <p>b) Tripoli Market Platform:</p> <p>Issue: A draft RAP was prepared in June 2009 and submitted to the World Bank in December 2009 but has not been updated nor disclosed. Consultation have taken place but should be formalized and documented.</p> <p>The construction of the platform and market stalls was carried out for 258 businesses and was finalized in October 2010. However, the Municipality carried out a census (Unpublished report, CDR, Project Management Unit, 2006) with the participation of the street vendor syndicate and 22 additional places were identified. Although a municipal decision was approved with 258 vendors in 2009, the syndicate submitted a list for 280 vendors. The revised RAP will have to include information on how the additional 22 places were allocated.</p> <p>The platform is complete but is not yet open to the intended users, and a decision has been taken by the Municipality in May 2011 on opening it. The area around the platform is quite congested and although the Municipality has closed the area, there are no barricades or signs indicating that access is illegal. Several temporary businesses have been set up on the platform, and this</p> | <p>b) Tripoli Market Platform:</p> <ul style="list-style-type: none"> • The revised RAP will include a discussion of how these additional 22 spaces have been allocated and the process/criteria followed in determining who these additional vendors will be. Given the current congestion in the area, it is critical to document that a transparent process has been followed. • Complete the consultations on the updated RAP and disclose it. • The consultative process is scheduled for completion by August 8, 2011 and the revised RAP is scheduled to be disclosed (by September 5, 2011). • The revised RAP for the 280 vendors at the Tripoli market is expected to be implemented in September 2011 and completed by the end of December 2011. |

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| <p>encroachment is expected to increase with time. The Mayor confirmed in January 2011 that new barricades would be set up to clearly indicate that this area is closed off for any type of business activity in order to avoid future challenges related to moving a large number of informal businesses at the time of opening of the platform.</p> | |
| <p>c) Tyre Market in El-Bawaba Square:</p> <p>Issue: The RAP was prepared in July 2009 but not disclosed yet.</p> <p>This RAP concerns 197 informal business owners who will be moved to a temporary location in the immediate vicinity while the physical works are carried out. After about 4 months and no later than January 2012, all of these businesses (with the exception of those selling live animals) will move back to the same location. The project affected persons are in this case a combination of owner-operators and renters.</p> <p>Four public hearings were held on December 20, 27 and 29, 2010 and one-to-one consultations with the municipality lawyer were held in April 2011. A revised draft RAP was shared with the Bank team at the start of the 2011 January mission. To protect the livelihoods of the renters several steps will be taken: the renters will own access to the improved market site for a transitional period of two years, and to formalize these activities, a reasonable fee for services will be paid to the municipality. Given the new location, some owners may want to demand increased payments for rent, but an agreement will be signed between the owner-operator-municipality.</p> <p>d) Saida Abbreviated RAPs:</p> <p>Issue: This abbreviated RAP was prepared <i>ex-facto</i>.</p> <p>This case in Saida concerns 3 individuals belonging to 2 families who were resettled in March 2009. The PAPs are paid rental allowance following the agreement with the municipality which paid compensation of US\$4000/per apartment/per year (per family) for each of the two apartments of Salameh building in the historical city of Saida. The two families will be able to move back to their homes in December 2011. The resettlement process has evidently been well</p> | <p>c) Tyre Market RAP: Complete consultations on the Updated RAP and disclose the RAP</p> <ul style="list-style-type: none"> • The finalized revised RAP to be finalized by August 2011 is expected to be fully implemented by the end of January 2012. <p>d) Saida: The abbreviated RAP for Saida has been prepared <i>ex-facto</i> and will be translated to Arabic and disclosed by July 18, 2011 and its implementation completed by end of December 2011.</p> |

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| documented. | |
| e) Several other RAPs were planned at appraisal but were not prepared, because the activity in question was dropped. This was the case for the Gouraud Barracks, the market in Baalbeck, and the land for a bus stop in Byblos. | N/A |

9. **Complete Consultations with Stakeholders:** The RAP consultations with the two resettled families in Saida have been completed by May 6, 2011. The ongoing RAP consultations with the project affected people will be completed by June 15 for the Khan-Al-Askar resettlement Block C and by June 30 for Tyre Market. Finally RAP consultations for the Tripoli market are expected to be completed by end of July 2011. The consultation process has been/will be properly documented in these RAPs.

10. **Disclose the RAPs in-country:** Following World Bank approval, the RAPs will be translated and (re)disclosed in-country prior to RAPs implementation being initiated.

11. **Monitoring:** Progress in safeguard implementation must be carried out both internally, by the CDR and externally by the Bank through its supervision missions. However, upon completion of the project, it is recommended that an independent monitoring report be prepared as the findings would be valuable for any further cultural heritage/urban development interventions.

12. **Compliance Reporting:** Quarterly reports on the progress of RAP implementation must be prepared. The initial report was received in March 31, and it covered progress made during the first quarter of 2011.

III. SECTION 2: REVISED RESETTLEMENT POLICY FRAMEWORK

A. RPF OBJECTIVES

13. The Resettlement Policy Framework (RPF) lays out the resettlement principles, organizational arrangements and design criteria for subprojects that the Government of Lebanon will apply during the remaining implementation of Lebanon's Cultural Heritage and Urban Development Project (CHUD).

14. This framework applies to any aspect of the project that requires (i) physical resettlement of people, (ii) expropriation of private land or assets in the public interest, or (iii) loss of income or livelihood directly related to the resettlement process. Based on Lebanon's law of expropriation, it describes how the Government of Lebanon will identify, mitigate and compensate any adverse impacts on the assets and livelihoods of the Project Affected Persons (PAPs). This RPF was originally drafted in the context of the preparatory phase of the CHUD (2002), and has been updated to reflect a number of changes that have taken place during implementation. (See section 1).

15. The revised RPF is to ensure that the project fully complies with the principle that any negative impact directly associated with involuntary loss of assets or relocation of economic activities or residence is minimized and that appropriate protection is provided in the interests of the poor, vulnerable, and those without legal title. It lays out the procedures for prior consultation with all affected persons', the assessment of losses and entitlements, handling complaints and disputes, and monitoring the outcomes. Finally, it describes the mechanisms to ensure that outcomes conform to the principles of full and prior compensation for any lost assets and full restoration of standards of living for those who are directly and adversely affected.

16. Compliance with the steps and measures stated in this RPF is the responsibility of the Council for Development and Reconstruction (CDR) which will ensure that the participating institutions including the municipalities and the Directorate General of Urban Planning and the Department of Antiquities are adequately informed and equipped with the necessary staff to adequately implement this RPF. The Council for Development and Reconstruction (CDR) will monitor and report on the progress on the implementation of the involuntary resettlement activities. CDR's role has already been specified in the Project Implementation Plan and the Legal Agreement.

PROJECT OBJECTIVES AND DESCRIPTION

17. The Lebanon CHUD Project aims to improve the conservation of Lebanon's material cultural heritage and to enhance its contribution to local development and urban life. The project has four main components located in the five cities of **Baalbeck, Byblos, Saida, Tripoli** and **Tyre**: (i) conservation and management of archeological sites, especially the World Heritage sites of Baalbeck, Tyre and Byblos (ii) rehabilitation of historic city centers, including substantially rehabilitating the medinas of Tripoli, Tyre and Saida (iii) improvement of urban infrastructure and (iv) strengthening of institutional capacity, (i.e., the Ministry of Culture, Ministry of Tourism, municipal management of historic city centers and the Council for Development and Reconstruction). In implementing the project, the Council for Development and Reconstruction (CDR) will closely coordinate with the Ministry of Culture, the Directorate General of Archeology (DGA), and the Directorate General of Urban Planning (DGU).

18. The project has the potential to bring substantial socioeconomic benefits to Lebanese society as a whole, to the municipalities concerned, and in particular to the poor populations living in these municipalities. **Prior to appraisal a detailed socioeconomic survey and a stakeholder analysis were prepared for the five cities.** While every effort has been made to minimize displacement and to upgrade the areas with the populations in situ, some displacement cannot be avoided, especially where the integrity of the site or technical requirements apply. In particular, interventions to improve urban infrastructure and those to rehabilitate historic city centers, especially that of housing clusters and public spaces, may require involuntary resettlement of people and businesses or their temporary displacement. These are almost all small in scale, and all will be dealt with as development interventions.

19. The following subprojects have required involuntary resettlement:

- a) Rehabilitation of Khan Al-Askar in Tripoli;
- b) A total of 71 families is being resettled: 38 families have been resettled (Blocks A and B) and 33 families will be resettled in July 2011 (Block C).
- c) External shops in Khan El Askar were not taken into consideration in the original design of the Project (preliminary studies and census). The detailed design of Khan El Askar revealed the necessity of opening the external shops to the internal court of the Khan and hence freeing the shops from illegal users. Currently there are 35 occupants.
- d) Unexpected acquisition of land for building bloc C;
- e) Tripoli Market: The relocation of vendors of the right bank vegetable Tripoli Market on the Abu Ali platform;
- f) Tyre Market in El Bawaba square: 197 informal business owners will be moved to a temporary market in the immediate vicinity where the physical works are carried out. The business owners will move back to the rehabilitated market in January 2012.
- g) The two families of Salameh building in Saida.

20. Table 1 in the previous section presents the situation regarding each one of these involuntary resettlement cases. The instruments usually required in such instances (Resettlement Action Plan) have been, in some cases a long time ago, and some have been updated one or several times. This section will reiterate the general requirements for the preparation and implementation of such RAPs and provide specific dates and information on steps required to satisfy the World Bank Policy requirements.

B. INSTITUTIONAL AND LEGAL FRAMEWORK

INSTITUTIONAL ASPECT

21. **CDR:**

Created by virtue of the legislative Decree no. 5 dated 31st of January 1977, CDR, Council for Development and Reconstruction is a public Institution having legal, financial and administrative autonomy. CDR is directly reporting to the Council of Ministers.

The CDR main duties are **planning and programming**, prepare the general reconstruction and development plan and Investments programs and coordinating the programs with the relevant administration, **securing funding**, and **implementing projects** on behalf of the other public administration and utilities. The CDR has **advisory & Monitoring duties** towards the Council of Ministers regarding the economic and financial relationships with the other countries, institutions and organization abroad.

CDR prepares the necessary studies to the project of Reconstruction and Development stated in the General plan and programs. CDR performs the execution of any project in the field of Reconstruction and Development that the Council of Ministers decided to entrust to the Council.

The CDR is responsible for expropriation procedures including issuing of administrative authorizations and licenses, for projects implemented by CDR.

The **CDR Expropriation Department within the CDR Legal Affaires Division comprises** 15 staff members headed by a Manager who reports to the Legal Affaires Division Director. The Department staff members work closely with the CDR Projects Division Engineers from the initiation of the decree process until payment of settlements.

The duties of the CDR Expropriation Department are to ensure that all tasks related to expropriation are completed in accordance with Lebanese Law and to verify the details of the expropriation files. During the project development phase, and as the need for expropriation arises, the Expropriation **Department**, along with the engineers from the Projects Division, 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 **Department** sends the draft decrees via the Legal Affaires Division to the board of CDR for approval. The decrees are then sent to the CoM for approval and issue. The **Department** continues to verify the expropriation files after approval. Upon issue of the Decree, the CDR Expropriation **Department** forwards the Decree along with the expropriation files to the Expropriation Commission.

The CDR Expropriation Department also provides advice and information to the owners of properties affected by the Decree so that they may provide proof of their legal rights (as owner, tenant, etc.) to the Expropriation commission. And, as soon as notified of the first instance commission's decision the CDR should deposit the decided indemnity's value and the CDR Expropriation Department should inform the beneficiary of this indemnity.

22. Municipalities:

The project is intervening in 5 municipalities of Lebanon: Baalbeck, Byblos, Saida, Tripoli, and Tyre, 3 of which are also the seat of the federation of municipalities (Byblos, Saida and Tripoli). At present in Lebanon, there are 711 municipalities and 13 municipal federations.

Municipal bodies are the only form of administrative decentralization in Lebanon. They enjoy moral personality and administrative and financial autonomy within the limits defined by law. The main laws governing municipalities in Lebanon are: a) the Municipal Law; b) Distribution of the Independent Municipal Fund Law; c) Accounting Principles for the Municipalities and the Federation of Municipalities Law; d) Municipal Taxes and Fees Law.

Responsibilities of the Municipal Council

The 1977 law gives a broad delineation of the role of municipalities. It stipulates that any work having a public character or utility within the area of the municipality falls under the jurisdiction of the MC. The MC is elected directly (without regard to confessional voting), and its members serve six-year terms. The size of the MC varies by population and includes a president (mayor) and vice president; elected by the councilors from among their membership (the draft law of municipalities proposes direct elections for the mayor). Local elections, for the first time since 1963, were held in May and June 1998. Beirut is an exception: of its 24 MCs, 16 are elected and 8 appointed (by the Council of Ministers).

Articles 47 to 52 of the legislative decree 118 of 1977 list, among many, the following responsibilities of the MC:

- Formulation and adoption of the municipality's annual budget;
- Determination of taxes and fees to be collected as allowed by law;
- Management of municipal funds;
- Public health and safety: establishing slaughterhouses, fire-fighting and rescue services;
- Town planning: roads, public parks, etc.;
- Infrastructure development: sewage systems, streets and roads, power and street lighting;
- Services: public transportation, infirmaries and hospitals, other social services;
- Education: establishing or helping public schools, extra-curricular learning, etc.;
- Environmental: developing and using the municipality's natural resources.

These are some of the most important municipal responsibilities. The municipality could take on additional responsibilities such as establishing museums, theatres, and markets, and providing low-cost housing. Few municipalities in Lebanon, however, have the means and capacity to perform even a fraction of these responsibilities.

Presently, the overall level of capacity and participatory decision-making of the municipal councils is low. Around 50% of municipal councils do not form any specialized commissions to deliberate on a wide range of their responsibilities. Among most common commissions that are formed are those dealing with public works and infrastructure (57% of total number across the country), acquisitions (25%) and environmental issues (27%). Tourism, youth and heritage commissions appear in 3% of the municipalities. Most commissions that do exist consist exclusively of council members and do not involve other representatives.

LEGAL ASPECTS

23. Lebanon's legislation provides the legal framework for the implementation of the entire CHUD 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 principal legal and institutional arrangements are as follows:

24. **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) indemnification 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).

25. 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.

26. **Compensation:** Compensation is determined by an Expropriation Commission 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. The higher appeals level of commission 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 commission is assigned alternates for each of its members, as well as a clerk and a messenger.

27. The Expropriation Commission 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.

28. The Expropriating Agencies for the CHUD will be the Directorate-General of Antiquities (DGA) and the five municipalities concerned, with the support of the CDR. These are represented before the commissions by legally qualified representatives, and individual landowners may either represent themselves or be represented by a lawyer. The primary role of the Expropriation Unit at the CDR in relation to this project will be to provide technical assistance to the expropriating agencies, to ensure that they undertake their tasks in accordance with the law of Lebanon and the provisions of this policy, and to monitor and evaluate the outcomes.

29. **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 who ever 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.

30. **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. (See also section below on Monitoring and Evaluation).

31. **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.

32. **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.

33. **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.

34. 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 commission. 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.

35. **Appeals Procedures:** The decisions of the Expropriation Commission may be appealed to the Appeals Commission by either party (the CDR or the individual property owner, but not by public bodies, NGOs or municipalities) and the decisions of the Appeals Commission 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 Commissions 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 the important to set up a robust grievance and redress mechanism upstream from the appeals mechanism.

36. **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.

37. Section E below addresses how project-related **grievances or expropriation appeals** are handled under the project distinct from Lebanese law described above.

38. **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. In all these four cases the requirements of the World Bank, as outlined in the following sections, will take precedence over the Lebanese regulations. Regarding the issue of the right of squatters' issues, formally there is a discrepancy between Lebanese law and the applicable World Bank Operational Policy (O.P. 4.12) but in this case this discrepancy is of no effect because the project itself is about taking care of squatters (Khan Al Askar dwellers, street vendors in Tripoli...)

C. PLANNING PROCEDURES AND IDENTIFICATION OF IMPACTS

39. **Abbreviated Resettlement Plan Procedures:** One of the subproject components (i.e., the three project affected persons in Saida) will require an Abbreviated Resettlement Action Plan (ARAP). In this case the abbreviated RAP must focus on the following:

- the project activity requiring the acquisition of assets, and the nature and extent of that acquisition, including sketch maps, photographs, cadastral surveys etc.
- an officially certified census households and dependants affected, classified by status (property owners, tenants-at-will, tenants and other occupants); and an inventory of impacts for each category of persons; a reference of where the results of this census are kept.
- an unofficial detailed estimate of compensations expected and verification that resources for compensations are available;

- description of measures to protect the interests of low-income tenants of rehabilitated buildings;
- the timetable and budget for implementation of the resettlement plan;
- institutional responsibility and financial arrangements for implementation;
- the consultation arrangements on acceptable alternatives and the grievance procedures open to project-affected persons; mechanisms for informing the public (such as information campaigns) to inform the community on the project and subproject;
- arrangements for monitoring and evaluation of the implementation (including measurement of real estate markets before and after project implementation to monitor the real estate market and assess its impacts on poor tenants of rehabilitated buildings).

40. This RPF must be made publicly available in Arabic and English and must be approved by the Bank prior to disclosure and implementation of the resettlement activities.

41. **Full Resettlement Action Plan (RAP) Procedures:** In the event that any project activity will affect more than 200 persons or where impacts are not minor the Government will prepare and submit to the Bank a full Resettlement Action Plan for each individual sub-project. This will apply to (i) Khan Al Askar, (ii) Vendors at the Tripoli market and (iii) Vendors at the Tyre market.

42. The CDR is responsible for ensuring that social surveys are carried out, as necessary, by a qualified social scientist. The TORs have been/will be prepared by the CDR with oversight from the Bank. The full updated RAP comprises all the elements of the Abbreviated Resettlement Action Plan, but also includes the findings of a social assessment that examines the nature of the impacts, the socio-economic and cultural setting, local organizations, and social risks. The current surveys assessing the socio-economic status of the PAPs are mainly undertaken by the Technical Assistance Units. The social assessment should also list the indicators which would show that project affected persons would maintain and preferably improve their former quality of life. If the project activity includes the economic rehabilitation of affected persons, a detailed analysis of the arrangements (e.g., land redistribution, provision of employment, or other alternative measures to restore incomes) must be submitted to the Bank for review. The additional elements of a full RAP include the following:

- Description of affected communities including their socio-economic characteristics; their history in the neighborhood and sense of connectedness to it; distinguishing characteristics of the community; a census of the inhabitants (owners, tenants with or without contracts and illegal occupants); any issues of potential conflict should also be signaled.
- An analysis of property ownership and occupancy by type, and of the expected impact of relocation on standard of living. Particular attention should be paid to the operation of the rent laws;
- Description of the consultative procedures with the displaced (see details in next section). These
 - inform them about their options and rights
 - offer choices of technically and economically feasible resettlement options
 - enable them to propose suggestions for their resettlement
 - propose mechanisms for compensating them for their losses directly linked to the project.

- Statement of objectives of the resettlement program: counter-risk and safeguard provisions. This includes:
 - a discussion of how the displaced people will maintain or upgrade their living standards
 - the provision of services which facilitate relocation
 - services offered after relocation (e.g. employment, running water, transportation, etc.) based on an assessment of their needs
- Site selection for new settlement together with relocation risks and reconstruction.

43. **Socio-Economic Survey:** Fundamental for preparing a RAP is to establish appropriate and accurate baseline socio-economic data and census to identify the persons affected by the subproject. The information collected will determine who is eligible for compensation and assistance and to discourage an inflow of people who are ineligible for benefits.

44. The survey should include a comprehensive overview of current occupants in the affected area, general characteristics of affected households, magnitude of expected loss, information on vulnerable groups, livelihoods. The comprehensiveness of the survey will depend upon the expected scale and severity of impacts and will vary from project to project. It is in any case important to update the census information to reflect current situation at the time of resettlement and/or land acquisition. Additional studies may, depending upon the project, include studies on topics such as land tenure, local livelihoods and social/cultural characteristics of affected community.

45. Thus, as soon as possible after the expropriation site has been determined, the concerned municipalities will conduct a nominative census to identify the persons who will be affected by the project to establish who will be eligible for assistance and to discourage the arrival of new people in search of assistance. Furthermore, each RAP must provide clear information on 1) who is responsible of supervising the conducting of the census and who conducts the census, 2) what are the areas/locations and how the respondents were selected; 3) when is the census conducted, and 4) how are the results/finding documented.

ESTIMATION OF POPULATION DISPLACEMENT AND LIKELY CATEGORIES OF PROJECT AFFECTED POPULATIONS (PAPS)

46. Each RAP needs to establish the Project Affected Persons (PAPs). Thus, consistent to paragraph 16 of OP 4.12, the following categories of persons will be qualified for compensation based on land ownership:

- Persons who have formal rights to land (including customary and statutory rights of occupancy recognized under the Law),
- Persons who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets provided that such claims are recognized under Lebanese law or become recognized through a process identified in the resettlement and compensation plan,
- Persons who have no claim to land they are occupying or using.

47. Persons covered under the two first categories above are to be provided compensation for land they lose, and other assistance in accordance with the policy. Persons covered under c) above are

to be provided with resettlement assistance in lieu of compensation for the land they occupy or use, and other assistance, as necessary, to achieve the objectives set out in this policy, if they occupy or use the project area prior to a cut-off date established by the appropriate authorities and acceptable to the Bank.

Data related to the PAPs socio-economic profile

For the Khan Al-Askar: Family size averages around 7 persons per household. It ranges between a nuclear family of 4 to a maximum of 13. Most residents are blue-collar workers in the formal sector as municipal workers for example, or in the informal sector selling second-hand shoes, pastries or coffee sellers, or working as private drivers. Unemployment is also common. Illiteracy levels are high especially amongst the older generation. Most of the children who are not working attend local public schools. There is evidence of child workers who are made to quit school so as to bring additional income into the families. Monthly income levels per family average about LL 300,000 (\$200). The most vulnerable section of this population is the widows some of whom currently survive on philanthropy.

For the two families at Salameh building in Saida: The total of the two family members is three women. They do not own any assets and do not have any resources. They live on allowances provided by relatives.

Tyre Market in El Bawaba square: 197 informal business owners will be moved to a temporary market in the immediate vicinity where the physical works are carried out. The business owners will move back to the rehabilitated market in January 2012. Based on the information in the July 2009 RAP, the average rentor of the trading shop is a male with an average age of 43 years, married with 4 children. The clothes, fabric and accessories shops are characterized by the presence of female rentors (almost 50%). The updated RAP will include more detailed socio-economic information on the PAPs.

48. All persons falling into the categories mentioned in paragraph 46 above are to be provided with compensation for loss of assets other than land.

49. In addition, all individuals in possession of properties (i.e. land, houses, structures) that may be adversely affected by any of the sub-projects' activities (i.e. construction, rehabilitation, etc.) are also eligible for some sort of compensation which is identified in the resettlement plan depending on the type of damage.

50. At present time, the RAPs will have to provide information on the socio-economic profile of PAPs in particular in the case of the update of the 2002 Khan-Al-Askar RAP where 65 families or 333 individuals and 78 commercial enterprises that range between stores and warehouses are affected.

51. **Characteristics of resident households:** Family size averages around 7 persons per household. It ranges between a nuclear family of four to a maximum of 13. The larger families sometimes include a member of the extended family. Most residents of the Khan are blue-collar workers employed in the formal sector as municipal workers for example, or in the informal sector selling second-hand shoes, pastries or coffee sellers, or working as private drivers. Unemployment is also common.

52. **Illiteracy levels are high especially amongst the older generation.** Most of the children who are not working attend local public schools. There is some evidence of child workers who are made to quit school so as to bring additional income into the families. Monthly income levels per family average about LL 300,000 (\$200).

53. **Commercial occupancy:** There are also 78 commercial properties with a range of uses and sizes most of which are easily transportable to other locations. Most commercial tenants use the premises as warehouse space to store a variety of products such as shoes, clothes or household products. There are also 29 warehouses whose owners often have stores in the souks of the old city and thus derive no direct income from the warehouse itself.

54. Most of the commercial tenants live in the adjacent neighborhoods of Abu Samra or Qobbeh or in the immediate vicinity of the khan. Eleven members also claim that they live in the khan itself. The relocation of their businesses to improved quarters within the same area is unlikely to cause any inconvenience, but rather to constitute an advantage.

VULNERABLE GROUPS

55. Existing social studies (Stakeholder analysis and social assessment for the proposed cultural heritage and tourism development project, Information International, October 2000; City of Tripoli: Khan El Askar Verification of the official census of businesses and families, CDR, April-May 2005) do reveal information about vulnerable groups. RAPs need to contain detailed information to the needs of the following vulnerable groups, including:

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

56. Vulnerable people are identified at socio-economic survey stage. Each revised or new RAP 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.

METHODS FOR VALUING AFFECTED ASSETS AND COMPENSATION

57. OP 4.12 requires that resettlement and compensation plans provide prompt and effective compensation at full replacement cost for losses of assets attributable directly to Bank-financed project. Replacement cost is the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. In applying this method of valuation, depreciation of structures and assets should not be taken into account.

58. For losses that cannot easily be valued or compensated for in monetary terms such as access to public services, customers, and suppliers; the Bank-financed project shall provide access to equivalent and culturally acceptable resources and earning opportunities.

59. Land and assets will be valued and compensated according to the following guidelines and as appropriate for the project/subproject:

- The Bank-financed project or subproject will compensate for assets and investments (including labor, crops, buildings, and other improvements) according to the provisions of the resettlement plan,
- Eligibility for compensation will not be valid for new persons occupying/using the project sites after the cut-off date,
- Compensation cost values will be based on full replacement cost, as of the date that the full replacement is to be provided or at the date of project or subproject identification, whichever is higher,
- Full market prices for cash crops will have to be determined based on the values as determined by the appropriate agency. This is often the Ministry of Agriculture.
- PAPs that lose farmland allotted by the village under customary tenure will be provided an equivalent plot. However, since O.P. 4.12 on involuntary resettlements makes no distinction between statute and customary rights, a customary land owner or a user of state owned land will be compensated for land, assets and investments including loss of access, at full replacement costs.

60. The type of ownership or claim combined with the severity of impact determines the relevant resettlement entitlements to the PAPs.

COMPENSATION METHODS

61. Each RAP must contain clearly spelled out compensation principles:

- ❑ Compensation must be paid prior to displacement/land entry; and
- ❑ Compensation will be made at full replacement value prior to displacement.

COMPENSATION FOR BUILDINGS AND STRUCTURES

62. Compensation for buildings and structures will be paid by replacing huts, houses, farm outbuildings, latrines, fences and other impacted structures. Any homes lost will be rebuilt on the acquired replacement land. However cash compensation will be available as a preferred option for structures such as extra buildings lost, that are not the main house or house in which someone is living. The applicable replacement costs for construction materials, as well as associated labor costs needed to build replacement structure, will be used to calculate the values. Alternatively, compensation will be paid in-kind for the replacement cost without depreciation of the structure. The Bank-financed project will survey and update construction material prices on an ongoing basis and will

consult with the Ministry of Public Works and Housing or appropriate authority in updating these prices.

63. Compensation will be made for structures that are abandoned because of relocation, or because resettlement of an individual or household, or because structures are damaged directly by the construction activities.

64. Replacement values will be based on:

- ❑ Drawings of individual's house and all its related structures and support services.
- ❑ Average replacement costs of different types of household buildings and structures based on information on the quantity and type of materials used for construction (e.g. bricks, rafters, bundles of straw, doors etc.).
- ❑ Prices of these items collected in different local markets and as provided by the Ministry of Public Works and Housing.
- ❑ Costs for transportation and delivery of these items to acquire/replace land or building site.
- ❑ Estimates of construction of new buildings including labor required.

FORMS AND CALCULATION OF COMPENSATION

65. Each RAP must contain detailed information on the methods of calculation of compensation of the affected assets. CDR is to make sure that in each of the RAPs a matrix is included and all the types of compensation offered. More specifically, the housing facilities/the types of apartments including the square meters occupied before the resettlement and the matching square meters after the resettlement/new location.

66. Although the type of compensation may be an individual's choice, compensation in kind (such as land-for-land) is preferred, if the loss amounts to more than 20% of the total loss of assets. Compensation refers to both compensation for expropriated assets and restoration of income.

Table 1: Forms of compensation and calculation methods

| Types of Compensation | Calculation Method |
|------------------------------|---|
| Cash Payments | Compensation will be calculated and paid in local currency. Rates will be adjusted for inflation |
| In-Kind Compensation | Compensation may include items such as land, houses other buildings, building materials, seedlings, agricultural inputs and financial credits for equipment. |
| Other Assistance | Assistance may include moving allowance, transportation and labor, title fees, or other related costs. |

67. **Cash compensation:** Compensation in cash is calculated in the Lebanese currency. Cash payments must allow for inflationary adjustments. Security, for people who receive cash compensation payments will need to be addressed by the appropriate local authorities/administration.

IN-KIND COMPENSATION

68. In-kind compensation includes lands, houses, other buildings, building materials; seedling, agricultural inputs and financial credits for equipment. The time and location of in-kind compensation will have to be decided and agreed upon by each recipient, in consultation with the appropriate Local Government Authorities.

OTHER ASSISTANCE

69. Additional assistance to PAPs includes covering moving allowance, transportation, and labor costs.

D. DISCLOSURE AND PUBLIC CONSULTATIONS MECHANISMS

70. **Disclosure and Consultations:** The RAP or Abbreviated RAP (excluding individual names and the amounts of monetary awards) must be made publicly available in Arabic and English. The RAPs or Abbreviated RAPs must be approved by the Bank prior to disclosure and the implementation of the resettlement activities.

PUBLIC CONSULTATION MECHANISMS

71. 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.

72. Many of the old Medinas are inhabited by poor rural migrants. Following further consultations, updated RAPs 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. These activities will be completed within the time periods specified above.

73. 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.

74. 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.

75. The public consultation must take into account low literacy levels prevalent in rural communities.

NOTIFICATION PROCEDURES

76. 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.

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

78. 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 District Administrator in the respective districts, 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.

DOCUMENTATION OF COMPENSATION PROCESS

79. 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.

80. 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.

E. *GRIEVANCE MECHANISMS*

GRIEVANCE MECHANISM PROCEDURES

81. Project affected persons (PAPs) must be informed as early as possible in the process of resettlement about their options to seek redress. The grievance procedures must be simple, accessible by PAPs and should be administered at local level. The existing redress mechanism has proved to be effective and detailed records of the grievance mechanism are kept at the Technical assistance units (Tripoli – Tyre) and CDR since 2004 (see Attachment 3 - Table of Record Keeping for Claims). There is an on-going internal assessment of the grievance redress mechanism in order to define major strengths and weaknesses of the existing system as perceived by local stakeholders. The results of the review will be reflected in the RAPs.

82. All efforts must be made to solve complaints amicably. The grievance redress mechanisms set up at village, local council, regional levels as well as at project and subproject levels.

PROCEDURES FOR HANDLING COMPLAINTS

83. The grievance procedure must be simple, accessible, and affordable by PAPs and administered at local level. All objections to land acquisition must be made in writing, in the language that the PAPs understand and are familiar with, to the Municipalities. In case of illiterate PAPs members, municipal employees and team members of the Technical Assistance Unit (TAU) are available for supporting them in preparing a written complaint. Attempts must be made to settle grievances amicably. Currently the complainant presents his claim to the Municipality. The Municipality follows up on the claim with the implementing party of the Project: the TAU and/or PMU/CDR. In case the problem is not resolved, the Municipality follows up on the claim and takes measures according to rules and regulations.

84. The Municipalities will inform and consult with the TAU and PMU to determine validity of claims. If considered valid, the Municipality will notify the complainant and s/he will be assisted. If the complainant's claim is rejected, the matter must be brought before the local government authority, the Governor for settlement. The complainant may seek redress in the established Lebanese legal system and request a Court decision. Copies of the complaint must be sent to PMU/TAU and the CDR, within 15 days after the public notice.

85. Channeling complaints through the Municipalities is aimed at addressing the problem of distance and cost the PAP may have to face. The Municipality, the Technical Assistance Unit (TAU) and

the Project Management Unit (PMU) must maintain records of grievances and complaints, including minutes of discussions, recommendations and resolutions made.

86. 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 the Technical Assistance Unit (TAU) 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.)

87. The decision of the Appeals Commission is binding and final. Appeals Commissions 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 Commission reaches its final decision These funds should be set aside in a special escrow account.

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

AGREEMENT ON COMPENSATION AND PREPARATION OF CONTRACTS

89. All types of compensation are clearly explained to the individual or household. The appropriate authority draws up a contract, listing all property and land being surrendered and/or assets impacted, and the types of compensation (cash and/or in-kind) selected.

90. A person selecting in-kind compensation has an order form, which is signed and witnessed. The compensation contract is read aloud in the presence of the affected party and the respective of appropriate organizations' representative, village officials and, other village leaders prior to signing.

COMPENSATION PAYMENTS

91. 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.

F. INSTITUTIONAL AND IMPLEMENTATION PROCESS

92. Various expropriation authorities (DGA, Municipality of Tripoli and other municipalities concerned) are responsible for implementing the resettlement program in accordance with the RAPs and ensuring the compliance with RAP requirements by site supervisors, contractors (consulting firms, building contractors, etc.) employed under specific contracts. If the resettlement activities involve extensive assistance to the Project affected population, in the form of services etc, the CDR, in partnership with the municipalities may coordinate for finding additional support under the project to these activities.

93. The CDR is responsible for preparing the RAPs in close consultation with the expropriating agencies, and for transmitting them to the Bank for approval. CDR is also responsible for the RAPs implementation oversight and monitoring.

G. FINANCIAL COSTS

94. The Government of Lebanon will finance all the costs of compensation required to implement the RAPs. The Government must set the budget aside for estimated compensation and it will be financed. The IBRD loan may be used to cover all other costs linked to resettlement, such as housing costs, technical assistance, monitoring.

H. MONITORING AND EVALUATION

95. The CDR is responsible for coordinating monitoring and evaluation of the resettlement program. 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 opinion surveys and 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. The impact of increased urban investment on poor residents of the old city centers needs to be regularly monitored in order to evaluate whether any supportive measures are needed. Bank supervision missions which include a qualified social scientist are also a key aspect of monitoring and evaluation.

96. 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:

- Improved level of community organization among project affected persons (PAPs).

- For owners and tenants physically relocated: (i) value, type and key characteristics of the residential accommodation; (ii) its location in relation to the employment and earning requirements of the occupant; and accessibility of key services and amenities for family members (including women, children, the elderly and youth); (iii) key measure (or proxy) of household expenditure—income balance.
- For owners of businesses physically relocated: nature of business; location in relation to clientele, suppliers and outlets; turnover.
- For owners of residential or business properties that are restructured or partially relocated or whose status or tenure has changed.

97. These indicators will be further developed in the revised RAPs and will be monitored from time to time for effectiveness.

ANNEXES

***ATTACHMENT 1: SUMMARY OF NEXT STEPS FOR RAPS
PREPARATION AND IMPLEMENTATION***

Based upon the principles and objectives spelled out in this revised RPF (to be disclosed in parallel with Saida RAP) and the recent changes made to the Project, the RAPs will be updated by the CDR, reviewed by the Bank and translated/disclosed. These dates are based on the planned timing for the completion of the RAP consultations and in the case of Khan-Al-Askar the completion of the consultations with additional store owners.

Next steps (March – September 2011)

| | Finalize & document RAP consultation | CDR to update/prepare RAPs | WB RAP approval | RAP translation and disclosure | RAP implementation | RAP Implementation Completion |
|-----------------------------|---|-----------------------------------|------------------------|---------------------------------------|---------------------------|--------------------------------------|
| Khan Al Askar Bloc C | July 8 | July 12 | July 15 | July 22 | July 25 | July 2011 |
| Tripoli Market | August 8 | August 15 | August 29 | September 5 | September 20 | December 2011 |
| Tyre Market | July 29 | August 5 | August 19 | August 26 | December 15 | January 2012 |
| Saida resettlement | May 6 | June 1 | July 11 | July 18 | July 19 | December 2011 |

ATTACHMENT 2: IMPLEMENTATION OF OP (OPERATION PLAN FOR KHAN EL ASKAR RAP)

To: M/S. Council for Development and Reconstruction

Attention: President of CDR, Mr. Nabil El Jisr

Cc.: PMU - CHUD

Subject: Implementation of OP (Operation Plan for khan el Askar RAP)

Reference: amo/cdr/404/

Date: 23/12/2009

Gentlemen,

Referring to the subject above mentioned, and referring to our previous letter regarding OP for khan el Askar, the municipality of Tripoli is delighted to inform you that the OP for Khan El Askar RAP was implemented successfully and beneficiaries were present in Blocks A & B since the 9th of November 2009. You will find as described below the detailed procedures and actions taken by the municipality that resulted to implement the OP in a successful manner.

1. Coordination meetings with beneficiaries (dates and purposes)

- **On 16/10/2009**
Explain and inform the beneficiaries about the economical and social aims and goals of CHUD project and specially about the importance of the restoration project of Khan El Askar
- **On 23/10/2009**
Publication of final names list and allocation drawings for apartments and stores
- **On 28/10/2009**
Visit for the apartments of beneficiaries to prepare the logistics for resettlement action
- **On 23/10/2009**
Informative printed public announcement for beneficiaries amend the following:
Names list, request to prepare legal documents like identity papers and date and location of contract signature.

2. Signing the contracts and key handling over

On the 26th of October 2009, the rent contracts were signed by the beneficiaries with the

municipality of Tripoli represented by the president of the municipality Eng. Rashid Jamali at the office of TA unit, in the presence of committee formed to follow up the OP.

- **On 06/11/2009**

Announcement from the municipality for people who didn't attend to sign the rent contract

3. Problems and Protests

- **Distribution in buildings:** 3 beneficiaries protest for the location of distribution due to personal reasons and all of them were reallocated with the same apartment size with the approval of other beneficiaries and the municipality.

- **Apartment size:** 10 beneficiaries protest for the size and number of bedrooms in the apartment due to the increase of family members in the last 3 years, but all protests and petitions were rejected since the numbers of apartment were fixed.
Electricity problem: main distribution branches to electrical rooms are not installed for buildings.

Water: main distribution line for buildings is not connected to main distribution network. Waterproofing problems, tiling slopes problems and absence of water discharge gutters in ground floors.

4. Logistics

After the consecutive meetings done with beneficiaries and upon their request and the approval of the municipality, it was decided to give each beneficiary the amount of 27 USD against the cost of transport and as an additional economical support. Municipality transport vehicles were used to support and transport some beneficiaries with special needs like elder women in addition to municipal workshops to provide support to beneficiaries.

5. Services

Electricity: The municipality has requested from official electricity supplier (KADISHA) to install the main branches of distributions on its own cost, and since the cost of installation is 53,000 USD and needs special approval from municipal board that takes at least 90 working days to complete the process, the president of municipality took the decision to install a temporary electrical meter at the cost of 6,000 USD that will supply each beneficiary with a 5 AMP for 90 days at the cost of 20,000USD and it will be free of charge for the beneficiaries as an additional economical support.

Water: The municipality has requested from official water supplier to install the main branch of water distribution network, meanwhile the municipal workshops will fill all water reservoirs twice a day for all beneficiaries.

- ### **6. Maintenance:**
- After many waterproofing problems occurred, tiling slopes not executed properly, and water discharge problems from ground floor occurs in the buildings A&B the municipality took the decision to maintain all problems on its own cost. Provide public lightning around the buildings and in parking area. Prepare an area of 50m² for landscaping

7. Summary

Despite all problems listed above, the municipality of Tripoli has accomplished the task of implementation of RAP for Khan El Askar and looking forward its tender documents and project bid date and awaiting the finish date of Block C to complete the RAP for to second part of the Khan.

As listed below, you will find tables showing the number of beneficiaries resettled and the budget spent by the municipality to fulfill the RAP implementation.

| | Apartments | Stores | Total |
|----------------|-------------------|---------------|--------------|
| Block A | 14 | 18 | 32 |
| Block B | 24 | 11 | 35 |
| Total | 38 | 29 | 67 |

Table describe the budget spent by the municipality to accomplish the RAP

| S/N. | Description of action | unit | Number | Cost | Total |
|----------------------------|--|-------------|---------------|--------------|---------------|
| 1 | Contract signing | No. | 67 | 3 | 201 |
| 2 | Transportation fees | No. | 67 | 27 | 1809 |
| 3 | Electrical meter installation and cost of usages for 3 month | No. | 1 | 9000 | 9000 |
| 4 | Maintenance for buildings | LS | 2 | 2000 | 4000 |
| 5 | Public lights, landscaping | LS | 1 | 7000 | 7000 |
| * prices are in USD | | | | Total | 22,010 |

8. Recommendation for Block C

After the completion of RAP for Block A& B, and after the expropriation for land for Block C by the municipality, we would like to propose an additional works as new items (Variation order) in the contract of Block C as described below:

- Installation of electrical main branches from source to electrical room.
- Installation of main distribution water line from main network to collectors.
- Revise the waterproofing system and mainly the location of construction joint.
- Provide water discharge system in ground floor with gutters.

9. List of beneficiaries names (see annex 1 for apartments, annex 2 for stores)

10. Forms of announcement published by the municipality.

11. CD of photos

Annex I - Block A

| NO. | Name Registered on the rent contract | Number of assigned apartment | Family member number |
|------------|---|-------------------------------------|-----------------------------|
| 1 | Abdelrahman Imar | A 121 | 6 |
| 2 | Yasser el Rezz | A 122 | 6 |
| 3 | Khalil El Zghaybi | A 131 | 6 |
| 4 | Radwan Fawal | A 132 | 8 |
| 5 | Sabri Hamshou | A 221 | 6 |
| 6 | Fadiya Dalati | A 222 | 5 |
| 7 | Abdelrahman Fawal | A 231 | 7 |
| 8 | Haytham Fawal | A 232 | 7 |
| 9 | Amal Mahmoud | A 321 | 6 |
| 10 | Fatima Darwish | A 322 | 6 |
| 11 | Habib Dib | A 331 | 8 |
| 12 | Hala Aabarra | A 332 | 6 |
| 13 | Bahij El Mir | A 441 | 10 |
| 14 | Roula Amoudi | A 442 | 9 |

Block B

| Number | Name Registered on the rent contract | Number of assigned apartment | Family member number |
|---------------|---|-------------------------------------|-----------------------------|
| 15 | Mouhammad Fawal | B 121 | 4 |
| 16 | Housien el Abdallah | B 122 | 3 |
| 17 | Khoder Kouja | B 123 | 5 |
| 18 | Faeida el Rezz | B 124 | 4 |
| 19 | Yahya Dhaybi | B 131 | 7 |
| 20 | Abdelhalim Kjayjan | B 132 | 7 |
| 21 | Fatimah Tahesh | B 1ST1 | 1 |
| 22 | Mouhammad Imar | B 221 | 5 |
| 23 | Rima Kahwaji | B 222 | 3 |
| 24 | Trek Sweid | B 223 | 5 |
| 25 | Ahmad Hamami | B 224 | 5 |
| 26 | Mouhammad Abdallah | B 231 | 6 |
| 27 | Nazir Kjayjan | B 232 | 5 |
| 28 | Hind Moukaddem | B 2ST1 | 1 |
| 29 | Ahmad Imar | B 321 | 3 |
| 30 | Samir Kjayjan | B 322 | 3 |
| 31 | Mhammad Shaaban | B 331 | 5 |
| 32 | Khoder Abdelkader | B 332 | 8 |
| 33 | Maryam Elhouda | B 3ST1 | 1 |
| 34 | Wahiba El Asaad | B 421 | 3 |
| 35 | Wali Staytiyeh | B 422 | 5 |
| 36 | Khoder Abdo | B 431 | 6 |
| 37 | Ahmad Staytiyeh | B 432 | 7 |

| | | | |
|----|---------------|--------|---|
| 38 | Aminah Abboud | B 4ST1 | 1 |
|----|---------------|--------|---|

A XYZ

A: Block name (A, B)

X : Floor number

Y: Number of bedrooms in the new apartment

Z: Serial number in each floor

ST: Studio

Annex II (Stores A, B)

| Number | Name Registered on the rent contract | Number of assigned store, shop |
|--------|--------------------------------------|--------------------------------|
| 1 | Alisar Sadek | A SS |
| 2 | Mouwafak Koedeh | A 01 |
| 3 | Bassam Amoudi | A 02 |
| 4 | Mouhammad Sekerndaj | A 03 |
| 5 | Abdelhakim Lababidi | A 04 |
| 6 | Faysal Abdo | A 05 |
| 7 | Alisar Sadek | A 06 |
| 8 | Habib Dib | A 07 |
| 9 | Hassan Ayyash | A 08 |
| 10 | Aaida Sadek | A 09 |
| 11 | Walid Sarraj | A 10 |
| 12 | Mahmoud El Helweh | A 11 |
| 13 | Malek Badawiyah | A 12 |
| 14 | Riyad Amoudi | A 13 |
| 15 | Mahmoud Mereb | A 14 |
| 16 | Ahmad Mereb | A 15 |

Assessment of Current Status of Implementation and update of 2002 Resettlement Policy Framework

| | | |
|----|---------------------|------|
| 17 | Khaled Haydar | A 16 |
| 18 | Khaled Ouwayni | A 17 |
| 19 | Abdelkader Sablough | B 01 |
| 20 | Mhammad Yassim | B02 |
| 21 | Mouhammad Dabbagh | B03 |
| 22 | Nizar Dabbagh | B04 |
| 23 | Abdelnasser Ali | B05 |
| 24 | Mazyad Saltiyeh | B06 |
| 25 | Moustafa Kassem | B07 |
| 26 | Ahmad Badon | B08 |
| 27 | Saadi Khalaf | B09 |
| 28 | Yesra Al Ali | B10 |
| 29 | Mhammad Kassem | B11 |

A XY

A: Block number A,B

XY: shop number

SS: underground store

ATTACHMENT 3: TABLE OF CLAIMS

| Number | Name | Claim Registration Number | Date | Subject of the claim | Current situation of the complainant | Previous situation of the complainant | Decision taken | Recommendation presented by the complainant | Remarks |
|--------|------|---------------------------|------|----------------------|--------------------------------------|---------------------------------------|----------------|---|---------|
| | | | | | | | | | |
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