

Roads and Employment Project Resettlement Policy Framework

Executive Summary

I. Background Information

The existing road network in Lebanon has a predominantly adequate extent and coverage, but a substantial percentage still remains in a somewhat poor condition. This results in the obstruction of local and economic development, mostly in rural as well as lagging regions where the road network conditions are below national average levels. In addition, and further to the influx of Syrian refugees, impacts on traffic demand and utilization of the road network have increased. This can be attributed to several factors including inefficient funding and investments, weak capacity in road agencies and the absence of road asset management tools.

As such, the World Bank will be funding the Roads and Employment project which will be part of phase I of the US\$510 million government's roads rehabilitation and upgrade program in Lebanon. This project aims to improve the efficiency of road sector expenditures through the prioritization of road works and the improvement of road asset management techniques.

II. Objectives of the RPF

The purpose of this Resettlement Policy Framework (RPF) is to set down the principles for resettlement impact mitigation, as well as to clarify the organizational arrangements that may be needed during project preparation and implementation phases. This includes compensating all project affected persons (PAPs) for potential 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, and applies 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.

Every effort will be made to avoid or minimize the need for land acquisition and resettlement for the Roads and Employment project as most of the works will take place in the existing right-of-way. In the unlikely and exceptional event that any of the activities financed under this project requires additional

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land, houses and other assets, or that activities have temporary or permanent impacts on livelihoods, this RPF will be implemented.

III. Roads and Employment Project Objectives and Components

The Roads and Employment Project objectives are to: (i) improve transport connectivity along select paved road sections; and (ii) create short-term jobs for Lebanese and Syrians.

The project beneficiaries consist of the following:

- Lebanese and Syrian low-skilled labour force participants;
- Lebanese and Syrian households, particularly the poor and lower middle class;
- Local industries and economies
- Medium and small contractors
- Lebanese government agencies active in the road sector.

The Roads and Employment project is comprised of 3 main components with the overall aim to improve existing road conditions and build capacities in the road sector as follows:

Component 1: Roads Rehabilitation and Maintenance (US\$ 184.6 million)

This component will primarily finance works for the rehabilitation and maintenance of about 500 km of primary, secondary and tertiary roads, including road safety and spot improvements, as well as supporting consultancy services.

The investments under this component will improve transport connectivity and create direct and indirect jobs for Lebanese and Syrians.

The works under Component 1 of the project include:

- Asphalt overlays;
- Drainage works;
- Base and sub-base reconstruction on selected sections;
- Slope stabilization works;
- Retaining walls; and
- Roadside improvements on sections crossing towns (sidewalks, planting trees).

It is worth noting that most road works will take place within the existing right of way. The financing under Component 1 of the project is detailed in Table 1:

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Table 1. Project works under Component 1 of Roads and Rehabilitation Project

Items	Description of works	Proposed Financing costs	Additional clarifications
1	Road rehabilitation activities	US\$ 150 million	This will be financed under about 15 different local contracts, ranging in value between US\$5 million to US\$15 million each for medium and small sized contractors in various regions throughout Lebanon
2	Consultancy services for design and supervision of rehabilitation works	US\$ 8 million	
3	Safeguards instruments such as Environmental and Social Management Plan (ESMP); Environmental and Social Impact Assessment (ESIA); and Resettlement Action Plan (RAP)	~US\$ 1 million	
4	Piloting of multi-year routine maintenance contractors (2 or 3-year contracts)	~US\$ 15 million	To be undertaken by small local contractors on a select number of newly rehabilitated road sections
5	Price contingencies	\$US 10.6 million	

Component 2: Improving Road Emergency Response Capacity (US\$ 7.5 million)

As one of the consequences of climate change, Lebanon has been witnessing more extreme weather conditions with shorter yet more severe winters and snow periods. Considering that Lebanon is primarily a mountainous country, these effects are felt more deeply where remote villages and towns are being cut off from basic services for several days in the winter season, thus affecting their livelihoods. This is mainly attributed to the fact that the Ministry of Public Works and Transport (MoPWT) does not have a sufficient number of vehicles for snow removal for example, while most of the existing equipment is outdated with an average age of 20 years. In addition, MoPWT is experiencing difficulty in deploying these vehicles in a timely manner to towns and villages during extreme weather and snow events. The major highway that links Beirut to Bekaa is also often cut off by snow, resulting in large economic losses.

This component therefore aims to improve the capacity of the MoPWT in dealing with road emergency works, especially during snow and extreme climatic events, and aims to revise the existing emergency procedures of MoPWT and its capacity to plan for extreme weather event, including the timely and proper mobilization and dispatching of its equipment. This component will finance the purchase of the following items:

- 15 wheel loaders;
- 10 snow blowers;
- 5 salt spreaders; and
- 10 four wheel drive vehicles.

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Component 3: Capacity Building and Implementation Support (US\$ 7.5 million)

The aim of this component is:

- to build the capacity of the Lebanese agencies in the planning and management of the road sector; and
- to contribute to the training and capacity building of contractors and workers on new and improved road construction and maintenance techniques.

This component will therefore finance the following 5 sub-components as listed in Table 2:

Table 2. Financing under Component 3 of Roads and Employment Project

Sub-component Description	Proposed Financing Cost (US\$)	Additional Remarks
1. Strengthen national road asset management	US \$2 million	This includes a database for trunk network in Lebanon; road visual surveys; road safety assessment; traffic counts on select road sections; revision of design and maintenance standards; preparation of bidding documents and training on performance-based contracts for road maintenance.
2. Support planning and implementation of road safety measures	US \$2 million	Elaboration of a national strategy and action plan on road safety; implementation of select priority road safety measures.
3. Support planning and design studies	US \$2 million	This will finance studies undertaken by CDR to prepare planning and design studies identified as priority transport projects by the Lebanese Government.
4. Support training activities	US \$0.5 million	This will help to build technical skills of MoPWT and CDR staff as well as workers and small contractors, especially on proper routine maintenance requirements and techniques, environmental, social, and health and safety aspects.
5. Support for project implementation	US \$ 1 million	This will finance the hiring of required experts by the implementing agency for proper implementation and monitoring of the project.

IV. Legal Framework for Resettlement

The RPF represents the reference to be used in managing land acquisition issues and addressing the involuntary resettlement and displacement of people related to World Bank (WB) financed projects. The implementing agency (CDR) shall be committed to complying with the national laws and WB policies and to any future amendments to them. Resettlement and land acquisition issues under the proposed Project will be addressed through relevant laws and regulations of the Government of Lebanon and the World Bank's OP 4.12. The World Bank's policy on Involuntary Resettlement OP 4.12 sets forth all the resettlement requirements and principles which will be well considered and fully applied in the proposed project once locations have been identified for implementation, more specifically for component 1 of the project. As for the Government of Lebanon relevant laws and regulations, Table 3 below provides a summary outline of the Government of Lebanon relevant laws and regulations.

Table 3. Government of Lebanon relevant laws and regulations for resettlement

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Item	Relevant Laws and Regulations	Description of Clauses and Main Components
1	Expropriation Law No. 58, dated 1991	Protects the right of private property and authorizes expropriation of private property in the public interest, but only after fair compensation has been made – a decree is published in the Government Official Gazette announcing and authorizing expropriation with a timeline not to exceed 8 years from publication of announcement.
2	Compensations	Compensation is determined by an Expropriation Committee set up by a decree in accordance with proposals from the relevant ministers for each Mohafaza (governorate). The Expropriation Committee determines all compensation for any economic prejudice arising from expropriation, decides on requests by owners for total expropriation and full compensation, and determines the value of small portions of land which cannot be used for building and resolves disputes over the division of compensation between shareholders. Its awards are always based on prevailing local market rates. The Expropriating Agencies for the proposed Roads and Employment project will be the Expropriation Department of CDR with the support of the selected Project Implementation Unit (PIU).
3	Land Tenure	Plots in Lebanon are generally well surveyed and the deed title is recorded at an administrative service based in the Ministry of Finance; hence there is little contestation over ownership, legal rights or boundaries. Since land ownership is recorded in shares, the exact value of any transaction for an individual owner can be easily determined. More detailed research and consultation would need to be conducted in urban centers however where situations are much less clear with informal land subdivisions not represented in the cadastral maps.
4	Tenancy Laws	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.
5	Appeals Procedures	The decisions of the Expropriation Committee may be appealed to the Appeals Committee by either CDR or the individual property owner, but not by public bodies, NGOs or municipalities and the decisions of the Appeals Committee are binding on both parts. The appellant must be represented by a lawyer. Appeals Committee may make upward adjustments in the level of compensation awarded and must make a decision within three months of the lodging of the appeal.
6	Payment of compensation	In the case of an appeal, at least 65% of the compensation is paid in advance, and if no structures exist within expropriation limits, an additional 25% is paid. The expropriation committee also reserves the right if it so wishes to hold the remaining 10% until the appeal decision is made. However, the expropriation process itself cannot be halted unless the validity of the public interest decree itself is challenged.

V. Policy Gaps

Further to the review of the Government of Lebanon relevant laws and regulations and the World Bank's policy on Involuntary Resettlement OP 4.12, it was found that in some cases, Lebanese laws differ from World Bank rules and regulations as follows:

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- The extent of consultation and participation where Project Affected Persons (PAPs) are to be consulted, offered choices and provided with technically and economically feasible resettlement alternatives;
- Provisions for loss of income and livelihood, whether or not the affected persons must move to another location with the provision of assistance in efforts to improve their livelihoods and standards of living or at least to restore them to pre-displacement or prior to beginning of project implementation;
- Squatters and encroachers on lands prior to project initiation are likely to have invested in structures or land improvements, and are therefore eligible for compensation.

Therefore, with regards to stakeholder consultation/participation in the resettlement process, payment of compensations, grievance redress mechanism, and consideration of the rights of squatters and encroachers, the requirements of the World Bank Policy on Involuntary Resettlement OP 4.12 will take precedence over the Lebanese regulations.

VI. Potential Resettlement Impacts

As the project locations have not yet been determined at this stage, it is difficult to estimate the number or likelihood of people negatively impacted. Therefore, the purpose of this RPF is to establish the mechanisms by which the appropriate tools, screening checklists and Resettlement Action Plans (RAPs) will be implemented to mitigate potential social and economic impacts once project locations have been identified. Special attention will be paid to the needs of the following vulnerable groups:

- Persons below the poverty line, the landless, and other very poor groups;
- The elderly, women and children, indigenous people, ethnic minorities and so on;
- Project affected persons (PAPs) who may not be protected through national land compensation legislation (including refugees, displaced persons, or other non-Lebanese citizens).

VII. Preparation of Resettlement Action Plan

Once the project locations are identified, the PIU within CDR will obtain all permits/approvals related to the project. Thereafter, the PIU will carry out social screening to determine whether or not the subprojects will result in any resettlement impact, and accordingly the PIU will decide the need for the preparation of a resettlement action plan or an abbreviated Resettlement Action Plan (in the event that the number of affected persons is below 200). The PIU is responsible for preparation of the RAPs. The RAP should therefore include the following key items:

- A description of the sub-project
- Identification of potential impacts
- Objectives of RAP
- Relevant findings of the socio-economic study
- Legal framework
- Institutional framework

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- Eligibility criteria and eligible PAPs
- Valuation and compensation for losses
- Resettlement measures
- Site selection, site preparation, and relocation
- Housing, infrastructure, and social services
- Environmental protection and management
- Community participation
- Integration with host populations
- Grievance procedures
- Organizational responsibilities
- Implementation schedule
- Costs and budget
- Monitoring and evaluation.