



# Palestinian Water Authority (PWA)

## Resettlement Framework

### Water Security and Resilience Program (WSRP)- Phase 1 (WSRP-1) P176025

Prepared by

Palestinian Water Authority (PWA)

January 2023

## **List of Acronyms**

BPS	Booster Pump Stations
CERC	Contingent Emergency Response Component
EQA	Environmental Quality Authority
ESIA	Environmental and Social Impact Assessment
ESSs	Environmental and Social Standards
E&S	Environmental and Social
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
GM	Grievance Mechanism
LMP	Labor Management Procedures
M&E	Monitoring and Evaluation
MoLG	Ministry of Local Governorate
SoP	Series of Projects
NGO	Non-Governmental Organization
OHS	Occupational Health and Safety
PA	Palestinian Authority
PAP	Project Affected Person/Party
PEAP	Palestinian Environmental Assessment Policy
PCBS	Palestinian Central Bureau of Statistics
PEL	Palestinian Environment Law
RP	Resettlement Plan
RF	Resettlement Framework
RoW	Right of Way
SEP	Stakeholder Engagement Plan
ToR	Terms of Reference
WB	World Bank

## **Table of Contents**

<b>1. Introduction</b>	<b>5</b>
<b>1.1 Project Background</b>	<b>5</b>
<b>1.2 Project Components</b>	<b>5</b>
<b>2. Scope and Rationale for the Resettlement Framework (including estimation of land needs)</b>	<b>8</b>
<b>2.1 Objectives of Resettlement Framework (RF)</b>	<b>10</b>
<b>3. Potential Project Impacts</b>	<b>11</b>
<b>4. Legal and Institutional Framework</b>	<b>12</b>
<b>4.1 Existing Palestinian legal and policy framework for land acquisition</b>	<b>12</b>
<b>4.2 Existing Palestinian Process to Acquire Land for a Public Purpose</b>	<b>13</b>
<b>4.3 Process to Acquire Land for a Public Purpose under Palestinian laws</b>	<b>13</b>
<b>4.4 Existing Methodology of Asset Valuation and Compensation Packages According to the Palestinian Laws</b>	<b>14</b>
<b>4.5 Existing Rules for Assessing Compensation for Land</b>	<b>15</b>
<b>4.6 Existing Methodology of Assets Valuation and Compensation</b>	<b>15</b>
<b>4.7 Existing Arrangements for Delivery of Compensation</b>	<b>16</b>
<b>4.8 Existing Arrangements for Recalculation of Compensation</b>	<b>16</b>
<b>5. Description of the institutional Procedure</b>	<b>16</b>
<b>6. Gaps between Palestine Legislations and the World Bank ESS5</b>	<b>17</b>
<b>7. Eligibility Criteria, Valuation and Entitlement for Compensation Under the Project</b>	<b>20</b>
<b>8. Preparation of Resettlement Instruments</b>	<b>26</b>
<b>9. Proposed Institutional Arrangements</b>	<b>26</b>
<b>10. Capacity Building</b>	<b>29</b>
<b>11. Consultation and Disclosure</b>	<b>31</b>
<b>11.1 Stakeholder Engagement and Consultation</b>	<b>31</b>
<b>11.2 Stakeholder Engagement and Consultation During RF Preparation</b>	<b>31</b>
<b>11.3 Disclosure of the Resettlement Framework (RF) and the Resettlement Plans (RPs)</b>	<b>32</b>
<b>12. Grievance Mechanism</b>	<b>33</b>
<b>12.1 Receipt of Grievances</b>	<b>34</b>
<b>12.2 Procedures for Filing Complaints</b>	<b>34</b>
<b>12.3 Registering Complaints</b>	<b>35</b>
<b>12.4 Referral and Examination of Complaints</b>	<b>35</b>
<b>12.5 Notifying the Complainant and Closing the Complaint</b>	<b>35</b>

12.6	Additional Dispute Resolution Scheme	36
12.7	Reporting	36
13.	Monitoring and Evaluation (M&E)	37
14.	Proposed Budget and Time Plan	37

## **1. Introduction**

### **1.1 Project Background**

The proposed Water Security and Resilience Project (WSRP-1) is the first project in a series of projects (SOP-1) aimed at the ambitious agenda for climate-smart water and sanitation infrastructure investments and reforms, building on the World Bank's support to the sector over the past decades. The Program aims to: (a) ensure equitable access of population to climate-resilient safely managed water supply and sanitation services; (b) enhance capacity of the water sector for planning, regulating and monitoring performance of service delivery institutions; and (c) create enabling conditions for improved service delivery, and operation and maintenance of infrastructure.

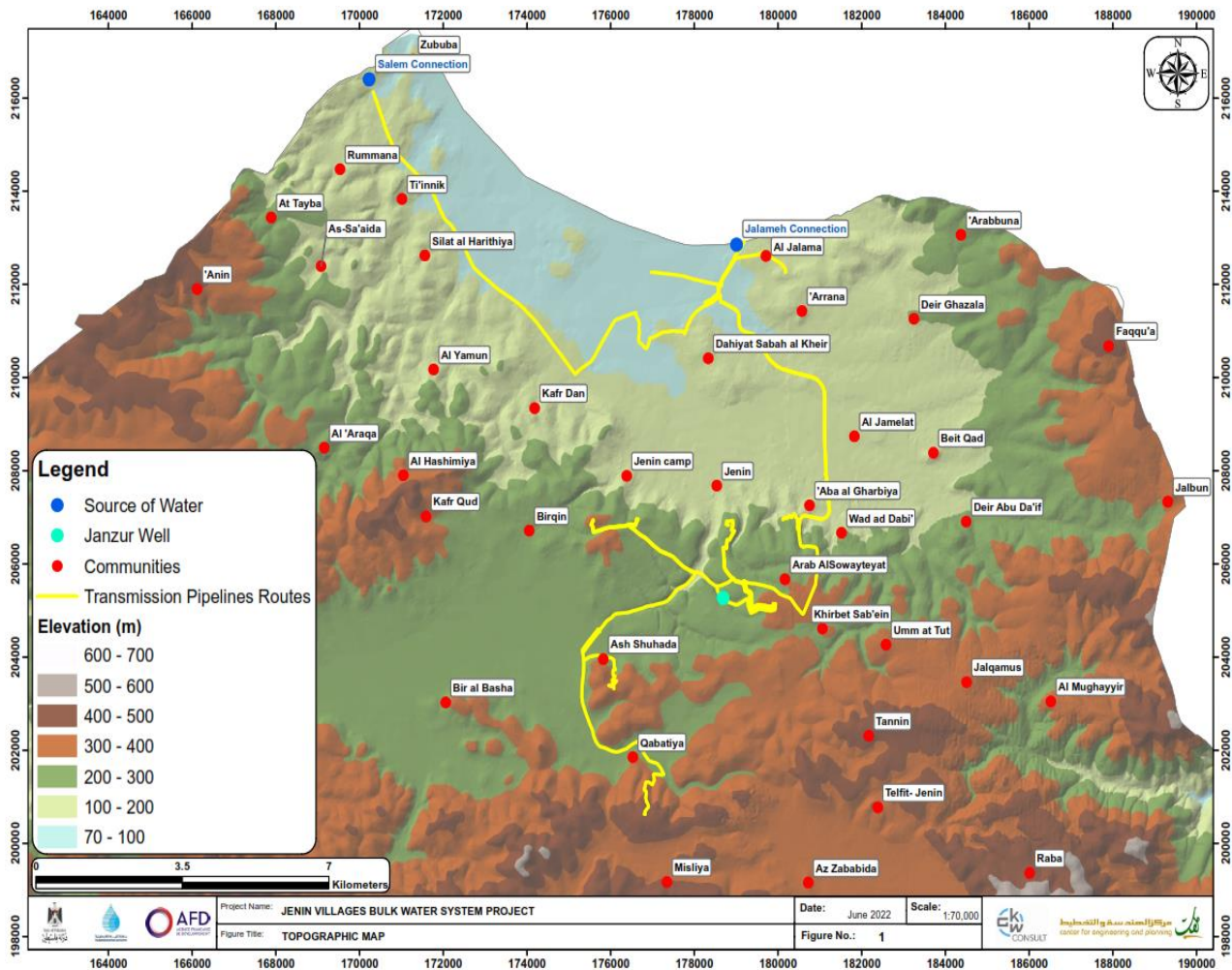
### **1.2 Project Components**

The project will provide essential water services and technical support to improve the sector performance in West Bank and Gaza. It will consist of four components: Component 1 will finance the construction and improvement of water infrastructure in selected locations that are simple and robust and include climate resilience measures; Component 2 support Sector Reform through the implementation of activities towards the improved operational, and financial performance of selected Service Providers; Component 3 will support Project Management and Monitoring, and Component 4 will be a Contingent Emergency Response Component. The components are designed to maximize climate-change adaptation and mitigation measures.

#### **Component 1 - Improvement of Water and Wastewater Service Management**

This component will finance the implementation of the water supply infrastructure required to improve access to and quality of water supply in North Jenin including expansion of water distribution networks to remove critical bottlenecks and improve water allocation in selected areas in WB&G. It will focus on the (i) Jenin Bulk Water Supply System that will include construction of bulk main supply and distribution pipelines, regional reservoir tanks, and main and local booster pump stations; and (ii) construction of a water supply system in northeast Jenin villages in northeast area (Deir Abu Daief, Arabuna, Jalaboun, and Northern and Southern Beit Qad), including distribution pipelines, reservoirs, and booster pumps. The project will also invest in the operation and maintenance of the Hebron WWTP to ensure the efficiency of the plant performance

The following figure shows an overview map for the served communities by the Jenin bulk Water Supply Project.



**Figure1:** Overview map for the served communities by the Jenin bulk Water Supply Project

Source: Preliminary Design, Detailed Design, Preparation of Tender Documents, and Construction Supervision Services for Connection Points Ramallah and Jenin Water Supply Project. Financed by AFD

The Jenin water supply project consists of the construction of the following:

- **Bulk Water Transmission Pipeline:** The length of transmission pipelines is around 47.0 km. The pipeline will be constructed along the road.
- **Water Tanks and Booster Pump Stations (BPS):** The new tanks including the balancing tank at the main booster station and the regional tank are sized to provide the buffer volume required for the daily and/or weekly equalization based on the diurnal demand pattern and adopted peak daily factors. The majority of the served communities have existing tank/s.

- **Booster stations:** Main BPS, Qabatiya BPS and Janzzur Well BPS and the regional tank will have all needed facilities, devices, equipment, and appurtenances needed for the optimal operation of the water supply system.
- **Service Connection and Flow Monitoring Chambers SCADA Pressure Monitoring.** Power supply etc. For Service Connection, the design strategy for operating the system is to install main connection chamber for each served community and for the proposed BPS and Regional Tank. The main service connection chambers along the main transmission pipelines and the control chamber at BPS and Regional Tank primarily include the pressure/flow control valves and flow meters. They have been designed in terms of pressure rating, sizing, and arrangement. The sizing was designed according to the operating pressures and set flows generated from the steady state hydraulic simulation.

**The Northeast Jenin water supply system will consist of the following:**

The Northeast Jenin Water Supply system include two service areas the first area is located 8 km east of Jenin city and include Beit Qad, Jalboun, Deir Abu Daeif. The Villages population of around 16,400 and an area of approximately 3304 ha.

The proposed water supply systems for the east villages of Jenin city are as follow:

**a) Beit Quad Village Water Supply and Distribution System**

Beit Quad WSS: main water supply will be the West Bank Water Department (WBWD) chamber connection point, balancing water tank capacity of 50m<sup>3</sup>, supply and installation of two multistage vertical inline booster pumps, booster room and supply and installation of the electrical panel.

**b) Deir Abu Daeif Village Water Supply and Distribution System**

Deir Abu Daeif WSS: the water system consists of connection to WBWD chamber, balancing water tank capacity 100m<sup>3</sup>, supply and installation of two multistage vertical inline booster pumps, booster room, and supply and installation of electrical panel and distribution network.

**c) Jalboun Village Water Supply and Distribution System**

Jalboun Village WSS: WBWD Chamber connection point will be the main source of water for Jalboun. The existing system consists of a connection to WBWD chamber, balancing water tank 100m<sup>3</sup>, multistage vertical inline booster pumps, booster room with electrical panel.

**d) Arabuna Village Water Supply and Distribution System**

The main source of water for Arbuna will be the WBWD Chamber connection point, the current system consists mainly of main existing connection point and existing transmission line.

The exact locations of these activities have not yet been finalized and it is therefore difficult to estimate the significance of the impacts related to land acquisition at this stage. Determination of private land needs and livelihood impacts will be done when the designs of subprojects are finalized. No physical resettlement or removal of dwellings is expected as sub-project locations.

Component 2 - Improve performance of Water Sector Service Providers: This component aims to strengthen the water institutions' capacity and the Service Providers' operational and financial efficiency, and their responsiveness emergencies. It will also provide necessary technical assistance and capacity building activities to address sector challenges and sector reform to accelerate the implementation of reform related to the clustering of service providers under the Local Government Units (LGUs) and establishment of Regional Water Utility (RWUs). This component will also include interventions to enhance the PWA's capacity to develop and implement water sector policies, strategies, and sector development plans and will support improved social accountability of service providers. The technical assistance will provide general planning and institution-building support to improve service providers performance in line with the PDO. In particular: (a) Sector Reform and Strategic Planning; (b) Improve Financial and Operational Performance of the Service Providers; (c) Improve Social Accountability of Service Providers.

Component 3 - Project Management and Monitoring: This component will support the Project Coordination Team (PCU) hosted within PWA that will coordinate, implement, monitor and report on the project implementation progress. And will support the PMU staff that will monitor the Hebron WWTP until project closes in December 2023.

Component 4 - Contingent Emergency Response Component: This component will improve the PA's ability to respond effectively in the event of an emergency in line with World Bank disaster prevention and preparedness procedures.

## **2. Scope and Rationale for the Resettlement Framework (including estimation of land needs)**

PWA will make all efforts to minimize requirements for acquisition of private land and maximize use of governmental unoccupied lands, and private land that is voluntary donated for public benefit. At project appraisal stage, this stage, potential lands required for project activities and an estimated number of affected people have been identified. However, these will be confirmed once the detailed design and exact location/alignment of interventions is finalized. Hence, a Resettlement Framework (RF) is being prepared to establish the principles and process that will be used if and when land acquisition, voluntary land donation and/or restriction on land use is unavoidable for sub-projects.

Estimated land needs at appraisal stage are as follows: Sub-Component 1.1 "Bulk Water Supply System in Jenin": Land acquisition will be required for the construction of water reservoirs and pumping stations, and this is covered under the RF.

Sub-component 1.2 "Northeast Villages Water Distribution System": The required lands are proposed by the LGUs as these lands are part of the Local Government Units (LGUs) properties. Therefore, no resettlement activities are needed under this subcomponent. However, it is anticipated that the Right of Way (RoW) may be encroached in certain parts by users who have either extended or built structures, farms etc. in the RoW. There may be temporary land needs during construction, for example for storing materials and equipment, parking machinery etc., and/or temporary restrictions to livelihood activities. In such cases, there may be some small-scale livelihood and/or economic displacement impacts and these

will be covered in the RF. Temporary land needs during construction and/or temporary restrictions to land for livelihood purposes will also be covered in the RPs.

At the time of appraisal, PWA has initiated the process of finalizing specific sites/locations/alignments for Sub-components 1.1 and 1.2, however, locations have not yet been finalized. It is therefore difficult to estimate the significance of the impacts related to land acquisition at this stage, before the exact location and sites are finally determined. Once this process is completed and relevant approvals from concerned authorities are obtained, site specific RPs, if required, will be prepared based on this RF and proportionate to the risks and impacts for sub-projects. RPs will be consulted on, reviewed and cleared by the Bank and publicly disclosed prior to the commencement of procurement for the sub-project related activities and shall be implemented before the commencement of construction of the intervention.

The applicability of the World Bank Environmental and Social Framework (ESF) Environmental and Social Standard 5 (ESS5) on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement has been established during the environmental and social assessment described in ESS1 (on Environmental and Social Assessment). This RF applies to permanent or temporary physical and economic displacement resulting from the following types of land acquisition or restrictions on land use undertaken or imposed in connection with project implementation. The project does not include any physical displacement or impacts on shelter and all efforts will continue to be made to mitigate any resettlement impacts.

- a. Land rights or land use rights acquired or restricted through expropriation or other compulsory procedures in accordance with national law;
- b. Land rights or land use rights acquired or restricted through negotiated settlements with property owners or those with legal rights to the land, if failure to reach settlement would have resulted in expropriation or other compulsory procedures;
- c. Restrictions on land use and access to natural resources that cause a community or groups within a community to lose access to resource usage where they have traditional or customary tenure, or recognizable usage rights. This may include situations where legally designated protected areas, forests, biodiversity areas or buffer zones are established in connection with the project;
- d. Relocation of people without formal, traditional, or recognizable usage rights, who are occupying or utilizing land prior to a project specific cut-off date;
- e. Displacement of people as a result of project impacts that render their land unusable or inaccessible;
- f. Restriction on access to land or use of other resources including communal property and natural resources such as , fresh water, medicinal plants, hunting and gathering grounds and grazing and cropping areas;
- g. Land rights or claims to land or resources relinquished by individuals or communities without full payment of compensation; and
- h. Land acquisition or land use restrictions occurring prior to the project, but which were undertaken or initiated in anticipation of, or in preparation for, the project.

## 2.1 Objectives of Resettlement Framework (RF)

**The objective for the RF** is to set out the policies, principles, institutional arrangements, schedules that will take care of anticipated resettlement. These arrangements are also meant to ensure that there is a systematic process (as against an ad-hoc one) for the different stages of the implementation of WSRP that assures continuous beneficiary participation, involvement of relevant institutions and stakeholders, adherence to the Palestinian Authority's (PA's) procedures and requirements for land acquisition and involuntary resettlement and the World Bank's ESF ESSs requirements, in particular ESS5 and ESS10 (on Stakeholder Engagement and Information Disclosure), and outlines entitlements and compensation for different categories of affected persons.

**The RF** estimates the potential Project Affected Persons (PAPs); types of impacts; strategies for compensation/restoration of potential losses for individuals and businesses; and to establish the mechanism to compensate losses adequately according to the Palestinian legislation and ESS5 requirements. The framework itself is herein developed to set out the laws and regulations, policies, principles and procedures, compensation principles, eligibilities and entitlements, institutional arrangements, consultation, grievance mechanisms, schedules and indicative budgets that will be the basis for the preparation of site-specific RPs.

**The principles of the RF** listed below are the same as ESS5. PWA, the executing agency, and other entities who will play a role in the implementation of this RF commit to these principles and all relevant requirements of ESS5:

- To avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring project design alternatives;
- To avoid forced eviction;
- To mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by: (a) providing timely cost and (b) assisting displaced persons in their efforts to improve, or at least restore, their livelihoods and living standards, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher;
- To improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure;
- To conceive and execute resettlement activities as sustainable development programs, providing sufficient investment resources to enable displaced persons to benefit directly from the project, as the nature of the project may warrant;
- To ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected; and
- To ensure access of project affected parties to a grievance mechanism.

## **2.2 The Eligibility Criteria under this RF**

The eligibility criteria include the following categories of affected persons:

- Who have formal legal rights to land or assets;
- Who do not have formal legal rights to land or assets, but have a claim to land or assets that is recognized or recognizable under national laws;
- Who have no recognizable legal right or claim to the land or assets they occupy or use.

Where land acquisition or restrictions on land use are unavoidable, PWA will conduct a census to identify the persons who will be affected by the project, and to establish an inventory of land and assets and livelihoods to be affected. In conjunction with the census, PWA will indicate a cutoff date for eligibility. Information regarding the cut-off date will be well documented and disseminated throughout the project area at regular intervals in written and (as appropriate) non-written forms and in relevant local languages. This will include posted warnings that persons settling in the project area after the cutoff date may be subject to removal.

When land acquisition or restrictions on land use (whether permanent or temporary) cannot be avoided, affected persons will be compensated at replacement cost. PAPs will also be provided other assistance, as may be necessary, to help them improve or at least restore their standards of living or livelihoods, subject to the provisions of ESS5.

## **3. Potential Project Impacts**

As discussed earlier, the Project will be in both rural and urban areas, including built up urban areas. PWA will make all efforts to minimize private land taking and physical displacement requirements and maximize use of governmental unoccupied lands. The project entails limited impacts related to private land taking and/or restrictions (temporary or permanent) on access to land, and most of the activities under Component 1.1 focus on improvement of water supply services. The land related impacts mainly relate to small portions of land, as described above, that may be needed for the construction of a new water reservoir and pumping station. In some instances, under Sub-component 1.2, the RoW may be encroached on certain segments of the sub-project alignment and might entail livelihood impacts which will need to be assessed and, if required, compensated. Similarly, there is a potential risk of temporary negative livelihood impacts during construction (e.g. due to restrictions on access and land use) on businesses (e.g. shops, kiosks etc.) in commercial areas. Affected groups could include private landowners and land users, farmers, and vulnerable PAPs (e.g. persons with disabilities, women headed households, youth, the poor, communities in Access Restricted Areas (ARAs) and rural and/or relatively remote locations, communities more vulnerable to impacts of climate change etc.). It is difficult to estimate the significance of the impacts related to land acquisition at this stage, before the exact location and sites are finally determined.

RP's will be prepared based on the design and alignment of the subproject and will identify all project affected people along the project sites, document their numbers and locations, and the land and livelihood impacts among other things. Continuous consultations will be done with them and if they will be affected the mitigation measures will be developed with their full participation. As explained earlier,

the RPs will be based on this RF and will be prepared, consulted on, cleared by the Bank and publicly disclosed prior to the commencement of the bidding process for the said intervention. The RP will be implemented prior to the commencement of the construction activity.

#### **4. Legal and Institutional Framework**

This section explains the Palestinian legal framework for land acquisition and expropriation and related procedures. In the subsequent section under the “Gap Analysis”, the requirements of the ESS5 are described and compared with the Palestinian laws explained in this section (Table 1). For this RF wherever there is a gap between the national legal framework and ESS5 requirements, the requirements of the ESS5 will be applied.

The legal and institutional framework concerning West Bank and Gaza is quite unique. The applicable laws and regulations vary depending on whether the subject area is in the Gaza Strip, Areas “A”, “B”, or “C” in the West Bank.<sup>1</sup> The relevant laws span the Ottoman regime, the British Mandatory period, the Jordanian administration of the West Bank, the Egyptian administration of the Gaza Strip, the Israeli occupation of the Occupied Palestinian Territories (OPT) and East Jerusalem, and the PA’s administration over certain areas in Palestine. Seeking remedies in the PA court system remains challenging because of the uncertainty concerning enforcement and the institutional limitations of a court system operating under occupation.

The laws and ordinances applicable to the West Bank and Gaza Strip before 1967 were adopted into the PA legal regime as Decision No. 1 of the Elected Palestinian Council on 20 May 1994. The decision provided that “the laws, regulations and orders which were in force prior to 5 June 1967 in the West Bank and Gaza Strip shall remain in force until unified”.

##### **4.1 Existing Palestinian legal and policy framework for land acquisition**

According to Law No.24 of year 1943 modified by Law No. 2 of year 1953 on “Land Expropriation for Public Projects” and its articles (3) and (21), the Government can expropriate up to 25% of any privately-owned land for public interest reasons - without compensating the owners for the value of the land being expropriated. (as explained in Section 6 below, this is not consistent with ESS5) Exceptions are made to owners who prove to be largely damaged by this land expropriation. However, owners are entitled to compensation for all crops and trees, buildings and fixed structures on the expropriated 25% area of the land.

---

<sup>1</sup> Based on the Oslo II Interim Agreement between Palestine and Israel, the area of the West Bank was divided into the following three categories:

- Area A is under full Palestinian territorial, functional and personal jurisdiction. It comprises most of the large West Bank cities.
- Area B comprises land in which the PA exercises only functional and personal jurisdictions over the Palestinians living within this zone but not on security-related aspects. It comprises most of the Palestinian villages.
- Area C comprises the rest of the West Bank outside Zones A and B and constitutes around sixty percent of the territory. The only jurisdiction exercised by the Palestinian Authority in Zone C is personal jurisdiction over those Palestinians living there. The Israeli Civil Administration (ICA) and army exercise all other powers and jurisdictions over Area C including full control over zoning, land use and planning and construction permits.

In case an entire plot of land is required, the promoter has to submit an official request to the Secretariat of the council of ministers with land limits, coordinates and lot numbers. A dedicated evaluation inter-ministerial committee will assess the land value and will submit the evaluation results report to the secretariat of council of ministers for approval. A presidential decree is issued accordingly and the budget for compensation is made available at the Ministry of Finance. No one (owner or user) can financially benefit from the acquired land after the date of the presidential decree (cut out date)

However, in case of pressing time demands to expropriate land to a specific project serving public interest, the Government is entitled to seize the land immediately and then to initiate compensation negotiations with owners/users (Law 2/1953, Article (12)).

#### **4.2 Existing Palestinian Process to Acquire Land for a Public Purpose**

The steps followed under the Palestinian laws to acquire land for a public purpose are the following:

- 1 The notice of the intention to acquire land must be posted in "Form A" or "Form B" set out in the Schedule (as amended) at convenient places or near the land to be acquired stating the intention is to acquire the land. The notice also needs to be published in the Official Gazette. In addition, any person registered as an owner of the land or having an interest shall be served with the notice."
- 2 The period of the notice must be at least two months from the publication of the notice in the *Gazette* unless urgently required. If the land is urgently required a statement must be indicating that it is for an urgent public purpose and shall be considered conclusive evidence of that fact.

#### **4.3 Process to Acquire Land for a Public Purpose under Palestinian laws**

Party wishing to acquire land ("the Promoter") shall publish a notice in the Gazette for 15 days declaring its intention to acquire the land. After the 15-day notice period, the acquiring party is required to submit an application to the Cabinet with a map of the land at which point the Promoter must prove financial capability of pursuing the transaction. (Article 3)

Upon receiving the application, the President (or delegated Minister) will decide on the modality of the scheme proposed by the promoter. The modality varies from absolute acquisition of land to restrictions on practicing any right derived from its ownership. (Article 4).

Once the Cabinet's resolution is approved by the President or authorized Minister, the resolution shall be published in the Gazette and the Promoter is required to submit the resolution to the Registrar with the names of the owners of the land. If the land is unregistered, the names of the holders of the land are submitted. (Article 5)

The publishing of the scheme in the Gazette (pursuant to Article 5) makes the scheme a "public utility scheme". (Article 7)

The Land Register then freezes any transactions relating to the subject land when the Promoter provides the Registrar with a copy of the land deed along with a clear sketch (if the land is registered at the Land Registration). (Article 8)

After the notice period, the Promoter is required to enter into negotiations with the landowner or the holders of the land regarding the land rights. (Article 9)

The landowner is required to inform if there are other people making use of the land within 15 days from the date of notification of the acquisition resolution. If this is not done, the landowner is liable to these persons for compensation. The tenants and holders are otherwise liable for compensation from the Promoters who are seeking to acquire the land. (Article 10)

In urgent cases that are in the public interest, the Promoter may submit an urgent application for acquisition of land to the President or authorized Minister. If the President or Minister is convinced of the urgency, the Promoter is not required to abide by the procedures concerning notice, publication and the requirement to negotiate with the landowner(s) (Articles 5, 6, 8 and 9). However, the Promoter must leave a deposit with the Treasury as compensation for the landowner(s) and the Registrar must perform a survey of the land which will be used to determine compensation. (Article 12)

#### **4.4 Existing Methodology of Asset Valuation and Compensation Packages According to the Palestinian Laws**

The West Bank Acquisition Law and Gaza Acquisition Law provide the rules for assessment of the compensation for land acquired through powers of eminent domain. The laws and ordinances applicable to Gaza and the West Bank before 1967 were adopted into the PA legal regime as Decision No. 1 of the Elected Palestinian Council on 20 May 1994. The decision provided that “The laws, regulations and orders which were in force prior to 5 June 1967 in the West Bank and Gaza Strip shall remain in force until unified. “The Prime Minister and Ministers of Interior, Justice, and Finance have the authority to enact the provisions of the WBL. In addition to this provision, by virtue of Law No. 14 for the year 2014, the PWA is under the jurisdiction of the Cabinet of Ministers.

If the parties cannot agree to fair compensation, the landowner or party with an interest in the land can make a claim to the courts to be awarded compensation in accordance with the following rules for estimating compensation:

- 1 No allowance shall be made on account of the acquisition being compulsory;
- 2 The market value of the land is what a willing seller might be expected to receive in the open market, without regard to any improvements or works made or constructed after the date of notice published in the *Gazette*.
- 3 The special suitability or adaptability of the land for any purpose shall not be taken into account if it is a purpose to which it could be applied only in pursuance of powers derived from legislation;
- 4 The court must also take into consideration the damage to be sustained by the owner by reason of the severance of the land so acquired from other land belonging to him or her.

The laws provide more detailed provisions for assessment of compensation for all returns and capital rental value for taxation made by or acquiesced by the claimant, as well as compensation for loss of rents and rent to be paid for the lease of land, among other losses.

#### 4.5 Existing Rules for Assessing Compensation for Land

If the Promoter and the landowner do not agree on the compensation amount, either party may refer the dispute to the court, in which case the court will determine the amount of compensation for the land or usufruct right based on the following criteria in Article 15:

- a. Rent fees are not to be affected;
- b. the price of adjacent lands of the same kind;
- c. the price of the land if it is publicly sold on the market;
- d. rent fees for leasing the land shall be assessed based on annual fees at the time of publication of the Cabinet's acquisition resolution;
- e. damages caused to the values of the land;
- f. decrease in value of any remaining part of land must be considered;
- g. consideration of any damage incurred as a result of separating the acquired land from any other land belonging to landowner;
- h. Article 16 empowers the court with the jurisdiction to consider all lawsuits, hear all contradictory litigation and any claims made to the subject land.

#### General Issues

The Promoter may totally or partially abandon plans to acquire the land by publishing such intent in the Gazette but is obligated to pay the land owners and rights holders' compensation for expenses and damages caused. (Article 19)

The land owner may request the land be restored, if the Promoter is not the government, has not commenced work on the public scheme within three years and the reasons for not starting are not adequate or reasonable. (Article 20)

#### 4.6 Existing Methodology of Assets Valuation and Compensation

The valuation methodology of the crops and assets' compensation is vital in order to facilitate the compensation process. Table 1 is a summary of methodology of asset valuation.

**Table 1**  
Methodology of Asset Valuation

Type of loss	Valuation mechanism	Entity responsible for valuation
Waqf and private owned lands	The Palestinian Land Authority provides alternative lands taken from the Ministry of Endowment where a land for land swap has occurred. For lands expropriated from private owners, cash compensation will be given to the owners.	Palestinian Land Authority

Crops and trees	<p>Any affected tree(s) or standing crops will be compensated for. The Ministry of Agriculture develops price lists of the affected crops and trees.</p> <p>The lists will be updated and provided to the PLA and Ministry of Finance to be the basis of compensation</p>	<p>Ministry of Agriculture</p> <p>PWA</p> <p>Ministry of finance</p>
-----------------	---	--

**4.7 Existing Arrangements for Delivery of Compensation**

The Permanent land acquisition and compensation will be applied as follows:

1. The PWA should provide a detailed map on land acquisition scope in order to identify the land acquisition area.
2. The PAPs should be consulted with during the preparation of the RP in order to provide them with the required information regarding their rights, valuation procedures and grievances and redress mechanism.
3. This document is translated into Arabic and is made available in places that are accessible to all project affected people (thus meeting the Bank’s translation and disclosure requirement). All affected parties described in the RP will receive their compensation prior to incurring the adverse impact (loss of job, land take etc.).

**4.8 Existing Arrangements for Recalculation of Compensation**

In case there is a delay of more than one year from the valuation to compensation the following procedures will be applied:

1. Verification of the inventory developed for the PAPs
2. Palestinian Land Authority in cooperation with the Ministry of Agriculture should update crops and trees price lists.
3. The PLA in cooperation with the interested municipalities will inform the PAPs about the modified project time plan. In addition, the value of compensation of the potential affected lands/crops/trees and assets will be defined and forwarded to the financial department in the PWA.

**5. Description of the institutional Procedure**

As per the Palestinian legislation, land acquisition for public use process involves multiple governmental institutions: the general secretariat of the Council of Ministers, the Land Authority and the Ministry of Finance.

The procedure for acquiring a land is as following:

1. The promoter, PWA in this case, has to submit a set of documents to the general secretariat of the Council of Ministers including: land survey stamped by the Land Authority, property ownership certificates, land lot numbering and names of the users in case the land is not registered.
2. The promoter sends a formal request to the Land Authority for land evaluation. The Land Authority forms a committee with members composed from different ministries for this purpose.
3. The intention of land acquirement is published on the newspaper for 1 day and a standstill period of 15 days is left for objections.
4. The land evaluation results are sent by the secretariat of Council of Ministers to the Ministry of Finance to book the budget to compensate the eligible parties
5. The set of documents of the above 3 points is submitted again by the promoter to the secretariat of Council of Ministers. The documents are so discussed in the Council of Ministers along with the land evaluation results for approvals.
6. A prime minister decree is issued for the land acquisition within a period of six months and is conditional to having all relevant documents ready. The presidential decree is followed accordingly, usually within three months.
7. Objections from landowners are accepted via legal ways (through court) only for the amount of the determined compensation.

Note: the current institutional approach is based on Law No.24 of year 1943 modified by Law No. 2 of year 1953 on “Land Expropriation for Public Projects”. The procedure is out of PWA’s mandate and therefore any common approach, if possible, will need to be jointly negotiated with the relevant competent authorities.

## 6. Gaps between Palestine Legislations and the World Bank ESS5

Palestinian legislations described above are consistent with ESS5 in the following features:

1. The requirement to pay compensation where land is compulsorily acquired
2. The requirement to compensate for losses, whether temporary or permanent in production or damage to productive assets and crops; and
3. The provision for pre-judicial avenues for resolution of disputes and rights of appeal.

There are, however, eight specific areas where provisions required under ESS5 extend beyond those required under Palestinian legislation. These are listed in the Table 2 below.

**Table 2**  
Gaps between the Palestinian Legislations and the ESS5 of World Bank

Sl. No.	Gaps		Strategies to bridge the Gap
	ESS5	Palestinian Law	
1	<i>The cut-off date:</i> The ESS5 requires a cut-off date in order to prevent influx of people into the project area. This measure	The Palestinian laws don't require setting of a cut-off date	The cut-off date has to be indicated by PWA as the date after which there should be no influx to the land area. People settling in the project area after

	is stipulated in order to protect the project owner and prevent wasting of resources.		the cut-off date are not entitled to compensation under the project.
2	<i>Replacement Value:</i> Under ESS5, compensation for lost properties will be calculated based on full replacement cost.	Under Palestinian laws compensation for the acquired property based on full market value of the property at the data of the verdict.	Compensation under this project is going to be based on the replacement cost. Where functioning markets do not exist, replacement cost may be determined through alternative means, such as calculation of output value for land or productive assets, or the undepreciated value of replacement material and labor for construction of structures or other fixed assets, plus transaction costs. In all instances where physical displacement results in loss of shelter, replacement cost must at least be sufficient to enable purchase or construction of housing that meets acceptable minimum community standards of quality and safety. The valuation method for determining replacement cost should be documented and included in relevant resettlement planning documents. Transaction costs include administrative charges, registration or title fees, reasonable moving expenses, and any similar costs imposed on affected persons. To ensure compensation at replacement cost, planned compensation rates may require updating in project areas where inflation is high or the period of time between calculation of compensation rates and delivery of compensation is extensive
3	<i>Monitoring and Evaluation:</i> The Borrower will establish procedures to monitor and evaluate the implementation of the Resettlement Plan and will take corrective action as necessary during implementation to achieve the objectives of ESS5 as explained in this RF. The extent of monitoring and evaluation activities will be proportionate to the sub-project's risks and impact	Monitoring or evaluation measures are not stipulated in Palestinian regulation. Lack of the necessary legal provision needed to put in place monitoring and evaluation measures can negatively impact the accountability and transparency programs and plans may not be able to benefit from corrective action in cases of mistakes nor receive rewards in cases of good performance	PWA will implement appropriate monitoring mechanisms to ensure that principles and stated objectives of the RF and subsequent RPs are met. Evaluation will be done at the end of the resettlement process and a report will be submitted for Bank approval.

4	<p><i>Resettlement planning and procedural requirements:</i></p>	<p>There is presently no requirement to prepare a formal RP under Palestinian law, nor to undertake any of the component activities of a resettlement plan such as, a ‘census’, socio-economic survey, consultation with project affected people, monitoring or reporting. There are no specific references in the legislation to ‘involuntary resettlement’.</p> <p>Also, there is no explicit consultation requirement in Palestinian law.</p>	<p>PWA in compliance with the RF shall prepare RPs (if required), consistent with the requirements of the ESS5. For the preparation of RPs, consultations will be carried out as required under ESS5. This is in addition to consultations done for the project Stakeholder Engagement Plan (SEP) and ESIA's. Finally, a project specific GM will be established and communicated to the affected communities and people.</p>
5	<p><i>Compensation eligibility</i> Under ESS5 the following are eligible for compensation:</p> <p>a) Who have formal legal rights to land or assets;</p> <p>(b) Who do not have formal legal rights to land or assets, but have a claim to land or assets that is recognized or recognizable under national law; or</p> <p>(c) Who have no recognizable legal right or claim to the land or assets they occupy or use.</p> <p>A census will be conducted for the preparation of the RP and will establish the status of the affected person</p>	<p>Under the Palestinian legislation, the only people and entities entitled for compensation are those with registered property rights, for example, registered landowners, occupants, users and those with registered third-party rights or those who have legally obtained the right to register their title but who, for some reason, have not completed registration. This potentially disqualifies many categories of affected people that would be entitled to compensation under ESS5.</p> <p>According to the Palestinian laws, the Government can expropriate up to 25% of any privately-owned land for road opening, without compensating the owners. Exceptions are made to owners who prove to be largely damaged by this land expropriation. However, owners are entitled to compensation for all crops and trees,</p>	<p>Eligibility for compensation will include all categories of impacts as defined by ESS5 and reflected in this RF, including those who are occupying or utilizing land prior to a project specific cut-off date. This also includes any identified vulnerable groups.</p> <p>The ‘25% rule’ will not be applied, and such cases will be considered eligible for compensation and all land taken will be compensated at a replacement cost.</p> <p>Economically displaced persons who are without legally recognizable claims to land will be compensated for lost assets other than land (such as crops, irrigation infrastructure and other improvements made to the land), at replacement cost.</p> <p>There will be no compensation or assistance to persons who encroach on the project area after the cutoff date for eligibility.</p>

		buildings and fixed structures on the expropriated 25% area of the land.	
6	<i>Income restoration</i> Under the ESS5, the affected person will be provided with opportunities to improve or at least restore their means of income earning capacity, production level, and standards of living.	Palestinian law does not have any provisions on livelihood restoration The Palestinian laws do not acknowledge nor compensate any loss of income, while the ESS5 requires the compensation of any source of income that was directly lost due to the implementation of the project.	ESS5 applies as explained in the first column. Compensation will include the value of the investment made on the land, harvest of the crops, compensation of the time required to reinstate the same livelihood. PWA shall also evaluate any business activity that is related to and/or conducted on the land and provide compensations in line with this RF.
7	Consultation and Disclosure of Information	Palestinian laws do not mention or include a need for anything related to consultation and disclosure of information	Apply ESS5 measures regarding consultation and information disclosure

Based on the table, ESS5 will be applied in case any gaps between ESS5 and Palestine laws and regulation.

## 7. Eligibility Criteria, Valuation and Entitlement for Compensation Under the Project

In general, PWA will implement the project on governmental unused land, when possible, in order to minimize the impacts related to private land acquisition.

The RF seeks to ensure that despite PWA's best efforts, if a sub-project requires land acquisition, the PAPs who suffer a complete or partial loss of lands, crops, trees and assets or access to them will be clearly defined and recognized as eligible for some kind of compensation and assistance regardless of their legal land status. This follows a two-step process, which is proposed to be used in preparation of the RP:

1. The first step is a socioeconomic study to confirm and document that all adversely affected people are correctly enumerated. A cut-off-date is set. The residency should be identified through the census survey. The owners will be entitled for compensation for their loss of properties and/or assistance for livelihood stabilization.
2. The second step is defining legality of the PAPs' status. Identified PAPs are classified into the following categories in the ESS5:
  - a. Those who have formal legal rights to land or assets;
  - b. Those who do not have formal legal rights to land or assets, but have a claim to land or assets that is recognized or recognizable under national law; or
  - c. Those who have no recognizable legal right or claim to the land or assets they occupy or use.

All the above categories are entitled to some forms of compensation, as explained below. For each specific site, the RP will include formal arrangements to compensate project affected people upon approval by the Cabinet of Ministers. Valuation for loss of land and assets is described for each category in the table below.

Each RP will present the people entitled for compensation, assistance and livelihood restoration, type of loss incurred and eligible compensation. The Entitlement Matrix (Table 3) summarizes the types of losses and the corresponding nature and scope of entitlements, in compliance with National Laws and World Bank ESS5.

**Table 3**  
**Eligibility and Land Acquisition and Livelihood Compensation Entitlement Matrix**

<i>Type of loss</i>	<i>Unit of Entitlement</i>	<i>Entitlement</i>	<i>Agency responsible</i>	<i>Methodology</i>
<b>ASSETS (LAND and STRUCTURES)</b>				
AGRICULTURAL LAND Permanent loss of and/or permanent access restriction to agricultural land (including uncultivated, grazing, or other lands used for agricultural purposes and subsistence) due to sub-project interventions	a. Owner	i. Replacement land with the same productive value in the same area where land was located OR ii. Cash compensation at full replacement cost of the land and other assets attached to it.	Palestinian Land Authority. Ministry of Agriculture. PWA Ministry Of Finance	i. Replacement with land in similar location and the same production value OR ii. Calculate and provide full replacement cost
	b. Formal tenant/authorized user of land	i. Cash compensation equal to market value of gross output or use derived from the land for formal or authorized user of land proportionate to the time needed to reinstate the same output or use		Determine the compensation including the i. market value of the investment made on the land, gross harvest of the crops agricultural outputs/ grazing requirements derived from the land etc. AND ii. the time required to reinstate the same output or use (for

<i>Type of loss</i>	<i>Unit of Entitlement</i>	<i>Entitlement</i>	<i>Agency responsible</i>	<i>Methodology</i>
	<p>c. Informal or non-authorized users of land</p>	<p>i. Cash compensation for informal or non-authorized land user for investments made on the land, standing crops/agricultural outputs/grazing use and reinstatement of the same</p>		<p>example, requisite number of cropping/grazing seasons, number of months etc.)</p> <p>Determine the compensation including the</p> <p>i. market value of the investment made on the land, gross harvest of the crops agricultural outputs/grazing requirements derived from the land etc. AND</p> <p>ii. the time required to reinstate the same output or use (for example, requisite number of cropping/grazing seasons, number of months etc.)</p>
<p>NON-AGRICULTURAL LAND Permanent loss of and/or permanent access restriction to urban/industrial land due to sub-project interventions</p>	<p>a. Owner</p>	<p>i. Cash compensation at the full replacement cost of land and other assets attached to the land.</p>	<p>Palestinian Land Authority. Ministry of Agriculture.</p>	<p>i. Full replacement cost of the land</p>
	<p>b. Formal tenant or authorized user of the land</p>	<p>i. Cash compensation for authorized land user for loss of investments made on the land and livelihood reinstatement</p>	<p>PWA Ministry Of Finance</p>	<p>i. The value of the investment made on the land, (buildings/sheds and/or business activity) and compensation for the time required to reinstate the same economic/livelihood activity. The value for compensation should also include the price to rebuild the same structure at the actual price</p>

<i>Type of loss</i>	<i>Unit of Entitlement</i>	<i>Entitlement</i>	<i>Agency responsible</i>	<i>Methodology</i>
				including materiel and human resources
	Informal/non-authorized users of the land	i. Cash compensation for land user for loss of investments made on the land and livelihood reinstatement		i. The value of the investment made on the land, (buildings/sheds and/or business activity) and compensation of the time required to reinstate the same economic/livelihood activity. The value for compensation should also include the price to rebuild the same structure at the actual price including materiel and human resources
Land affected temporarily	Individual (owners, authorized or unauthorized users)	i. Restoration of the land OR ii. Cash compensation for restoration of and losses on the land at replacement cost.	Palestinian Land Authority  PWA  Ministry of Finance	i. The impacted land will be reinstated to the condition prior to the temporary impact caused by the project OR ii. Compensation calculated at replacement cost for restoration of the land AND iii. Compensation for the losses on the land according to the

<i>Type of loss</i>	<i>Unit of Entitlement</i>	<i>Entitlement</i>	<i>Agency responsible</i>	<i>Methodology</i>
				replacement cost at the time.
Permanent impacts on structures other than dwellings due to the subproject	Owner of affected property	i. Rebuild or rehabilitate the structure OR ii. Cash compensation for losses/damage at replacement cost	Palestinian Land Authority PWA Ministry of Finance	Municipalities will i. rebuild or rehabilitate the structure OR ii. Pay the full cost of rebuilding or repair at replacement cost
<b>TREES AND CROPS</b>				
Loss of agricultural crops and trees	Individual (landowner, authorized or non-authorized user of the land)	i. Replanting and restoration of the same tree OR ii. Planting a replacement tree of the same maturity and type OR iii. Cash compensation based on the maturity, output, lifespan of the tree (as appropriate) iv. Cash compensation for crop losses	Palestinian Land Authority Ministry of Agriculture PWA Ministry of Finance	Municipalities will compensate by: i. re-planting and restoring the same tree OR ii. Planting a replacement tree of the same type and maturity OR iii. Providing cash compensation based on the type, maturity and output value of the tree. If it is a fruit tree the compensation shall include output value at market prices along with maturity at the current market price of the tree. For timber trees the compensation should include the age, lifespan and maturity of the tree at current market price. iv. Cash compensation at market value for actual crop loss.
<b>LIVELIHOOD AND INCOME IMPACTS</b>				

<b>Type of loss</b>	<b>Unit of Entitlement</b>	<b>Entitlement</b>	<b>Agency responsible</b>	<b>Methodology</b>
Loss of income and livelihood support	Project-affected persons with impact on livelihood/income (e.g. workers/labor in impacted enterprises/businesses, agricultural wage labor etc.)	(i) Temporary or permanent employment during construction and operation of concerned sub-projects OR  ii. For land and non-land-based livelihood, a maximum of up to 3 months of livelihood support, based on official minimum wage per month, as transition to restoration of income.	PWA  Ministry of Finance	i. Identify persons impacted by loss of income and livelihood during the subproject screening and assessment process AND  ii. determine eligibility for loss of income and livelihood compensation and the type of entitlement to be provided
<b>ASSISTANCE FOR VULNERABLE GROUPS</b>				
Vulnerability impact support	Socially marginalized groups who may experience severe impact due to their pre-project socio-economic status such as (not limited to) the poor, female-headed households, elderly, persons with disabilities, informal settlers etc. <i>To be determined in the screening and E&amp;S assessment process for the sub-project</i>	i. Temporary or permanent employment in construction activities where feasible OR  ii. Lump sum one-time livelihood assistance equivalent to one-month minimum wage in local standards.	Palestinian Land Authority  Ministry of Agriculture  PWA  Ministry of Finance	Municipalities will  i. identify any vulnerable persons affected during the subproject screening and assessment process AND  ii. determine eligibility for vulnerability support and the entitlement to be provided

## **8. Preparation of Resettlement Instruments**

This RF describes different types of instruments for mitigating different types of potential impacts on the population as a result of resettlement. The pre-assessment conducted by the PWA suggests that a limited amount of land may require expropriation. An inventory of all sites that are to be acquired, along with a description of the parcels, locations, surface areas, land use, census of the parcels, assets, including the numbers concerned and an estimation of the land value of each parcel, will be undertaken by the PWA.

### **Preparation of Resettlement Plan**

Site specific RPs will be prepared in accordance with this RF. To minimize the impact of the proposed physical work impact on a site that is identified, a pre-feasibility study will outline the cadastral information (if the land is surveyed) or other information on ownership, as well as existing structures and uses of the land that would be directly affected by the Project, either temporarily or permanently. The information will be verified by a qualified third party who will enumerate all ownerships and uses of the land that will be affected, together with an estimate of the numbers of people affected by the type of impact.

Where the Project entails no disturbance or expropriation of land, this information shall be properly recorded and made available.

If the Project plans entail impact on lands, the plans shall be reviewed and revised by PWA based on the appropriate and documented consultations with the affected persons. The objective of such consultations is to avoid or minimize expropriation of lands and adverse socio-economic impacts.

Where the Project will have an unavoidable impact, the PWA will notify the World Bank by means of a RP along with the information provided in the pre-feasibility study. This RP, with the findings in the study, will determine the need for a Resettlement Plan, identify and justify the temporary and/or permanent expropriations proposed, and include (among other details)

- potential impact on all persons affected by the Project
- a census outlining the number of persons requiring compensation, as well as specific entitlements, compensation or other remedial action
- the assignment of executing roles and responsible agencies
- a record of the initial consultations with the affected persons

The structure of RPs is provided in Annex 1.

## **9. Proposed Institutional Arrangements**

This section proposes the organizations and agencies primarily responsible for resettlement implementation. It describes the capacity of these entities for effective implementation by reference to links to authority, prior experience with resettlement, and number and training of their personnel.

The following scheme provides an overview of the institutional responsibilities for preparation and implementation of RPs.

**Table 4**

Overview -Institutional Responsibilities for Preparation and Implementation of RPs

Authorities and Agencies	Responsibilities
<b>During planning phase</b>	
PWA	<ol style="list-style-type: none"> <li>1. Describing the scope of lands and assets required by the project.</li> <li>2. Communicating with other governmental entities.</li> <li>3. Prepare a RP in cooperation with independent consultant.</li> <li>4. For the preparation of the RP, also collect proof of land use for informal users of the land (e.g. encroachers) to determine compensation for informal users of land.</li> <li>5. Monitor that all processes are followed in accordance with the RF and the RPs are prepared in accordance with the RF.</li> <li>6. Apply maximum avoidance mechanism to reduce the involuntary resettlement.</li> <li>7. Propose the best strategies to consult with the community.</li> <li>8. Prepare the permissions and decrees in cooperation with other entities.</li> </ol>
LGUs (Jenin, Qabatiya, Burqin, Mothalath Al-Shuhada, Deir Abu Daief, Jalaboun, Araboneh, Northern & Eastern of Beit Qad have been identified)	<ol style="list-style-type: none"> <li>1. Provide the preliminary inventory information including land borders, list of owner names and required logistics.</li> <li>2. Support the process for verifying any informal use of land</li> <li>3. Facilitate consultation with relevant PAPs and provide documentations of the legal status of these PAPs.</li> </ol>
Ministry of Local Governance	<ol style="list-style-type: none"> <li>1. Contribute with the Palestinian Land Authority through the project life.</li> <li>2. Provide urban plan and exiting ROWs within their area of responsibility.</li> </ol>
Palestinian Land Authority	<ol style="list-style-type: none"> <li>1. Provide official land maps &amp; lot numbers and land ownership certificates.</li> <li>2. Identification all affected persons, advising them of their rights.</li> <li>3. Follow-up all matters of public and PAPs' concern with regard to any complaints that may arise during the implementation process.</li> <li>4. Direct contacts with affected persons either individually or in groups.</li> <li>5. Propose alternative lands to replace the affected lands.</li> <li>6. Establish the valuation committee.</li> </ol>
Ministry of Finance	<ol style="list-style-type: none"> <li>1. Provide proof of land ownership for unregistered land (that has not been registered by PLA).</li> <li>2. Allocate budget for compensation if required by specific sub-projects.</li> </ol>
Cabinet Committee	<ol style="list-style-type: none"> <li>1. Coordinate between the involved ministries.</li> <li>2. Issue the land expropriation decree.</li> </ol>

Authorities and Agencies	Responsibilities
	3. Endorse the final land acquisition profile of the project.
Ministry of Agriculture (If applicable)	<ol style="list-style-type: none"> <li>1. Provide price lists of the crops and trees.</li> <li>2. Propose the compensation of wells.</li> <li>3. Coordinate with the Ministry of finance regarding the proposed compensation.</li> </ol>
Ministry of Social Affairs	Evaluate the Impact on livelihoods, way of life of vulnerable and marginalized groups.
Ministry of Public Works & Housing	Assist on valuation of loss of assets and civil structures and infrastructures.
<b><i>During negotiation on compensation and resettlement planning and implementation with the affected people</i></b>	
LGUs	<ol style="list-style-type: none"> <li>1. Conduct consultation meetings, in collaboration with PWA) with the project affected people at the project areas, inform them about the RP and their right to obtain compensations, and explore their priorities and preferences.</li> <li>2. Collect the grievances to be shared with PWA.</li> </ol>
Palestinian Land Authority	<ol style="list-style-type: none"> <li>1. Disclose grievances channels to the community.</li> <li>2. Identification all affected persons, advising them of their rights.</li> <li>3. Follow-up all matters of PAPs concern with regard to any complaints that may arise during the implementation process.</li> <li>4. Direct contacts with affected persons either individually or in groups.</li> <li>5. Develop a grievance log.</li> </ol>
PWA	<ol style="list-style-type: none"> <li>1. Implement the RP</li> <li>2. Monitor the compensation agreement in consistency with the RP relevancy.</li> <li>3. Disclose grievances channels to the community.</li> <li>4. Follow-up all matters of PAPs concern with regard to any complaints that may arise during the implementation process.</li> <li>5. Collect the grievances raised by the PAPs, document and report them to the bank.</li> <li>6. Monitoring of RP implementation procedures.</li> <li>7. Engage with all affected persons, advising them of their rights.</li> <li>8. Direct contacts with affected persons either individually or in groups.</li> <li>9. Document all activities related to the negotiations and grievances and develop a grievance lodger. The E&amp;S Specialist in PWA will be responsible of this activity.</li> </ol>
Ministry of Finance	Legal Examination of the ownership documents.

Authorities and Agencies	Responsibilities
<b>During the RP implementation phase</b>	
LGUs	<ol style="list-style-type: none"> <li>1. Undertake community liaison (day to day operation).</li> <li>2. Collaborate with the other entities.</li> </ol> Transfer received complaints to PWA.
Palestinian Land Authority	<ol style="list-style-type: none"> <li>1. Nominate a dedicated evaluation committee.</li> <li>2. Recommend acceptance of compensation- package to Ministry of Finance or land authority.</li> <li>3. Adjudicate on appeal against land acquisition values to courts.</li> </ol>
Ministry of Finance	<ol style="list-style-type: none"> <li>1. Certify compensation agreements and transfer funds to PAPs.</li> <li>2. Adjudicate on appeal against land acquisition values to courts.</li> </ol>
External Monitoring consultant	Ensure compliance with funding agreements Evaluate and monitor the process

## 10. Capacity Building

A capacity needs assessment of the key entities involved with RP implementation indicates that while adequate capacity exists among the Palestinian entities in key areas of RP preparation and implementation (carrying out the census, identifying adverse impacts, carrying out consultations, etc.), there is still scope to learn about the specificities of ESS5 including ensuring that when a gap is evident between ESS5 and Palestinian legislation, that the principles of ESS5 are to be followed. Capacity building is proposed through environmental and social standards related training on ESS5, documentation of information related to grievance redress; and also monitoring data. The Component 2 of the project will be used for the capacity building activities upon agreement between the WB and PWA- as proposed in the table below.

**Table 5**  
Proposed Capacity Building Activities

Training Module	Learning objectives	Duration	Proposed trainees	Estimated Cost (USD)
WB policies related to involuntary resettlement, and land acquisition, activities [ESS5]	Having a comprehensive understanding of the guidelines and common practice of the WB regarding RP including GM systems, monitoring and evaluation	1-day theoretical presentation.  (One month after project effectiveness)	-PWA and public relations staff  -One representative from each LGU  - One representative from PLA	800

<b>Training Module</b>	<b>Learning objectives</b>	<b>Duration</b>	<b>Proposed trainees</b>	<b>Estimated Cost (USD)</b>
Skills of registering, filling and documenting complaints (Grievance mechanism)	<ol style="list-style-type: none"> <li>Having a proper understanding of filling and documenting processes.</li> <li>Learn to use a data base software for complaints logging and retrieving</li> <li>Gain the ability to develop a report about the grievance and redress</li> </ol>	<p>1-day theoretical presentations and on the job training</p> <p>(One month after effectiveness)</p>	<p>-PWA and public relations staff</p> <p>-One representative from each LGU</p> <p>- One representative from PLA</p>	800
Skills of the complaint handling	<ol style="list-style-type: none"> <li>Learn the procedures of assessing the eligibility of the complaint</li> <li>Learn the procedures of formulating a response to the complainant</li> <li>Learn the skills to communicate decision to complainant</li> </ol>	<p>1-day theoretical presentations and on the job training</p> <p>(One month after effectiveness)</p>	<p>-PWA and public relations staff</p> <p>-One representative from each LGU</p> <p>- One representative from PLA</p>	800
Monitoring and evaluation	<ol style="list-style-type: none"> <li>Learn procedures for monitoring and evaluating the resettlement process.</li> <li>Learn the skills of evaluating the GM procedures</li> </ol>	<p>1-day theoretical presentations and on the job training</p> <p>(Three months after effectiveness)</p>	<p>-PWA and public relations staff</p> <p>-One representative from each Municipality</p> <p>- One representative from PLA</p>	800

Training Module	Learning objectives	Duration	Proposed trainees	Estimated Cost (USD)
<b>Total</b>				<b>3200</b>

**11. Consultation and Disclosure**

**11.1 Stakeholder Engagement and Consultation**

Consultation meetings shall be held with PAPs in the targeted locations as per the SEP. The purpose of consulting PAPs is to provide understanding and clarity as to how compensation would be carried out for assets and means of livelihoods that would be impacted by the project. PAPs will be informed on the following:

- The extent of land required, if any, and impacts associated with it
- The full replacement values of assets and methods used to arrive at full replacement cost
- Information on their right to be informed about their choices and their right to make free and informed choices as well as their right to accept or reject what is offered to them by PENRA
- Availability of GMs to file disputes and seek remedies when they are not satisfied with entitlements and assistance offered to them
- Methods of compensation

Effective resettlement planning requires regular consultation with the project stakeholders. The consultations should cover issues related to anticipated resettlement impacts, disclosure arrangement, grievance redressal mechanisms, and anticipated project benefits. For preparation of the RPs, consultations have to be conducted during the ESIA and RPs phase to build a dialogue with the local stakeholders, heads of councils, local leaders, as well as citizens. Subsequent consultations provide opportunities for PWA and people affected by the project to communicate with them regarding the project, the impact, compensation packages and eligibility criteria, resettlement assistance, and the timing of resettlement activities. The consultations should take the form of: scoping meetings; individual and group meetings conducted during the data collection phase; and public consultations.

PWA will devise and implement a comprehensive consultation, participation and information disclosure strategy to ensure that stakeholders, directly or indirectly involved in the project – including PAPs, marginalized/vulnerable beneficiary groups, government officials and civil society, for subprojects identified to have resettlement impact – are meaningfully consulted during the entire project cycle. The World Bank’s technical note on public consultations in context of limitation on public meetings will be used as guidance for organizing public consultations. The RF will be disclosed on the PWA’s websites by appraisal of the project.

**11.2 Stakeholder Engagement and Consultation During RF Preparation**

During preparation of this RF, ESMF and the SEP, consultations were carried out with stakeholders to ensure that the views and interests of a representative sample of stakeholders are taken into accounts.

PWA conducted consultation sessions on the November 14, 16 and 27, 2022, with the affected communities including representatives of vulnerable groups, and informed participants about the project's sub-components and the E&S instruments to be prepared including this RF. The meetings aimed to introduce the communities to the project and get their initial feedback including expectations, concerns as well as proposed mitigation strategies and improving methods for stakeholder engagement and information disclosure. The meetings included heads and members of the local councils, landowners, community members and representatives of schools in the targeted communities including the Dair Abu Daief School, Faquo'a High School, Beit Qad High School and Beit Qad Agriculture Station/School. Several women volunteers from communities of Marj Ben Amir, female Council member of Beit Qad, a representative of the Beit Qad Women Association also joined the meetings in addition to representatives of the Civil Defense and the EQA. Details of the consultation are provided in the project SEP.

In the consultation meeting, PWA explained that a RF has been prepared to comply with the WB ESF. Details regarding the project's GM, including special features for potential SEA/SH grievances and anonymous complaints, were also shared. PWA explained that if activities require land acquisition, the land related concerns expressed by stakeholders will be addressed by PWA for the specific areas and Project Affected People. PWA clarified that it will avoid all possible land acquisition and resettlement, however in cases where land acquisition is required certain procedures shall be followed for the preparation of the RPs including the following steps: (i) A census and asset survey will be undertaken as part of the ESIA and RPs to identify the eligible PPs and determine the magnitude and significance of the land impact; (ii) In case land acquisition is required, complete all necessary land acquisition in accordance with the RF and subsequent RPs and entitlement Framework prior to the commencement of any construction works; (iii) Ensure that the affected persons are Informed about their options and rights, consulted on, offered choices among, and provided with alternatives, provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project Compensation measures and (iv) Establish a grievance mechanism and monitor grievances

During the meeting, municipalities provided feedback and raised several concerns, especially regarding the need to pay compensation to citizen who have encroached the right of way, land acquisition and livelihood impacts and the cost that is incurred in doing so.

Once the site-specific lands required for the implementation of the relevant sub-projects' activities and the number of affected people are identified, in-depth consultations will be carried out with the affected people and communities for the preparation of RPs. In addition, under ESS10 additional consultation will be carried out during the course of the project.

### **11.3 Disclosure of the Resettlement Framework (RF) and the Resettlement Plans (RPs)**

To ensure that all project affected people and the broader stakeholder community have access to information contained in this RF, PWA will disclose on its website, <http://www.pwa.ps/> , project information and all key documentation, including this Resettlement Framework. The information will be disclosed in Arabic and English and in a manner that is accessible and culturally appropriate, taking into account any specific needs of groups that may be differentially or disproportionately affected by the project or groups of the population with specific information needs (such as, disability, literacy, gender,

mobility, or accessibility). The disclosure will include information on: (i) stakeholder engagement process, highlighting the ways in which stakeholders can participate; (ii) time and venue of any proposed public consultation meetings, and the process by which meetings will be notified, summarized, and reported and; (iii) the process and means by which grievances can be raised and will be addressed.

Once specific required land and numbers of affected people are identified, consultations will be held as per the SEP and RF and signage will be deployed to ensure local communities are aware of the scope and timeline of activities under this project. This will be followed with preparation and disclosure of RP, as described above.

## **12. Grievance Mechanism**

A GM system for the project will be established in PWA that is easily accessible to the people who are affected by the project. The main objective of this GM is to ensure that affected people, including landowners, land users, vulnerable groups, those whose livelihoods or access will be affected by the project, among others, have access to a viable system to air grievances and to seek resolution. A grievance system is also important for PWA to ensure they are accountable to complaints and that these are handled transparently and also in an efficient manner. The PWA will establish a Grievances Redress Committee (GRC). The GRC will consist of the Project Manager, the Project's Social Specialist, the Legal Advisor at PWA and a member of the beneficiary municipality or local council. The GRC will be responsible for reviewing and resolving the grievances related to land acquisition and resettlement grievances that arise during the preparation and implementation of the RPs. Affected communities will be informed during the consultation meetings conducted for the preparation of RPs on how to file complaints. The GRC will receive grievances from individuals that are affected by the project and schedule meetings with them to settle the grievances related to subprojects. The GRC will keep a record of all plaintiffs and the mechanisms used to address their grievances.

The project GM deals with the issues of land and other assets acquisition (e.g. amount of compensation, suitability of residual land plots, loss of access roads, loss of livelihood, etc.) as well as the losses and damages caused by construction works, and any direct or indirect environmental and social impacts. Therefore, the grievance mechanism has to be in place by the time PWA starts the preparation of the RPs (if applicable) and shall function until the completion of all construction activities and beyond till the defect liability period ends. PAPs and other potential complainants should be fully informed of the GM, its functions, procedures, timelines and contact persons both verbally and through booklets and information brochures during consultations meetings and other stakeholder engagement activities. PWA will keep a log of the complaints at hand.

Typical grievances related to the project activities are:

1. Land acquisition and physical displacement
2. Loss of land value due to project's activities
3. Loss of access to private properties or assets due to project activities
4. Physical damages to health and wellbeing during project construction phase and post-construction phase

5. Damages to residents' source of income like crops, trees or livestock.

A Grievance Mechanism (GM) will be set up to address grievances arising from project activities, including any resettlement issues. The purpose of the GM is to receive, review and resolve grievances from PAPs and facilitate the fair implementation of this RF and subproject RPs. Grievances related to GBV will be handled as a separate category within the GM system.

PWA will implement the GM to avoid resorting to the judicial system as far as possible. Complainants can seek redress from the judicial system at any time. All grievance related correspondence will be documented, and the grievance resolution process will be systematically tracked. The grievance resolution process involves the following main steps:

### **12.1 Receipt of Grievances**

Anyone from the affected communities or anyone believing they are affected by the Project can submit a grievance:

- By completing a written grievance registration form that will be available - (i) at the local municipalities and in the affected villages (i.e. those within proximity of construction activities); (ii) at the entrance of each construction site; (iii) on the Project's website; and (iv) at the Project's headquarters in Ramallah. Grievance registration forms will be provided. The Project's Social Specialist will review the received grievances and record them in a Grievance Register.
- Electronically: the complainant files a complaint electronically using the electronic GM forms on the ministry website: <http://www.pwa.ps/>
- By telephone: the complainant can call the following numbers:  
PWA Ramallah: +970 2 2987665
- Social Specialist mobile once hired: TBD
- By email: TBD

Where possible it is desirable that complaints are submitted in writing by the complainant. Should the complainant not wish to comply with this request and submit the complaint verbally, then the complainant information and the details of the complaint should be entered in the GM Log.

### **12.2 Procedures for Filing Complaints**

The complainant fills in the designated form in writing and signs it, or fills it electronically including all personal information and details of the complaint.

The complainant encloses all copies of documents which may support the complaint.

The GM staff at the Complaints Unit will ensure that the form is filled in accurately. The complainant receives a receipt or a confirmation email of acknowledgment with a reference number to track the complaint.

If the complainant chooses to file his/her complaint verbally, the GM employee must register the complainant information and details of the complaint into the system. The complainant will receive a reference number to track his/her complaint.

### **12.3 Registering Complaints**

The GM staff will enter the complaint into the GM log. The complaints register records the following information:

- Complaint Reference Number
- Date of receipt of complaint
- Name of complainant
- Confirmation that a complaint is acknowledged
- Brief description of Complaint
- Details of internal and external communication
- Action taken: (Including remedies / determinations / result)
- Date of finalization of complaint

Original documentation must be kept on file.

### **12.4 Referral and Examination of Complaints**

A GM system will be established. The Social Specialist will inform the complainant that an investigation is underway within three business days. The complainant shall be informed of the estimated duration for resolving the complaint which is no later than ten business days from the date of receipt of the complaint. Where the complaint is unlikely to be resolved within the estimated duration, the Social Specialist must promptly contact the complainant to request additional time and explain the delay. In any event, the complaint must be resolved no later than two weeks from the date of receipt of the complaint. If the complaint is not resolved, the Social Specialist will refer the complaint to the Director of PCU to take the appropriate measures.

The SDS will then follow the steps below:

- Verify the validity of the information and documents enclosed.
- Ask the complainant to provide further information if necessary.
- Refer the complaint to the relevant department.
- Social Specialist charge in the relevant department shall conduct field visits for verification, if necessary, and prepare recommendation to the PCU of actions to be taken and of any corrective measures to avoid possible reoccurrence.
- The Social Specialist shall register the decision and actions taken in the GM log.

### **12.5 Notifying the Complainant and Closing the Complaint**

#### **- Notifying the Complainant:**

The Social Specialist shall notify the complainant of the decision/solution/action immediately either in writing, or by calling or sending the complainant a text message. When providing a response to the complainant, the Social Specialist must include:

- A summary of issues raised in the initial complaint;

- Reason for the decision.

- **Closing the Complaint:**

A complaint is closed in the following cases:

- Where the decision/solution of complaint is accepted by the complainant, the Social Specialist shall close the complaint and sign outcome and date in the Complaint Register.
- A Complaint that is not related to the project or any of its components.
- A Complaint that is being heard by the judiciary.
- A malicious complaint.

## **12.6 Additional Dispute Resolution Scheme**

*Internal Dispute Resolution Scheme:* Where the complainant is not satisfied with the outcome of his/her complaint, PWA will ask if she/he would like to escalate to the next level and if so, escalate the complaint to the Director of the PCU. Where complainants are not satisfied with the resolution provided by the Director of the PCU, PWA will ask if she/he would like to escalate to the next level and if so, escalate the complaint to the Head of the PWA.

*External Dispute Resolution Scheme:* In case the complainants are not satisfied with the internal procedures for handling complaints, the outcomes of the complaints or for any unhandled complaints, the Social Specialist shall provide information on a complainant's right to refer their complaint to the Cabinet of Ministers' Unit for grievances or to the judicial system.

*Anonymous Complaints:* The GM system includes an anonymous complaint reporting process as some complainants may choose to file a complaint anonymously. Channels to accept and respond to anonymous grievances will be communicated to project affected parties during the consultation meetings and throughout project implementation. Anonymous complaints should provide factual details and specific allegations of misconduct or serious wrongdoing related to any of the project activities. The GM staff shall ask the complainant about the preferable way to inform him/her of the solution.

*GBV/SEA/SH Related Complaints:* The GM system shall include special referral pathways for the GBV complaints and grievances, including grievances on sexual harassment and sexual exploitation and abuse. The mechanism of accepting and responding to GBV grievances will be communicated to project affected parties during the consultation meetings. Channels to accept and respond to GBV grievances, while ensuring high confidentiality, will be communicated to the project's affected parties during the consultation meetings and throughout project implementation. Training will also be provided by a GBV expert for the PWA on detection of cases of gender-based violence and handling of inquiries, complaints and grievances related to GBV.

## **12.7 Reporting**

The Social Specialist shall review the Complaints Register regularly for the purpose of providing analysis and reports on complaints to the PWA. The report shall include number of complaints received, handled and closed. It shall also include analysis on systemic and recurring problems. This will assist the project management in determining the cause of complaints and whether remedial action is warranted.

Periodic Reporting shall be as following:

- A monthly report to the project management of the PWA.
- A quarterly report to the project management at the WB.

### **13. Monitoring and Evaluation (M&E)**

Monitoring and Evaluation (M&E) are key components of the RF and have the following objectives:

- Monitoring of specific situations or difficulties arising from implementation and of the compliance of implementation of the RF and relevant RPs with objectives and methods set out in the RF and will be followed in the RPs.
- To verify that all activities in each RP have been effectively completed with respect to quantity, quality and timeliness.
- Evaluation of medium and long-term impacts of resettlement on affected households' livelihood, environment, local capacities and economic development.

In carrying out all activities related to monitoring, evaluation and supervision, consideration will be given to the vulnerability issues. The different vulnerable groups referred to above should be consulted during the monitoring process in order to ensure that their concerns are handled fairly. Finally, the extent of evaluation activities will be proportionate to the risk and impact of the resettlement activity.

### **14. Proposed Budget and Time Plan**

The cost for resettlement will be determined once the exact land needs and impacts are finalized and will be included in site-specific RPs. Each resettlement plan will include detailed cost of compensation and other rehabilitation entitlements, if that be the case, with a breakdown by agricultural land, residential land, business land, businesses, other assets etc. The cost will make adequate provision for contingencies. Resettlement plans will explicitly establish sources for all funds required and will ensure that fund flow is compatible with the timetable for payment of compensation and provision of all other assistance.

The exact cost for implementing RPs and compensation for subprojects shall be determined during the RP preparation stage. Compensation costs will be prepared by PWA and reviewed by MOF prior to Bank clearance. PWA shall ensure that sufficient funds are available to cover the cost for the RPs implementation. The table below presents cost associated with the preparation of the subsequent RP(s).

At this stage, an estimated cost for preparing and implementing RPs is included in the RF. This estimate is calculated on the basis of past experience and includes the estimated cost for preparing requisite instruments, conducting consultations, implementing the GM, providing training, and monitoring and evaluation.

**Table 6**  
Estimated cost for implementing RPs

<b>Activity</b>	<b>Cost (US\$)</b>
RPs preparation	50,000
Subproject screening activities to determine need for RPs	15,000
Consultation meetings with PAPs and other stakeholders; awareness raising about the project	25,000
GM operational and disseminated	10,000
Training and Capacity building	5,000
Monitoring the RPs implementation process	20,000
External Audits for evaluation	40,000
<b>Total</b>	<b>165,000</b>

It is expected that the compensation process may take a maximum of around 12-15 months; however, this will depend on how long it might take for decrees to be issued for land acquisition by the Prime Minister and the President Offices, and the scale of resettlement impacts. In any event, implementation of the RP should be completed before commencement of any construction activity. The table below includes main activities for the implementation of the RP and the expected maximum timeframe:

**Table 7**  
Timeframe for implementing the RPs

<b>Activity</b>	<b>Estimated Implementation Period</b>
Prepare and complete the survey and census	3 months
Conduct consultation	1 month
Complete valuation and verification	2 months
Agree with PAPs on compensation	2 months
Start and complete payment of compensation particularly for land	6-9 months
Monitoring of implementation	2 months
<b>Total</b>	<b>16-19 months</b>

## **ANNEX: Sample Terms of Reference for preparing Resettlement Plan (RP)**

*This is a sample ToR and should be adapted according to the guidelines provided in the WSRP RF and the specifications/requirements of sub-projects that require the preparation of a RP.*

### **Background**

[Insert description of project and why resettlement is needed]

### **Objectives**

A Consultant will prepare the Resettlement Plan (RP) on the basis of the most recent and accurate information on the: (i) proposed resettlement and its impacts on displaced persons and other adversely affected groups; and (ii) legal issues affecting resettlement. The RP covers elements that are specific to the project context.

The objectives of the Consultant assignment are to:

- Prepare the RP that is consistent in policy and context to the laws, regulations, and procedures of the Palestinian Authority and the World Bank's Environmental and Social Standard 5 (ESS5);
- Conduct consultations with identified project affected persons (PAPs), based on a census of the affected sites;
- Establish mechanisms for RP implementation, including valuation and compensation approaches;
- Develop in a participatory manner the proposed grievance mechanism to be covered in the RP; and
- Complete a baseline socio-economic survey of PAPs and host communities etc.

### **Scope of Work**

The following sections of the RP correspond to the scope of work to be completed by the Consultant.

*Description of the project:* General description of the affected areas.

*Potential Impacts:* Identification of the: (i) components or activities that require resettlement or restriction of access; (ii) zone of impact of components or activities; (iii) alternatives considered to avoid or minimize resettlement or restricted access; and (iv) mechanisms established to minimize resettlement, displacement, and restricted access, to the extent possible, during project implementation.

*Objectives:* The main objectives of the resettlement program as these apply to the [name of project] should be described in relation to the project.

*Socio-economic studies:* The findings of socio-economic studies to be conducted with the involvement of potentially affected people will be needed. These generally include the results of a census of the PAPs covering:

- (i) Current occupants of the affected area as a basis for design of the RP and to clearly set a cut-off date, the purpose of which is to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance;
- (ii) Standard characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population;
- (iii) Magnitude of the expected loss, total or partial, of assets, and the extent of displacement, physical or economic;
- (iv) Information on vulnerable groups or persons, for whom special provisions may have to be made; and
- (v) Provisions to update information on the displaced people's livelihoods and standards of living at regular intervals so that the latest information is available at the time of their displacement, and to measure impacts (or changes) in their livelihood and living conditions.

There may be other studies that the RP can draw upon, such as those describing the following, as needed:

- (i) Land tenure, property, and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the sub project area;
- (ii) Patterns of social interaction in the affected communities, including social support systems, and how they will be affected by the sub-project;
- (iii) Public infrastructure and social services that will be affected; and
- (iv) Social and cultural characteristics of displaced communities, and their host communities, including a description of formal and informal institutions. These may cover, for example, community organizations; cultural, social or ritual groups; and non-governmental organizations (NGOs) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

*Legal Framework:* The analysis of the country legal and institutional framework should cover the following:

- (i) Scope of existing land and property laws governing resources, including state-owned lands under eminent domain and the nature of compensation associated with valuation methodologies; land market; mode and timing of payments, etc;
- (ii) Applicable legal and administrative procedures, including a description of the grievance procedures and remedies available to PAPs in the judicial process and the execution of these procedures, including any available alternative dispute resolution mechanisms that may be relevant to implementation of the RP for the sub-project;
- (iii) Relevant laws (including customary and traditional law) governing land tenure, valuation of assets and losses, compensation, and natural resource usage rights, customary personal law; communal laws, etc related to displacement and resettlement, and environmental laws and social welfare legislation;
- (iv) Laws and regulations relating to the agencies responsible for implementing resettlement activities in the sub-projects;
- (v) Gaps, if any, between local laws covering resettlement and the Bank's ESS5, and the mechanisms for addressing such gaps; and
- (vi) Legal steps necessary to ensure the effective implementation of RP activities in the sub-projects, including, as appropriate, a process for recognizing claims to legal rights to land, including claims that derive from customary and traditional usage, etc and which are specific to the sub-projects.

The institutional framework governing RP implementation generally covers:

- (i) Agencies and offices responsible for resettlement activities and civil society groups like NGOs that may have a role in RP implementation;
- (ii) Institutional capacities of these agencies, offices, and civil society groups in carrying out RP implementation, monitoring, and evaluation; and
- (iii) Activities for enhancing the institutional capacities of agencies, offices, and civil society groups, especially in the consultation and monitoring processes.

*Eligibility and entitlements:* Definition of displaced persons or PAPS and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates.

*Valuation of and compensation for losses:* The methodology to be used for valuing losses, or damages, for the purpose of determining their replacement costs; and a description of the proposed types and levels of compensation consistent with national and local laws and measures, as necessary, to ensure that these are based on acceptable values (e.g. market rates).

*Resettlement Measures:* A description of the compensation and other resettlement measures that will assist each category of eligible PAPs to achieve the resettlement objectives. Aside from compensation, these measures should include programs for livelihood restoration, grievance mechanisms, consultations, and disclosure of information.

*Site selection, site preparation, and relocation:* If a resettlement site is an option, describe the alternative relocation sites as follows:

- (i) Institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, locational advantages, and other factors is at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources;
- (ii) Any measures necessary to prevent land speculation or influx of eligible persons at the selected sites;
- (iii) Procedures for physical relocation under the project, including timetables for site preparation and transfer; and
- (iv) Legal arrangements for recognizing (or regularizing) tenure and transferring titles to those resettled.

*Housing, infrastructure, and social services:* Plans to provide (or to finance resettler provision of) housing, infrastructure (e.g. water supply, feeder roads), and social services to host populations; and any other necessary site development, engineering, and architectural designs for these facilities should be described.

*Environmental protection and management.* A description of the boundaries of the relocation area is needed. This description includes an assessment of the environmental impacts of the proposed resettlement and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement).

*Community Participation:* Consistent with the ESF, specifically ESS10, a strategy for consultation with, and participation of, PAPs and host communities, should include:

- (i) Description of the strategy for consultation with and participation of PAPs and hosts in the design and implementation of resettlement activities;
- (ii) Summary of the consultations and how PAPs' views were taken into account in preparing the resettlement plan; and
- (iii) Review of resettlement alternatives presented and the choices made by PAPs regarding options available to them, including choices related to forms of compensation and resettlement assistance, to relocating as individual families or as parts of pre-existing communities or kinship groups, to sustaining existing patterns of group organization, and to retaining access to cultural property (e.g. places of worship, pilgrimage centers, cemeteries); and
- (iv) Arrangements on how PAPs can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that vulnerable groups (including indigenous peoples, ethnic minorities, landless, children and youth, and women) are adequately represented.

The consultations should cover measures to mitigate the impact of resettlement on any host communities, including:

- (i) Consultations with host communities and local governments;
- (ii) Arrangements for prompt tendering of any payment due the hosts for land or other assets provided to PAPs;

- (iii) Conflict resolution involving PAPs and host communities; and
- (iv) Additional services (e.g. education, water, health, and production services) in host communities to make them at least comparable to services available to PAPs.

*Grievance procedures:* The RP should provide mechanisms for ensuring that an affordable and accessible procedure is in place for third-party settlement of disputes arising from resettlement. These mechanisms should take into account the availability of judicial and legal services, as well as community and traditional dispute settlement mechanisms.

*RP implementation responsibilities:* The RP should be clear about the implementation responsibilities of various agencies, offices, and local representatives. These responsibilities should cover (i) delivery of RP compensation and rehabilitation measures and provision of services; (ii) appropriate coordination between agencies and jurisdictions involved in RP implementation; and (iii) measures (including technical assistance) needed to strengthen the implementing agencies' capacities of responsibility for managing facilities and services provided under the project and for transferring to PAPs some responsibilities related to RP components (e.g. community-based livelihood restoration; participatory monitoring; etc).

*Implementation Schedule:* An implementation schedule covering all RP activities from preparation, implementation, and monitoring and evaluation should be included. These should identify the target dates for delivery of benefits to resettlers and hosts and a clearly defined closing date. The schedule should indicate how the RP activities are linked to the implementation of the overall project.

*Costs and budget:* The RP for the specific sub-projects should provide detailed (itemized) cost estimates for all RP activities, including allowances for inflation, population growth, and other contingencies; timetable for expenditures; sources of funds; and arrangements for timely flow of funds. These should include other fiduciary arrangements consistent with the rest of the project governing financial management and procurement.

*Monitoring and evaluation:* Arrangements for monitoring of RP activities by the implementing agency, and the independent monitoring of these activities, should be included in the RP section on monitoring and evaluation. The final evaluation should be done by an independent monitor or agency to measure RP outcomes and impacts on PAPs' livelihood and living conditions. The World Bank has examples of performance monitoring indicators to measure inputs, outputs, and outcomes for RP activities; involvement of PAPS in the monitoring process; evaluation of the impact of RP activities over a reasonable period after resettlement and compensation, and using the results of RAP impact monitoring to guide subsequent implementation.

### **Timetable and outputs**

The Consultant is expected to submit to [implementing agency] the following:

- Inception report describing the procedures and timetable for completion of the RP preparation process (by second week after contract signing);
- Report summarizing the preliminary results of the baseline socio-economic survey and PAPs census (by .... );

- Report summarizing the consultations with PAPs and other key stakeholders (by one month after contract signing); and
- Draft RP report (by ....).

After completion of the review of the draft RP, including consultations with PAPs and communities on the main finding of the RP, a final RP will be disclosed by the implementing agency. During the review process, the Consultant is expected to make the necessary changes to the RP and organize the disclosure and consultation process.