



صندوق تطوير وإقراض الهيئات المحلية  
Municipal Development & Lending Fund



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## LAND ACQUISITION AND LIVELIHOOD FRAMEWORK (LALF)

**West Bank and Gaza Resilient Local Government and  
Municipal Services Project (RLGMSP)  
Nationally Known as Phase Four of Municipal Development  
Program  
(MDP-4)**

December 2022



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## EXECUTIVE SUMMARY:

**The West Bank and Gaza (WB&G) Resilient Local Government and Municipal Services Project (RLGMSP) constitutes the next iteration in the series of municipal support projects.** Building on the success and lessons learned of the MDP project series, this operation will continue to support municipalities to deliver on their service delivery mandates. It will do so by continuing to strengthen the decentralization process by allowing municipalities to depend on a transparent and predictable grant financing to budget their service delivery to their citizens. It will also provide municipalities with an avenue to finance activities targeting the climate hazard risk reduction, climate change resilience and joint municipal projects. Nevertheless, relative to its predecessor operations the project will focus more on improving the performance of municipalities and the sustainability of the intergovernmental transfer system under component 2. Unlike the predecessor project the proposed project will also have a standalone component to finance specific activities related to the climate agenda. The project will support 159 municipalities in WB&G, which includes 25 municipalities in Gaza and 134 municipalities in the West Bank.

As part of the third phase, the Municipal Development and Lending Fund (MDLF) developed a Land Acquisition and Livelihood Policy Framework (LALPF) in accordance with the Palestinian Laws and the World Bank's safeguards operational policies. This LALPF was revised and updated in 2020, after the outbreak of COVID 19 and to respond to the social and environmental consequences of Covid-19.

The WB&G Resilient Local Government and Municipal Services Project, here in called the "Project", will be implemented under the World Bank's Environmental and Social Framework (ESF). All the environmental and social (E&S) instruments for the Project

### **Summary of Implementation Experience of the MDP-3 Land Acquisition and Livelihood Policy Framework (LALAF)**

Measures to address private land acquisition and livelihood impacts (in accordance with OP.4.12), including the procedures for applying VLD and willing-buyer/willing-seller cases, were included in the MDP-3 LALPF. Under MDP-3, municipalities met small-scale private land needs for three sub-projects ( Kharas Rehabilitation of internal roads, Development of Shuhada Zayton Mosque Street in Gaza and Development of Internal Roads Western Area Bet Lahia). Three simplified LALAPs have been prepared and implemented through Voluntary Land Donation (VLD) agreements<sup>1</sup>. For each case, MDLF ensured that the safeguards specifications for VLD (e.g. eligibility, consultation and grievance mechanism , documentation etc.) and requirements These cases did not involve any physical resettlement or livelihood impacts.

Most of municipalities under MDP-3 implemented sub-projects on public land and avoided selecting sub-projects with negative impacts on private lands/assets. Municipalities signed agreements with citizens who have encroached the ROW. Agreements included provisions that affected parties are not coerced and they agree to works proposed in these agreements. Agreements are prepared in Arabic language and are consulted with the affected parties. Examples of agreements signed included

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<sup>1</sup> No Willing Buyer/Willing Seller agreements with affected parties were concluded under MDP-3.



moving and replacing overlapped fences within the ROW with corrugated iron walls, rehabilitation of ramps, uprooting trees within the ROW and re-planting them, etc. During public consultation meetings conducted under MDP-3, representatives of municipalities clarified that municipalities cannot compensate for any private land acquisition due to budget limitation. Municipalities reiterated this during the public consultation meetings conducted during the preparation of this project.

A Generic template for a LALP is included in Annex (1).

The framework was developed by reviewing relevant Palestinian laws and regulations, the ESF's Environmental and Social Standards (ESSs), meetings with the Ministry of Local Government (MoLG), meeting and interviews with MDLF staff, meetings with legal and development experts, and a consultation workshop with project stakeholders.

This Land Acquisition and Livelihood Framework (LALF) for the Project (MDP-4) has been developed in accordance with ESS5. The LALF aims to ensure that the Project financed development and infrastructure subprojects take into consideration the social and economic circumstances of local beneficiary communities. Moreover, it provides procedures that will ensure social and economic stability and sustainability and payment of fair compensation to individuals whose land and/or livelihoods are affected by the project (PAPs), particularly marginalized groups.

The LALF outlines a set of major principles which include respect for private property and allow expropriating only if it is for the public interest and to ensure the communities' right to development; minimizing negative impacts of implemented subprojects and preventing the demolition of structures (dwellings or for livelihoods) and/or the relocation of residents or users or the space for economic activity. Furthermore, the LALF clearly states that subprojects must not be implemented where legal disputes exist, emphasizes the importance of participatory planning and implementation of projects, and ensures that the compensation to project affected persons is paid in accordance with the legal procedures and the requirements of ESS5.

Palestinian laws that are related to land acquisition and the respect of private property ownership were carefully considered during the development of the LALF. These laws include the Palestinian Basic Law, the 1953 Land Acquisition Law, the 1953 Cities Planning Law, the 1963 Cities Planning Law of the Gaza Strip, and the 1966 Cities and Villages Planning Law of the West Bank. The legal framework identifies the authorities that handle the expropriation of properties, land acquisition, legal disputes, negotiating with landowners, and compensation mechanisms. The LALF also includes an analysis of the gap between the Palestinian laws and the Bank's ESF and provides measures to fill the gaps.

The LALF not only provides the procedures that must be followed by municipalities that will implement subprojects, but also outlines the responsibilities of the MDLF, the MoLG, the municipalities themselves, and the Development Partners (DPs).

In terms of roles and responsibilities, the MDLF is responsible for developing the LALF, building the capacities of municipalities (including for environmental and social risk management), creating a monitoring and evaluation system, financing the development of Land Acquisition and Livelihood Plans (LALPs), and approving planned subprojects.



On the other hand, the municipalities that will implement the LALF are responsible for developing a LALP that includes a social and economic impact survey, a list of affected individuals and implementation budget. In addition to establish committees that will implement the LALP, handle grievances, and document the payment of compensation.

This framework is an essential reference for subprojects as it clarifies the implementation mechanisms for subprojects where land for public purposes is either voluntarily provided by landowners (using a certain process), or acquired according the Palestinian Law. A detailed description of land acquisition as per the Palestinian Law provisions is provided under Annex 4. Furthermore, the framework provides the procedures that require the implementation of the LALF and the development of LALP. This includes the prevention of individuals from using public properties, affecting individuals' sources of income, expropriating lands for the public interest, and restricting people's access to natural resources.

The LALF outlines community participation methods during the preparation of subprojects and LALPs to ensure proper and documented discussions with the local communities and the affected individuals.

Moreover, the LALF illustrates the plan implementation committee's work and formulation methods, its different stakeholders, and its role in implementing the plan and in providing compensations for damages. Those damages may include the temporary or permanent loss of land, trees, crops, or other sources of income.

A special grievance system for the LALF, that is overseen by the grievance committee, is also provided within the LALF along with defining the institutional arrangements for processing and resolving grievances, the various levels of appeals, the timeframe of grievance resolution at different levels, and methods for handling land acquisition and impact on livelihood related complaints and resolving them.

Finally, the framework requires the development of an efficient and effective monitoring and evaluation system to ensure that compensation is provided to individuals who are affected by the subproject in line with ESS5. This system will serve as a tool to measure the impact of the subproject on the living standards of PAPs and to evaluate the achievement of different objectives under the project.



## 1. BACKGROUND

The Palestinian Authority (PA) was established in the West Bank and Gaza shortly after the Oslo Accords of 1993. The PA assumed civilian responsibility for most of the Palestinian residents: its security powers were limited, however, to the major urban centers. Israel maintained full control of large tracts of land around settlements and primary movement axes, leaving 61 percent of the West Bank (called Area C) outside the PA's reach. Under the Oslo accords, this arrangement was intended as a temporary measure, to be replaced by a final-status agreement by the year 2000, but it still remains in force. Several peace processes were initiated but none so far have been successful. With a population of around 4.8 million, Palestine is placed amongst the world's relatively poor nations. According to the United Nations Development Program's Human Development Index of 188 nations, Palestine is ranked 113 with a \$2,868 gross national income per capita. In 2015, the population of the West Bank, East Jerusalem, and Gaza has reached around 4.682 million with a population growth of 2.9%. Of that population, 73.9% reside in city areas, 16.7% in the countryside, and 9.4% in refugee camps.

According to the Palestinian Basic Law, the Palestinian territories follow a Presidential political system and must have a Legislative Council. However, since 2007, the ongoing Israeli occupation and the state of division between the West Bank and Gaza have paralyzed the democratic life of Palestinians and no presidential or parliamentary elections have taken place since.

Following the approval of the State of Palestine's membership as an observer member at the United Nations, there have been Palestinian requests to join multiple UN agencies and the State of Palestine has ratified 18 international agreements and two protocols.

Around 2.836 million (60.6%) of Palestinians fall into the working age group -which is 15 years old and above- and the remaining 2.846 million (39.4%) of the population fall outside that category. 2.299 million (45.8%) of those who belong to the working age group are among the workforce and 1.537 million (54.2%) are not. As to the members of the Palestinian workforce, 963,000 (74.1%) are employed and 336,000 (25.9%) remain unemployed.

## 2. PROJECT DESCRIPTION

In 2009, the Palestinian National Authority (PNA) initiated a national Municipal Development Program (MDP) to support local development in the country with specific focus on improving capacities of municipalities to provide better services to Palestinian citizens. The Municipal Development and Lending Fund (MDLF), as the national development agency in the local government sector, has been mandated to implement the MDP.

The MDP is a multi-phase national program that has been financed by the Palestinian government and several financing partners (FPs), including; World Bank (WB), German Development Bank (KfW), Danish International Development Assistance (DANIDA), Swedish International Development Assistance (SIDA), Swiss Agency for Development Cooperation (SDC), International Cooperation Agency of the Association of Netherlands Municipalities (VNG), Belgian Technical Cooperation





(ENABEL/BTC), French Development Agency (AFD), the European Commission (EC), and German Technical Cooperation (GIZ).

The MDP is designed to contribute to larger Palestinian Government objectives related to strengthening local governments by enhancing their efficiency and effectiveness in managing their municipal affairs by moving them towards fiscal stability over the longer-term. The first phase of the MDP spanned over a three-year period from 2010 to 2013. The second phase of MDP started in 2014 and was concluded in 2017. The third phase of the MDP is designed to be implemented from 2017 – 2023.

The three phases of the MDP have targeted all municipalities and provided municipalities with a combination of technical assistance and annual performance-based grants for priority sub-projects that would improve municipal service delivery. The performance-based grants (known as the Grants Allocation Mechanism-GAM) was designed to create incentives for municipalities to introduce management principles to enable progress towards creditworthiness.

### **WB&G Resilient Local Government and Municipal Services Project/MDP-4, 2023 - 2027**

The project consists of the following five components:

#### **Component 1: Performance Based Service Delivery Grant Transfer**

Through this component the project will provide participating municipalities with the performance-based grant financing needed to advance in the process of fulfilling their mandated service delivery responsibilities and will support the alignment with the capacity building activities under component 2.

To participate under component 1, municipalities will have to first comply with a series of Minimum Conditions (MCs) which are the basic requirements that all participating municipalities should comply with to become eligible to receive the grants. The specific details for the MCs will be defined in the Project Operations Manual (POM). These will also be defined in consultation with all donors participating in the parallel financing of component 1. Municipalities will receive two grants to finance municipal infrastructure sub-projects. The first of which will be based on an evaluation of municipal needs, the second will be performance based, where the allocation will be determined by a formula that considers the achievement of Performance Measures (PMs)<sup>2</sup>. The specific infrastructure subprojects will be identified and prioritized as part of the preparation of the Strategic Development and Investment Plan (SDIPs). Municipalities will identify such sub-projects through a participatory public consultation process, which is already part of the MDLF SDIP development manual and procedures, and will be limited to the sectors outlined in the legal framework, taking into consideration a negative list which considers high social and environmental risk projects, in accordance to project ESF requirements. As part of the activities under component 2, the project will

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<sup>2</sup> Performance Measures (PMs): represent a set of predefined targets that LGs should achieve, covering various thematic areas with more refined and qualitative indicators than MCs. The results of PMs determine the size of grants allocated to LGs, and also inform capacity building needs and overall monitoring and evaluation systems. including own-source revenues (OSR), operation & maintenance (O&M) of capital investments, public financial management (PFM), transparency, accountability and citizen engagement, and human resource (HR) management.”



carry out community urban risk assessments for all participating municipalities. As part of the second cycle, the project will use the information acquired to inform the preparation of the required SDIPs. Based on the most recent set of investments under the MDP project, this will result in the identification, design and construction of climate resilient roads, flood mitigation etc. Other expected activities could include energy efficient building rehabilitation, rooftop solar energy, SWM (Slurry management), urban nature-based solutions like green roofs, green corridors, urban farming, urban parks and forests, among other urban heat and flood management works.

### **Component 2. Capacity Development**

This component has the objective of supporting LGUs in improving their overall capacity to provide municipal services. The capacity development support will be provided at LGU and national levels. In particular it will provide technical assistance to the PA to establish the basis of a national intergovernmental fiscal transfer system (IFTS). The MDLF will prepare a Capacity Development Plan at the start of the project in consultation with all stakeholders, which will provide a detailed description of the priorities, activities and their inter-linkages for this component.

#### **Sub-component 2.a: Capacity Development for Municipalities**

This sub-component would continue to strengthen municipal capacity in budget preparation, financial management, procurement, planning, operation and maintenance, social accountability and credit worthiness. Just as with the predecessor MDP3 project, the municipal capacity development activities will be identified by municipalities together with the MDLF. Specific attention will be paid to weak municipalities through customized capacity building packages and the identification will also be informed by performance measuring system to be used as part of Component 1. Additionally, this component includes technical assistance on the preparation of pre investment studies for works, as well as enhance natural hazard attributed disaster risk management, climate change considerations into infrastructure designs and gender.

#### **Sub-component 2.b: Capacity Building for MOLG and MDLF**

this sub-component will support MDLF for institutional development in general and particularly in line with the lending roadmap, with a special focus on initial steps to strengthen the access of LGUs to financing (e.g. creditworthiness of LGUs, borrowing from private sector, activation of MDLF's lending function etc.). Also, it will support the MOLG for specific issues related to reform and policy agenda for local governance development, especially relating to integrating the MDP into the national budget. All relevant PA institutions will be assisted to reform intra-governmental fiscal relations to address the Net Lending issue, enable municipalities to improve revenue and expenditure performance, and access long term capital investment financing in the long run. Further, the MoLG would be supported to improve its oversight of municipalities by developing budget approval criteria and national bench making system of municipal service delivery performance.

#### **Sub-Component 2.c: Intergovernmental Fiscal Transfer System (IFTS)**

This subcomponent will focus on providing the necessary technical assistance to establish a basic IFTS.



### **Component 3. Competitive Grants for Natural Hazard and Climate Change Resilience**

This component will support municipalities to reduce natural hazard and climate change related risks in support of the PA's efforts to mitigate climate change and reduce all forms of environmental pollution. The component will cover technical assistance as well as offer financing of small-medium scale physical works. More specifically this component will cover:

**Subcomponent 3.1. Participatory natural hazard and climate change risk assessment.** Building on the recent urban hydrological, climatological and climate change risk research carried out by the WBG, as well as the resilience plans developed for 20 large municipalities under MDP 3, the subcomponent will support the development of primary and secondary level urban risk assessments for natural hazard risks for all participating municipalities. The depth of the assessments will depend on the results of the national level assessments carried out, as well as the results of the assessments already prepared under the predecessor project. Ultimately, for those municipalities identified to be at high risk, secondary or possibly tertiary level assessments will be produced. These will ultimately lead to municipal hazard reduction plans, which will propose a series of small-scale risk mitigation interventions within a subset of preferred activities, as well as a set of capacity building plans to address disaster risk per the type of risk identified. These could include soft risk mitigation activities that have been proven by international best practice to effectively tackle risk mitigation, addressing governance and behavioral issues for hazards such as floods, earthquakes, storms, etc. Gender equality and integration will be ensured through these capacity development initiatives, as too will be the focus on vulnerable groups.

#### **Subcomponent 3.2. Natural hazard and climate change adaptation structural works.**

The subproject will support the identification, design and construction of small-medium natural hazard risk mitigation works for those 20 municipalities that have developed resilience plans under MDP3. The selection of works will ultimately be carried out by the MDLF through a competitive window, where municipalities will propose risk mitigation activities. Following the findings of the risk mitigation plans and a set of preestablished criteria, the MDLF will choose risk mitigation activities to be financed. The criteria for selection will ultimately be guided by the level of risk identified in the resilience plans, nevertheless, the specific details for the selection process will be defined in the POM. The selected municipalities will be responsible for implementing the infrastructure projects identified, under the MDLF's oversight and supervision. Support will be provided to prepare plans and designs for such prevention measures and plans for the management, operation and maintenance of each structural measure built. Municipalities are encouraged to propose investments of larger scale targeting more than one municipality to reap economies of scale and consolidate service delivery (building on the success of implementing joint projects as part of the LGSIP).

### **Component 4: Project implementation support and management**

This component will finance the functioning of the teams that are part of the MDLF supporting the implementation of the project. It will finance the management costs of the MDLF as well as the required goods and consultant services (local technical infrastructure supervision) needed for the effective monitoring and evaluation, social and environmental safeguards management, procurement, and outreach and communications for the project.



### **Component 5: Contingent Emergency Response**

Providing immediate response to an Eligible Crisis of Emergency, as needed. The objective of this Component is to support the response capacity in the event of an emergency, following the procedures governed by IPF Directive and Policy paragraph 12 (Situations of Urgent Need or Capacity Constraints). There is a possibility that, during project implementation, a natural disaster, epidemic or other emergency may occur, which would cause a major adverse economic and/or social impact. In anticipation of such an event, the Contingent Emergency Response Component (CERC) allows the PA to receive support by reallocating funds from other project Components or serving as a conduit to process additional financing from other funding sources for eligible emergencies to mitigate, respond to and recover from the potential harmful consequences arising from the emergency. Disbursements under this Component will be subject to the declaration of emergency by the PA, the international community, or the UN.

### **3. RATIONALE FOR THE PREPARATION AND APPLICATION OF THE LAND ACQUISITION AND LIVELIHOOD FRAMEWORK**

The MDLF has updated the MDP-3 LALPF, in accordance with the requirements of the RLGMS/ the project and ESS5, to prepare the Land Acquisition and Livelihood Framework (LALF) for this project. Under MDP-3, municipalities met small-scale private land needs for three sub-projects ( Kharas Rehabilitation of internal roads in the West Bank, the Development of Shuhada Zayton Mosque Street in Gaza and the Development of Internal Roads Western Area Bet Lahia ). Three simplified LALAPs had been prepared and implemented through Voluntary Land Donation (VLD) agreements. In such cases, it was ensured that the World Bank specifications for VLD (e.g. for eligibility, consultation and grievance redress, documentation etc.) were met. These cases did not involve any physical resettlement or livelihood impacts. Measures to address land and livelihood impacts (in accordance with OP.4.12), including the procedures for VLD and willing-buyer/willing-seller cases, were included in the MDP-3 LALPF.

Under Component 1 of RLGMS, there may be potential risks associated with some small-scale private land taking for the expansion of ROW, if required, for rehabilitation and maintenance of water networks, and construction and rehabilitation of roads. Similarly, while activities including construction and rehabilitation of public facilities (e.g. schools, clinics, public centers, solid waste facilities etc.) are generally implemented on public land, some private land taking may be needed in cases where public land is not available. Identified thematic interventions under Component 3 (related to climate change), for example renewable energy, green buildings, solid waste management and green public spaces, may also entail some private land taking. Final determination of land needs will be done during subproject preparation. There is also a potential risk of temporary restriction to land use and consequent negative impacts during construction on small enterprises (e.g. shops, kiosks) particularly in commercial areas and such risks will also be assessed and mitigated, as required, during subproject preparation and implementation.

In view of the risks outlined above, an LALF has been prepared for RLGMS. The LALF serves to ensure that the development of infrastructure projects funded by the MDLF will have no negative effect on citizens' social and economic circumstances, particularly those who are directly affected by the implementation of subprojects. Moreover, the LALF aims to reduce any harm that may be incurred by



implementing the projects. This LALF will serve as a reference for all of the subprojects that are implemented by the municipalities. It shall guarantee the implementation of the same standards and procedures towards all citizens without any discrimination, violation of property rights, or damage that may result by the projects.

The framework is to comply with the Palestinian laws, regulations and policies and the World Bank ESF. As such, this framework provides clear procedures that do not contradict the law. 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 Land Acquisition and Livelihood Plans (LALPs) in case the subprojects have any impacts on private land or livelihoods.

The applicability of ESS5 has been established during the environmental and social assessment described in ESS1. This LALF 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.

- 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 marine and aquatic resources, timber and non-timber forest products, 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.

This LALF will form the basis for preparation of site-specific LALPs if required once the subprojects and sites are identified. The LALPs will be prepared and disclosed, prior to commencement of procurement for the sub-project and implemented prior to the start of the subproject activity.



For small scale sub-projects, a LALP proportionate to the risks and impacts for small scale sub-projects shall be prepared and implemented in line with the LALF. Annex (2) includes a generic template for LALP.

#### 4. OBJECTIVES OF THE LALF AND METHODOLOGY

- Establish the project land acquisition, livelihood and compensation principles and implementation arrangements.
- Describe the legal and institutional framework underlying MDLF approaches for livelihood, compensation and rehabilitation;
- Avoid or minimize associated disruptions whenever implementing a MDLF sub-project.
- Assist project affected persons (PAPs) to improve their livelihoods and standards of living or at least to restore them to pre-displacement levels.
- Describe the consultation procedures and participatory approaches involving PAPs and other key stakeholders.

This framework was developed by customizing the MDP-3 LALPF in accordance with ESS5 , desk review of relevant literature, and interviews and consultations with key representatives of communities (including key representatives of marginalized groups). PAPs and community representatives identified under MDP-3, council members and staff of municipalities in WB&G, private sector and relevant NGOs were also consulted. Literature reviewed included relevant Palestinian laws and regulation, relevant WB documents and similar regional and international documents. Consultations and meetings were further held with MOLG, MDLF technical staff, and legal and development specialists.

##### Scope of the LALF

At this stage, potential lands required for project activities and an estimated number of affected people have not been identified. No large-scale private land acquisition or physical resettlement is anticipated under the project.

However, there may be potential risks (under Components 1: **Performance Based Service Delivery Grant Transfer**) associated with some small-scale private land taking for the expansion of ROW, for rehabilitation and maintenance of water networks, and construction and rehabilitation of roads. Similarly, while activities including construction and rehabilitation of public facilities (e.g. schools, clinics, public centers, solid waste facilities etc.) are generally implemented on public land, some private land taking may be needed in cases where public land is not available.

Identified thematic interventions under Component 3 (**Competitive Grants for Natural Hazard and Climate Change Resilience**), for example renewable energy, green buildings, solid waste management and green public spaces, may also entail some private land taking. Final determination of land needs will be done during subproject preparation. There is also a potential risk of temporary restriction to land use and consequent negative impacts during construction on small enterprises (e.g. shops, kiosks) particularly in commercial areas and such risks will also be assessed and mitigated, as required, during subproject preparation and implementation.



## 5. THE PRINCIPLES OF LALF

The objective for the LALF is to set out the policies, principles, institutional arrangements, schedules and indicative budgets that will address anticipated resettlement needs. 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 the project activities that ensures continuous beneficiary participation and involvement of relevant institutions and stakeholders; adherence to ESSs, in particular ESS1, ESS5 and ESS10, and PA's procedures and requirements; and determination of entitlement and payment of compensation for affected persons.

The main goal of the LALF is to identify the Project Affected Persons (PAPs), types of impacts, strategies for compensation/restoration of potential losses for individual and business and to establish the mechanism to compensate losses adequately according to policies of other financing partners, Palestinian legislation and ESS5 requirements.

The principles of the LALF are consistent with principles indicated in ESS5 and that the expression of these principles is the same as ESS5. MDLF, the implementing agency, and municipalities who play a role in the implementation of this LALF 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;
- 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.

The LALF not only establishes a cooperative working method between citizens and their municipalities, but also serves as a tool to reduce any negative social or economic effects on the lives of local communities that might result from MDLF's subprojects.

- **The Practices of the LALF:**

If land acquisitions or impact on assets and livelihoods is unavoidable, the LALF will be the basis for the preparation of subproject specific LALPs.

Following is the list of criteria that if met will not require preparation of subproject specific LALPs under the project:



- Implement the subprojects on public lands.
- The land is purchased for subprojects through Willing-buyer/willing-seller agreements that follow the criteria listed in this LALF. (See Annex 3)

However, LALPs will need to be developed, in accordance with this LALF, in the following cases:

- Subprojects that prevent PAPs from continuing to use state land for economic purposes.
- Subprojects that impact individuals' livelihood or source of income due to land taking or limited access to land.
- Subprojects that require the acquisition of private land for public interest
- Subprojects that result in preventing individuals from accessing public herding lands and natural reserves.

## 6. ELIGIBILITY CRITERIA UNDER THE LALF

Under this framework, the proposed affected persons include:

- 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 law; or
- 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, the municipality will conduct a census to identify the persons who will be affected by the project, to establish an inventory of land and assets to be affected. In conjunction with the census, the municipality will indicate a cut-off date for eligibility. Information regarding the cut-off date will be well documented and will be disseminated throughout the project area at regular intervals in written and (as appropriate) nonwritten 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.

## 7. SOCIO-ECONOMIC BASELINE

The Project will target all municipalities in West Bank and Gaza Strip and will provide municipalities with a combination of TA and annual performance-based grants for priority sub-projects that would improve municipal service delivery. West Bank and Gaza consist of 16 governorates (11 in West Bank and 5 in Gaza Strip). The total population lives in West Bank and Gaza Strip is 5.164 million (PCBS, 2021) over an area of about 6,000 km<sup>2</sup> (West Bank: 5,655 km<sup>2</sup>, Gaza Strip 365 km<sup>2</sup>).

### 7.1. Land Use and Urban Planning

Local Government Units (LGU) masterplan boundaries do not cover the full land area of the LGUs in the West Bank. This is because the majority of proposed municipal and Village Council expansions partially include Area C. Most require coordination and approval from the Israeli Civil Administration, and LGUs wait years for approval to expand. Implementation of regional planning, which could govern the lands outside of LGU masterplans is weak.





Because Palestinians have, in effect, been prevented from using a large proportion of the West Bank (Area C), they use the remaining available land areas intensively. In Areas A and B, rapid urbanization has led to construction over areas of fertile land. From 1992-2015 the percentage of area under cultivation decreased by 12%. Green spaces remain minimal, due in part to urban expansion.

Approximately 20% of the total area of Palestine is used for agricultural purposes (1.2 million dunums). 90% of agricultural lands is located in the West Bank, while only 10% is located in the Gaza Strip. The total area of agricultural land currently used by Palestinians doesn't exceed half of the Palestinian agricultural land area available for cultivation, while the remaining areas are distributed to lands that can be cultivated but are not used for such purposes, or lands that need rehabilitation, lands that cannot be rehabilitated (often used for grazing of ruminants), lands used for industrial and urban expansion, as well as areas confiscated by the Israeli authorities for settlement expansion, building the separation wall and the construction of bypass roads.

**Public Open Spaces:** The rapid urbanization and population growth in West Bank and Gaza Strip have impacted negatively on the availability and quality of public spaces within Palestinian cities. The planning regulations in Palestine have not been successful in facilitating the provision of public spaces in Palestinian cities, because most consideration is given to building design, elevation, heights, setbacks and parking, with little focus on the design and integration of urban public space. Furthermore, no planning policies are currently mainstreamed within the Palestinian spatial-planning systems. A second major challenge to the development of public open spaces in Palestine is land ownerships.

The majority of land parcels in cities are privately owned, making it very difficult to extract land for public space usage. Nevertheless, a few municipal efforts to utilize lands owned by the municipality have succeeded in creating public open spaces in the neighborhoods of their cities, and they have come in the form of small parks and gardens. Although the number of these initiatives is still small, they have succeeded to meet some of the respective communities' basic needs for public spaces.

According to recent data, there are some green and open spaces in Gaza city such as Barcelona Park, Al Shujaya Park, and Al Jundi in Al Rimal. The total area of the green spaces is about 270,430 m<sup>2</sup> in addition to the Sea beach which is a popular destination for most of Gaza's people. However, the city still needs a number of parks to serve population and to provide a fair geographical distribution of these open spaces. Seven sports clubs also are located in Gaza City, such as Gaza Sport Club and Sadaka club in the center of the city.

## 7.2. Socio-Economic Baseline

### Population

The total population lives in West Bank and Gaza Strip is 5.164 million (PCBS, 2021). The Palestinian Central Bureau of Statistics (PCBS 2015) has formulated a single baseline central projection of the Palestinian population within Palestine to 2020 and extended to 2050. Low and high population growth projections were developed for Gaza and West Bank, based on the lowest and highest population growth rates from the Palestinian governorates within each of the regions. The low and high population growth rates are 1.8% and 3.4% respectively in West Bank, and 3.1% and 4.0% in



Gaza, and the sum of these two projections give a range of between 10.7 and 16.3 million people living in Palestine in 2050 (equivalent to 2.3% and 3.6% annual growth).

Population is very young in all targeted urban areas. Approximately 60% of population is under 30 years of age in Nablus, Ramallah & Al Bireh and Bethlehem Urban Areas; this percentage reaches approximately 70% for Hebron and Gaza Urban Areas. Children under 15 are approximately 30% of the total population in Nablus, Ramallah & Al Bireh and Bethlehem Urban Areas; this percentage reaches approximately 40% for Hebron and Gaza Urban Areas.

There is an even distribution of male and female population; slightly over 50% for males and slightly under 50% for females. Hebron Urban Area is the only exception, where 51.3% of population is male and 48.7% is female.

### **Gross Domestic Product (GDP)**

According to Knoema data; GDP (current US\$) of Palestine increased from 4,271 million current US\$ in 1999 to 14,615 million current US\$ in 2018 growing at an average annual rate of 7.03%. Based on recent reports, and taking into account Covid-19 outbreak, the economy in Palestine is projected to contract by about 7.6%-11.2% in 2020 and recovery is expected in 2021.

The structure of the Palestinian economy has substantially deteriorated since the 1990s. The manufacturing sector has largely stagnated and its share in GDP has been in decline during the past 10 years, dropping from 16 % in 2010 to around 13 % in 2019. The share of the agriculture sector has also dropped in the recent years contributing 6.9 % to GDP in 2019. In the past two decades, most growth occurred in the various retail and service sectors, which account for more than half of the GDP in Palestine.

### **Employment**

In 2018, 35.1% of employed individuals in Palestine worked in the services sector, while 21.7% worked in commerce, hotels and restaurants. In the same year (2018), according to place of work, 60.1% of employed individuals were employed in the West Bank, 26.6% were employed in Gaza Strip while 13.3% were employed in Israel and Israeli settlements.

The unemployment rate in Palestine is very high. It reached 30.8 % in 2018, 2.4 % higher than 2017. The increase is due to a strong jump in Gaza where 52 % of those in the labor force were unemployed in 2018. Unemployment amongst Gaza's youth exceeded 67 %. In the West Bank, unemployment has stagnated at around 18-19 % over recent years.

### **Wages**

According to ILO, in both West Bank and Gaza, weak bargaining power among labourers, low levels of output and competitiveness in productive sectors, and a large supply of unemployed are key factors that have been exerting downward pressure on wages, and thereby weakening the quality of employment. While nominal average wages in Palestine have increased in recent years (by 48.1 % over the period 2004–2016), growth rates between the West Bank and Gaza exhibit significant disparities.

Daily wages in Gaza grew only by 4.2 %, from 59.2 Israeli shekels (ILS) to 61.7 ILS per day over the period 2004–2016. In comparison, during the same period, the average daily wage in the West Bank



grew by 56.9 % (from 81.6 to 128 ILS per day), reflecting the relatively more competitive labour market. Recent growth in wages in the West Bank has been mainly driven by increased employment levels in Israel and the settlements and the significantly higher average wages Palestinian workers receive there. Employment in Israel and the settlements has historically provided higher remuneration for workers than both the private and public sectors within Palestine. In 2016, labourers working in Israel and the settlements received an average of 218 ILS per day, more than 3.5 times the average wage in Gaza and more than 1.7 times the average wage in the West Bank.

With the minimum wage in Palestine set at 1,450 ILS per month, the minimum wage compliance is not an issue. However, a considerable number of workers in the Palestine earn well below the statutory minimum wage. It was estimated that a total of 126,500 private sector workers (41,600 in the West Bank and 84,900 in Gaza), representing 34 % of the total labor force employed in the private sector (12.7 % in the West Bank and 73.1 % in Gaza), are paid less than the statutory minimum.

### **Poverty**

Over the period 2011-2017, poverty, measured using the national poverty line 279 increased by 3.4 % in the Palestine, from 25.8% to 29.2%. However, trends in the West Bank and Gaza regions diverged sharply. The proportion of the population living below the poverty line in the West Bank declined by 3.9 %, from 17.8 % to 13.9 %. Poverty in Gaza rose by 14.2 %, from 38.8% to 53%.<sup>280</sup> This divergence in poverty trends at the regional level widened the gap in living standards between West Bank and Gaza Strip. While the average household in the West Bank had slightly higher living standards in 2017 than in 2011, this improvement remained fragile to a worsening political outlook; and the precipitous decline in living standards in Gaza was accompanied by an alarming fall in access to essential public services like water and electricity.

## **8. POTENTIAL FOR SOCIAL AND ECONOMIC IMPACTS**

The implemented subprojects might be accompanied by minor negative social impacts along with substantial positive impacts. The majority of MDLF's projects, including the WB&G Resilient Local Government and Municipal Services Project, fall into the category of public infrastructure (e.g. healthcare facilities, schools, public spaces etc.) and road construction, which will assist citizens in enjoying their rights to reach their place of residence or work and will contribute to the development of businesses and income which will eventually increase those citizens' living standards. The development and infrastructure projects will also contribute to improving the livelihood of local communities by constructing and extending roads, installing water and electricity networks, and constructing schools and healthcare facilities.

Nevertheless, negative impacts can also be expected and may range in nature and scale including number of affected populations. Impacts include :

- (i) land acquisition and temporary restrictions to land use: while the project will not involve large scale private land acquisition or physical resettlement, there may be potential risks, under Component 1 and 3, associated with some small-scale land taking for the expansion of ROW, if required, for rehabilitation and maintenance of water networks, and



construction and rehabilitation of roads. Similarly, while activities including construction and rehabilitation of public facilities (e.g. schools, clinics, public centers, solid waste facilities etc.) are generally implemented on public land, some private land taking may be needed in cases where public land is not available. Final determination of land needs will be done during subproject preparation. Potential risk of temporary restriction to land use and consequent negative impacts during construction on small enterprises (e.g. shops, kiosks) particularly in commercial areas,

- (ii) potential demolition of residence,
- (iii) loss of livelihood sources and assets,
- (iv) lack of socio-economic protection to these communities should they encounter any of these negative impacts, amongst others,
- (v) social exclusion: additional risks include capture of project benefits by community elites and potential exclusion from or inequitable provision of project benefits (e.g. improved services, enhanced social accountability measures) and/or lack of meaningful engagement during preparation and implementation with women and marginalized groups (e.g. persons with disabilities, women headed households, youth, the poor, people living in Area C, communities in Access Restricted Areas (ARAs) and relatively rural/remote locations, communities more vulnerable to impacts of climate change etc.).
- (vi) potential lack of access to grievance redress due to lack of availability of functional mechanisms that are well-known and understood and easily accessible by communities, including vulnerable groups.

As such the LALF is designed with due consideration to potential negative impacts and avoiding them including a range of measures such as:

- Preventing the demolition of any inhabited residential structure or the relocation of people's place of residence for the purpose of subproject implementation.
- Reducing the number of people affected by any of the projects by rigorously following mitigation measures.
- Compensating those whose businesses or sources of income are affected by any of the projects.
- Initiate consultation with the affected people and sign agreements with the owners of overlapping structures that need to be removed including (external walls, fences, rotted up trees, among others)

## **8. INSTITUTIONAL FRAMEWORK**

### **8.1. LALF's Organization and Implementation Arrangements**

#### **8.1.1. Overall Institutional Arrangement**

The WB&G Resilient Local Government and Municipal Services Project deals with the following stakeholders at different levels of responsibility:

1. The Ministry of Local Government (MoLG) as a main party in the signed agreement.
2. The DPs as donors of the project.
3. MDLF as the implementer of the overall /primary project.



4. Municipalities as the implementers of the subprojects.

#### **8.1.2. Institutional responsibilities of Ministry of Local Government (MoLG):**

MoLG is the main party in the signed agreement. It will be responsible for coordination with the related institutions and ministries and provide urban plan and existing ROWs within their area of responsibility

#### **8.1.3. Institutional responsibilities of Development Partners:**

Development partners will review the LALAPs and provide clearance prior implementing it on ground.

#### **8.1.4. Institutional responsibilities of MDLF:**

MDLF is responsible for the implementation of WB&G Resilient Local Government and Municipal Services Project, and LALF with close cooperation and coordination with MoLG and the participating/eligible municipalities.

The MDLF has two social specialists who will follow implementation of the Land acquisition and livelihood framework and provide the continuity of the understanding of the Palestinian laws and policies, the World Bank ESF as well as the experience on the ground in monitoring and evaluation.

WB&G Resilient Local Government and Municipal Services Project would further develop the capacity of MDLF social specialists, who would be responsible for reviewing, advising and reporting on LALF issues, so they are able to implement the LALF more efficiently and effectively.

MDLF will review the LALPs which will be prepared by the municipalities and submitted to the MDLF for review and no objection.

#### **8.1.5. Institutional Responsibilities of Municipalities**

In the event that impacts on private land and livelihoods are unavoidable, the municipalities are in charge of:

- a) Preparation of the subprojects specific LALPs in accordance to this LALF;
- b) Implementation of the LALPs. Accordingly, they are in charge of establishing the LALPs implementation committee and grievance committee;
- c) Keep in the records of all the complaints, how they were resolved, time that it took to resolve them and what happened in the case it could not be resolved.; and
- d) are also responsible for LALPs implementation budget (budget for land acquisition and compensations).

The ministry shall play a role in the complaints system related to land acquisitions as described in GM section

#### **8.2. Land Acquisition and Livelihood Plan (LALP) Committees:**

According to the Land Acquisition Law (LAL), a committee to estimate price of the expropriated lands and offer compensation must be formed by municipalities. Similarly, the following **two** committees



emerge from the LALF and the LALP:

- **LALP Implementation Committee:**

This committee will comprise of a member of the municipality or local council, a representative of the Directorate of Local Government, a representative of a local Civil Based Organization (CBO), a representative of the residents of the affected locality, a local valuer/ agricultural specialist, and a human rights/ legal specialist from the affected locality. The committee must ensure that women from affected communities are included in the committee.

The role of this committee is to follow up on the implementation of the LALP, holding community discussions, holding plan review sessions, and monitoring of the LALP activities.

The committee will also estimate the compensation for any damages related to the LALP, and follow up on the delivery of monetary and in-kind compensations to the affected individuals. Moreover, the committee must keep a record of all affected individuals and clearances of their compensations.

- **A Grievances Committee (GC)**

This committee will also be formed in any municipality in which any subproject will require preparation of a LALP in accordance with the LALF. The GC will comprise of a member of the municipality or local council, the engineer of the municipality or local council, a representative of the Directorate of Local Government, a representative of a local Civil Based Organization (CBO), a representative of the residents of the affected locality, and a specialist – preferably legal - from the affected locality. The committee will ensure gender balance in its composition.

The committee will try to resolve the grievances related to LALP preparation and implementation and complaints received by the municipality regarding land acquisition or impact on assets and livelihood will be handled by this community. Affected communities will be informed during the consultation for the LALP preparation on how to file complaints. The committee will receive grievances from individuals that are affected by the project and schedule meetings with them to settle the grievances related to subprojects. The committee must keep a record of all plaintiffs that use the mechanism to address their grievances (this is further elaborated under the Chapter V on Organization).

## **9. APPLICABLE STANDARDS**

### **9.1. Laws on Property, Compensation, Expropriation**

This section explains Palestinian legal framework for land acquisition and expropriation and related procedures. In the subsequent section under the GAP analysis the requirements of ESS5 are described and compared to the Palestinian laws explained in this section (Table 1). For this LALF whenever there is a gap, the requirements of the ESS5 will be applied as presented in this document.

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 OPT and East Jerusalem, and the PA's administration over certain areas in Palestine. The laws and ordinances applicable to the Gaza Strip and 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.”

#### **A. 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. 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.

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)).

#### **B. 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:

- I. 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.”
- II. 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.

#### **C. 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.

If the parties cannot agree to fair compensation, the land owner 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:



- No allowance shall be made on account of the acquisition being compulsory;
- 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*.
- 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;

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.

#### **D. Existing 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)

#### E. 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;

Article 16 empowers the court with the jurisdiction to consider all lawsuits, hear all contradictory litigation and any claims made to the subject land.

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)

#### F. 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. Following is a summary of valuation process for various types of impacts:

**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	Any affected tree(s) or standing crops will be compensated for. The Ministry of Agriculture develops price lists of the affected crops and trees.	Ministry of Agriculture MDLF



	The lists will be updated and provided to the PLA and Ministry of Finance to be the basis of compensation	Ministry of finance
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Annex (4) provides further details about the legal framework for land acquisition and expropriation and related procedures

## 9.2 Comparison and Gaps between the Palestinian laws and the World Bank's ESF – ESS5:

**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>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.	Compensation under this project is based on full replacement cost. Refer to Annex 5
2	<i>Monitoring and Evaluation:</i> The Borrower will establish procedures to monitor and evaluate the implementation of the LALP and will take corrective action as necessary during implementation to achieve the objectives of ESS5 as explained in this LALF. The extent of monitoring activities will be proportionate to the 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	Under Monitoring MDLF will: (i) give clearance to the LALP prepared by the municipality. (ii) review and clear the implementation report prepared by municipalities and submitted to the MDLF for clearance or no objection. (iii) Monitor the implementation of the LALP through site visits conducted by the MDLF Local Technical Consultant (LTC)  Evaluation will be done on an annual basis through an E&S Audit that will be conducted by MDLF. The E&S Audit report will be reviewed and cleared by the World Bank.
3	<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 value of the investment made on the land, harvest of the crops, compensation of the time required to reinstate the same livelihood. Evaluate any business activity that is related to and/ or conducted on the land and provide compensations in line with this LALF.
4		The compensation in the Palestinian laws goes to registered landowners or	<ul style="list-style-type: none"> <li>To conduct a social impact study to determine the number of PAPs and impacts.</li> </ul>



	<p>The Palestinian related laws are narrower than the ESS 5</p>	<p>tenants, while the ESS 5 also respect the rights of the tenants and other land users.</p> <p>Compensation in Palestinian laws includes expropriation-related damages and does not include relocation costs. Moreover, the laws do not acknowledge the importance of financing the rehabilitation of the affected families to restore their living conditions<sup>3</sup>. On the other hand, ESS5 covers the costs of relocation and supports the rehabilitation to restore the affected families' living conditions at least to the level before the project.</p> <p>In the Palestinian laws, properties are merely evaluated according to their market value, while ESS5 compensations include replacement costs and therefore allow the relocated families to return to their previous standard of living.</p> <p>The Palestinian laws do not acknowledge nor compensate any loss of income, while the ESS05 requires the compensation of any source of income that was directly lost due to the implementation of the project.</p> <p>The Palestinian laws created the Grievances System number 60 in 2009 and the amendment of 2015 that appoints units in ministries to receive grievances. Despite the activation of these units in the</p>	<ul style="list-style-type: none"><li>• To prepare a land acquisition and livelihood plan in accordance with this LALF.</li><li>• To ensure that affected structures are compensated based on the replacement value.</li><li>• No one is worse off as result of the project and livelihoods are restored regardless of land tenure status</li><li>• To establish two committees (implementation, grievances).</li><li>• To document the complaints, compensation through M&amp;E system</li></ul>
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<sup>3</sup> In practice, due to political situation, the Palestinian government avoids any relocation or physical displacement of people using public land.



		MoLG, many local communities are unaware of their existence. In contrast, the ESS 5 requires the creation of procedures that are not costly and easy to access by those who seek the settlement of disputes related to land acquisitions and livelihood. It also indicates the consideration of certain mechanisms to challenge legal decisions of disputes.	
5.	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

### 9.3 Eligibility and Land Acquisition and Livelihood Compensation Entitlement Matrix

Type of loss	Unit of Entitlement	Entitlement	Agency responsible	Methodology
<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	Municipalities	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		Determine the compensation including the i. market value of the investment made on the land, gross



<i>Type of loss</i>	<i>Unit of Entitlement</i>	<i>Entitlement</i>	<i>Agency responsible</i>	<i>Methodology</i>
		proportionate to the time needed to reinstate the same output or use		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 example, requisite number of cropping/ grazing seasons, number of months etc.)
	c. Squatter/informal or non-authorized users of land	i. Cash compensation for informal or non-authorized land user		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 example, requisite number of cropping/ grazing seasons, number of months etc.)
NON-AGRICULTURAL LAND	a. Owner	i. Cash compensation at the full replacement cost	Municipalities	i. Full replacement cost of the land



<i>Type of loss</i>	<i>Unit of Entitlement</i>	<i>Entitlement</i>	<i>Agency responsible</i>	<i>Methodology</i>
Permanent loss of and/or permanent access restriction to urban/industrial land due to sub-project interventions	b. Formal tenant or authorized user of the land	i. Cash compensation for authorized land user		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.
	Squatter or informal/non-authorized users of the land	i. Cash compensation for land user		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.
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.	Municipalities	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 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	Municipalities	Municipalities will i. rebuild or rehabilitate the structure OR



Type of loss	Unit of Entitlement	Entitlement	Agency responsible	Methodology
				ii. Pay the full cost of rebuilding or repair at replacement cost <i>If dwellings of households are being affected the sub-project will be rejected</i>
<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	Municipalities	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.



<i>Type of loss</i>	<i>Unit of Entitlement</i>	<i>Entitlement</i>	<i>Agency responsible</i>	<i>Methodology</i>
<b>LIVELIHOOD AND INCOME IMPACTS</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.)	<p>(i) Temporary or permanent employment during construction and operation of concerned sub-projects OR</p> <p>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.</p> <p>(ii) Temporary or permanent employment during construction and operation of the project that caused displacement</p>	Municipalities	<p>i. Identify persons impacted by loss of income and livelihood during the subproject screening and assessment process AND</p> <p>ii. determine eligibility for loss of income and livelihood compensation and the type of entitlement to be provided</p>
<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</i>	<p>i. Temporary or permanent employment in construction activities where feasible OR</p> <p>ii. Lump sum one-time livelihood assistance equivalent to one-month minimum wage in local standards.</p>	Municipalities	<p>Municipalities will</p> <p>i. identify any vulnerable persons affected during the subproject screening and assessment process AND</p> <p>ii. determine eligibility for vulnerability support and the entitlement to be provided</p>





Type of loss	Unit of Entitlement	Entitlement	Agency responsible	Methodology
	assessment process for the sub-project			

## 10. CAPACITY BUILDING

A capacity needs assessment of the key entities involved with LALF implementation indicates that adequate capacity exists among the Palestinian entities in key areas of LALP preparation and implementation such as carrying out the census, identifying adverse impacts, and carrying out consultations. Further capacity building is proposed on ESF ESSs, orientation on LALF, documentation of information related to grievance redress and monitoring.

**Table 3 Proposed Capacity Building Activities**

Orientation Workshop	Learning objectives	Duration and Date	Proposed trainees	Proposed cost
Implementation of LALF along project lifecycle (when it is required to use LALF, preparation of plans related to LALF & skills of complaint handling, monitoring and evaluation)	<ul style="list-style-type: none"> <li>Having a full understanding of the guidelines and common practice of LALF including GM systems, monitoring and evaluation</li> <li>Learn the procedures of assessing the complaint related to the project</li> <li>Learn the procedures of formulating a response to the complainant</li> <li>Learn the skills to communicate decision to complainant</li> <li>Learn procedures of tracking the complaint after the implementation of LALPs</li> </ul>	<ul style="list-style-type: none"> <li>- 4 days for orientation workshops</li> <li>One month after project effectiveness</li> </ul>	<ul style="list-style-type: none"> <li>- MDLF staff</li> <li>- Local Technical Consultants LTC MDLF</li> <li>- Supervision engineers from Municipalities in WB&amp;G who will be assigned responsibility for E&amp;S implementation including this LALF.</li> </ul>	15000 USD-



Orientation Workshop	Learning objectives	Duration and Date	Proposed trainees	Proposed cost
	<ul style="list-style-type: none"><li>Learn the skills of evaluating the GM procedures</li></ul>			

MDLF will implement specific orientation for municipalities that may need to prepare LALPs during the project implementation.

## 11. ORGANIZATION

### 11.1 Preparation OF The LALP and Implementation Process:

When land will be acquired and people will be affected during the project, there is need for the preparation of LALP that must be consistent with this LALF. To address the impacts stated under this framework the LALP must include measures to ensure that affected persons are:

- informed about their options and rights pertaining to compensation and maintain their livelihood,
- consulted on, offered choices among, and provided with technically and economically feasible compensation alternatives, and
- Provided prompt and effective compensation at full replacement cost for losses of assets and access, attributable to impacts of land acquisition in the project

Preparing and processing the LALP entails: (i) screening and reviewing project areas, (ii) conducting census and socioeconomic survey, (iii) establishing eligibility criteria, (iv) conducting consultations, (v) preparing the LALP document, (vi) reviewing the document and, (vii) identifying the implementing agency, assessing its capacity for land acquisition and livelihood planning and implementation, and strengthening that capacity if necessary.

The first stage of the preparation of the LALP consists of screening the land to be acquired and impacted by the project. The plan must contain alternative sites identified during the screening process.

The plan will be prepared in Arabic, and a brief report will be prepared in English, and shall contains social impact study abstract, action plan abstract, a list of PAPs, and compensation provided.

### **Subprojects that are expected to require land acquisitions or result in access restrictions, property damage, or affect the livelihood of citizens:**

Under Component 1, the project finances different subprojects in all municipalities, ranging from rehabilitation of the roads to public facilities, etc. Even though the civil works would be confined within the area that is public land and there is an exclusion list that is attached to this LALF, to ensure compliance with ESS5 in case land or livelihoods will be involved the ESS5 was triggered and this LALF was prepared. The LALF sets the principles and procedures to be followed if a given project would



involve land or livelihoods and for such subprojects LALPs will be prepared in accordance with the LALF for subprojects as required.

### **The compensation for the damage resulting from the implementation of subprojects.**

The project includes infrastructure projects that include such subprojects as road extension and construction, wall construction, extending public facility buildings, and installing electricity and water networks in cities. The implementation of those subprojects may require land, impact livelihoods and in such cases LALPs will be prepared to ensure full replacement cost for land and restoration of livelihoods for those whose livelihoods affected.

If subprojects cause damage to a fence - wall demolitions, tree uprooting the following measures related to such projects that result in property damage will be implemented:

- a. Reconstructing any demolished fence, walls according to master plans prior to project execution, or during project execution in some cases.
- b. Replanting any uprooted trees or, if replanting was not possible, plant the same type of tree.
- c. When the agricultural land owners or users are affected by the implementation of sub-projects, the compensation shall be provided.
- d. When None-Agricultural land, land owners or users are affected by the implementation of sub-projects, the compensation shall be provided (details are provided under compensation methods and entitlement matrix).

A comprehensive list of impact and entitlement is covered under Section VIII, Methods of valuation as well as in the entitlement matrix in Annex (5).

### **Subproject screening**

Subproject screening intends to identify and address land acquisition and livelihood issues as early as possible. Thus, subprojects screening is used to identify the types and the nature of potential impacts related to the activities proposed and to provide adequate measures to assess and address impacts.

For the project, a sub-project level screening tool has been prepared to help make quick assessment of the types of social impacts vis-à-vis the ESS5 (see Annex 6).

### **Checklist**

The subproject screening checklist form ensures that the process of screening remains simple and concise. Any subproject that has potential land acquisition and livelihood issues will be subjected to a comprehensive consultation process with potential PAPs. The outcome of this process must be carefully documented by the Municipalities.

The outcome of the consultative process for a sub-project (or site) would then, be sent to the MDLF, who is mandated to confirm, to approve, to disapprove, to refer for further consultation, and/or to



make a final decision on the proposed sub-project site. Such a thorough and transparent screening allows all stakeholders to build confidence in the process.

Once sub-projects have been approved, the preparation of LALPs for subprojects is based upon socio-economic studies to determine impacts:

- ❑ A socio-economic study which will include determination of impacts
- ❑ Preparation of Land Acquisition and Livelihood Plans as appropriate.

### **PREPARATION OF LALP**

Any sub-project that shall entail the acquisition of land or may result affecting the livelihood of the people will require the preparation of a LALP. The LALP should assess the number of PAPs, propose alternative locations for the sub-projects, identify the eligibility criteria, include provisions for compensation and assistance, and address the means by which the project monitoring and evaluation will take place to ensure that the PAPs receive their compensation and that their grievances are heard and addressed. The mitigation measures and compensation policies proposed in the LALP shall be disclosed to the PAPs for feedback and comments. More specifically, according to ESS5, the sub-project LALP should follow the below design criteria:

- A description of the sub-project and a discussion of how PAPs will maintain or upgrade their living standards
- Objectives of the LALP
- Identification of potential impacts
- Community participation
- A census survey of valuation of assets
- Relevant findings of the socio-economic study
- Identify vulnerable groups impacted
- Determine the need for a Livelihood Plan
- Prepare the Livelihood Plan, if required
- Legal framework
- Institutional framework
- Eligibility criteria and eligible PAPs
- Valuation and compensation for losses
- Grievance procedures
- Organizational responsibilities and timetable
- Implementation schedule
- Costs and budget
- Monitoring implementation and outcomes
- Evaluation

### **LALP APPRAISAL, APPROVAL AND DISCLOSURE**

In case a subproject will need preparation of the LALP, MDLF will make sure that the LALP is prepared in compliance with the LALF. MDLF will clear and approve the disclosure of the LALPs. The



disclosed LALPs will be in Arabic and the disclosure will be done in a culturally appropriate manner so that the LALPs can be easily accessed and understood by stakeholders.

All LALPs will be disclosed in the country on the MDLF webpage and on the system of the World Bank and the concerned Development Partners system.

The LALP shall be prepared, as required, following the screening of and community consultations for proposed subprojects. The prepared LALP shall take into consideration the communities concerns and worries raised in the process of putting together the socio-economic survey.

### 11.2. Proposed Institutional Arrangements for the Preparation and Implementation of the LALP

This section proposes the organizations and agencies primarily responsible for LALP implementation and also the proposed implementation timetable. 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 implementation the LALP.

**Table 4: Overview -Institutional Responsibilities for Implementing the LALP**

Authorities and Agencies	Responsibilities
<b>During planning phase</b>	
MDLF	<ul style="list-style-type: none"><li>• Describing the scope of lands and assets required by the project</li><li>• Communicating with other governmental entities</li><li>• Provide support to municipalities for preparation of LALPs</li><li>• Monitor that LALPs are prepared and implemented in line with the LALF</li><li>• Apply maximum measures to reduce the involuntary resettlement and livelihood impacts</li><li>• Propose the best strategies to consult with the community</li><li>• Prepare the necessary permits and decrees in cooperation with other entities</li></ul>
Municipalities (all municipalities and local councils within the area of impact)	<ul style="list-style-type: none"><li>• Provide the preliminary inventory information including land borders, list of owner names and required logistics</li><li>• Facilitate consultation with relevant PAPs and provide documentations of the legal status of these PAPs.</li><li>• Prepare the LALPs</li></ul>
Ministry of Local Governance	<ul style="list-style-type: none"><li>• Coordinate with the Palestinian Land Authority through the project life</li><li>• Provide urban plan and existing ROWs within their area of responsibility</li></ul>
Palestinian Land Authority	<ul style="list-style-type: none"><li>• Provide official land maps &amp; lot numbers and land ownership certificates</li><li>• Identification all affected persons, advising them of their rights</li><li>• Follow-up all matters of public and PAPs concern with regard to any complaints that may arise during the implementation process.</li></ul>



	<ul style="list-style-type: none"> <li>• Direct contacts with affected persons either individually or in groups.</li> <li>• Propose alternative lands to replace the affected lands</li> <li>•</li> </ul>
Ministry of Finance	<ul style="list-style-type: none"> <li>• Provide land ownership proof</li> <li>• Allocate budget for compensation if required by specific sub-projects</li> </ul>
Cabinet Committee	<ul style="list-style-type: none"> <li>• Coordinate between the involved ministries</li> <li>• Issue the land expropriation decree</li> <li>• Endorse the final land acquisition profile of the project</li> </ul>
Ministry of Agriculture (If applicable)	<ul style="list-style-type: none"> <li>• Provide price lists of the crops and trees</li> <li>• Propose the compensation of wells</li> <li>• Coordinate with the Ministry of finance regarding the proposed compensation</li> </ul>
Ministry of Social Affairs	<ul style="list-style-type: none"> <li>• Evaluate the impact on livelihoods, life standards of vulnerable and marginalized groups</li> </ul>
Ministry of Public Works & Housing	<ul style="list-style-type: none"> <li>• Assist on valuation of loss of assets and civil structures and infrastructures</li> </ul>
<b>During negotiation</b>	
Municipalities	<ul style="list-style-type: none"> <li>• Conduct consultation meetings with the project affected people at the project areas, inform them about the LALP and their right to obtain compensations, and explore their priorities and preferences</li> <li>• Receive relevant grievances, resolve, register them and report to MDLF</li> </ul>
	<ul style="list-style-type: none"> <li>• Disclose grievances channels to the community</li> <li>• Identification all affected persons, advising them of their rights,</li> <li>• Follow-up all matters of PAPs concern with regard to any complaints that may arise during the implementation process.</li> <li>• Direct contacts with affected persons either individually or in groups.</li> <li>• Develop a grievance log</li> </ul>
Ministry of Finance	<ul style="list-style-type: none"> <li>• Legal Examination of the ownership documents</li> </ul>
<b>During the LALP implementation phase</b>	
Municipalities	<ul style="list-style-type: none"> <li>• Undertake community liaison (day to day operation)</li> <li>• Collaborate with the other entities</li> <li>• Transfer received complaints to MDLF</li> </ul>
Palestinian Land Authority	<ul style="list-style-type: none"> <li>• Nominate a dedicated evaluation committee</li> <li>• Recommend acceptance of compensation- package to Ministry of Finance or Land Authority</li> <li>• Adjudicate on appeal against land acquisition values to courts</li> </ul>
Ministry of Finance	<ul style="list-style-type: none"> <li>• Certify compensation agreements and transfer funds to PAPs</li> <li>• Adjudicate on appeal against land acquisition values to courts</li> </ul>
MDLF	<ul style="list-style-type: none"> <li>• Monitor the compensation agreement in consistency with the LALP relevancy</li> <li>• Monitoring of LALPs implementation in line with this LALF</li> </ul>



## 12. GRIEVANCE MECHANISM

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

The Palestinian Council Resolution No. 60 in 2009 and the amendment of 2015 mandates the development of a complaint mechanism for Municipalities/ MOLG.

The municipalities are to ensure availability of documentation of complaints and responses, timely responses, a log of all complaints received, date received, date responded to, type of response, etc.

The proposed procedure that municipalities will follow through the implementation of the Project is as follows:

The municipalities will establish a Grievances Redress Committee (GRC): the GRC will comprise among others, a member of the municipality or local council, the engineer of the municipality or local council, a representative of the Directorate of Local Government, a representative of a local Civil Based Organization (CBO), a representative of the residents of the affected locality, and a specialist – preferably legal - from the affected locality. The committee will ensure gender balance in its composition.

The GRC will aim to resolve the grievances related to LALP preparation and implementation: all complaints received by the municipality regarding the land acquisition or impact on assets and livelihood will be handled by this GRC. Affected communities will be informed during the consultation for the LALP preparation 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 level grievance mechanism and manual that was established for MDP-3 shall be enhanced and used for this project RLGMS: a GM manual was prepared for the MDP-3 project in January 2020 and updated in October 2020 to include complaints' filing measures to minimize risk of exposure to COVID-19. The GM manual also includes details on how to receive and process special kind of complaints such as related to gender-based violence/sexual exploitation and abuse/sexual harassment (GBV/SEA/SH) and anonymous complaints based on the existed complaints system, channels and tools in the municipality. Anonymous complaints need to provide factual details and specific allegations of misconduct or serious wrongdoing related to any of the project activities. The complaints Staff are required to ask the complainant about the preferable way to inform him/her of the resolution. The GM system also includes online tools for filing complaints-, and a grievance mechanism log has been adapted by the LGUs to include information on SEA/SH/GBV with a separate coding related to COVID-19 related grievances. Due to the high sensitivity of SEA/SH/GBV, the project's GM ensures confidentiality and survivor- centered approach for SEA/SH grievances.



Information about the existence of the GBV grievance mechanism and of channels to accept and respond to anonymous grievances is communicated to all stakeholders during the consultation meetings.

In cases where the GRC is unable to resolve the complaint, it will then be transferred to the regional directorate, and if the directorate is unable to resolve the complaint, it will be transferred to the MoLG either through the project coordinator, or the citizens themselves.

At present, the process reads as below. However, during MDP-4 implementation, the grievance process will be improved to include a feature whereby upon the rejection of a complaint at a certain level, the concerned authority will inform the complainant and ask if she/he would like to escalate to the next level and if so, escalate the complaint. Also, in case there is no response or feedback provided by the concerned authority to the complainant within 14 days, the complaint will be automatically escalated.

Current Process:

1. Citizen submits their complaint to the GRC.
2. GRC which receive the complaint shall reply to it by either solving the problem of the complaint or informing the complainant that they are reviewing the complaint and they will reply to the complaint on a specific date (the reply shall be less than 14 days).
3. In the event the GRC provides a negative response or is unable to provide feedback, the citizen may then make a complaint to the regional directorate (the reply shall be in less than 7 days).
4. In the event the concerned Directorate provides a negative response or is unable to provide feedback, the citizen may then make a complaint to the Complaints Department at the MoLG, as follows:
  - a. Submit a written complaint annexed to it all required documents concerning the complaint if found. Citizen must receive a copy of the receipt. A complaint form for written grievances in Arabic language is attached in Annex 9.
  - b. The Complaints unit pursues the complaint following the procedures.
  - c. Citizen must receive a written response regarding their complaint within one (1) week at minimum – (2) weeks at maximum.

Accepting or Rejecting the Complaint

1. The institute (GRC, Directorate, MoLG) in charge of handling the complaint must inform the complainant about accepting or rejecting the complaint within the timeframe mentioned above.
2. If no agreement is reached, then the complaint is taken to the Courts of Law.
3. In the event the complaint was accepted, the complainant will receive an officially stamped Review Card with the following data:
  - Complainant's Name or Their Legal Representative
  - Complainant Address
  - Complaint Title





- Review Date
- List Annexes Submitted with the Complaint

Means of Communicating to the Complaints Department:

- Directly contacting the MoLG
- Contacting Hotline
- Contacting the website of the MoLG
- Provide a written complaint as stated in the system

According to The Palestinian Council Resolution No. 60 in 2009 and the amendment of 2015, if no agreement is reached, then the complaint is taken to the Courts of Law by the affected party.

The institute (GRC, Directorate, MoLG) must keep a record of all plaintiffs that used the mechanisms to address their grievances.

### **13. BUDGET AND SOURCES OF FUNDING**

MDLF commits itself to develop the forms, plans, and procedures that are related to the LALF and will dedicate budget to cover the following activities:

- Building the capacities of municipalities in terms of the plans and the framework, social impact study, M&E.
- Monitor and evaluate the process of preparation the LALPs
- Sub-Projects audit.

The municipalities that implement a subproject that has land and livelihood impacts must develop a LALP along with a detailed budget, ensuring that the budget covers that plan.

The budget that is allocated for the preparation of LALP (hiring the consultant) is funded by the following sources:

- The budget of the local council or municipality.
- The budget of the subproject following the approval of MDLF.

The budget to implement the LALP shall be provided from the municipalities' budget and shall cover the following aspects:

- The damage of agricultural crops.
- The damage of trees.
- The impact on livelihood and sources of income.
- The construction and demolition of fence walls.
- The damage of properties.
- The compensation of land purchase and/or related damages.
- Any other impact or damages that are mentioned in the plan.



**Table 5: Estimated Costs for Preparation and Implementation of LALF**

Activity	Cost (USD)
LALP preparation (per unit cost)	2000
Consultation meetings with PAPs and other stakeholders; awareness raising about the project (per unit cost)	500
Overall cost for GM operation and dissemination	9,000
Overall cost for Training and Capacity building	8,000
Overall cost for Monitoring the LALPs implementation process	20,000
Overall cost for the External Audits	13,000

Compensation costs related to LALPs implementation are not included as they can only be defined once the exact number of eligible PAPs and type and valuation of assets are known.

## 14. SOCIO-ECONOMIC CONDITION

### 14.1 Approach for Identifying Project Affected Persons (PAPs)

The projects that are funded by MDLF and implemented by municipalities are expected to enhance the services provided to citizens, develop infrastructure, and create new possibilities for the social and economic development of local communities.

However, the implementation of subprojects may result in temporary negative impacts on the livelihood of residents in or near the location of the subproject. Those impacts may include among other:

- The damage of nearby agricultural crops.
- The uprooting and replacement of nearby trees.
- The necessary demolition and reconstruction of certain fence walls.
- The restriction of access to certain houses or public facilities.
- The interruption of certain markets in cities or towns.
- Impacting livelihoods
- Impacting land

As a result, the LALF is prepared to put in place the principles and procedures to reduce the intensity of the above social and economic impacts by defining methods to approach them before, during, and after the implementation of the subproject and provide mitigation measures to be adapted by the subprojects specific LALPs. To reduce impact, local community and the potentially affected citizens will be involved early on in the planning and implementation stages of the subproject.

The following groups are expected to be affected by the subprojects:

- The owners of stores and commercial structures nearby the subprojects that are implemented in a commercial zone.
- The residents of residential structures nearby infrastructure projects, especially road construction and water or sewage networks' installation.
- The owners and users of agricultural lands.



- The owners and users of lands located nearby subprojects.
- People who will face access restrictions, including persons with disabilities, during the implementation of infrastructure projects.
- People who lose assets and infrastructure to the project.
- People impacted by loss of business, wages and livelihood related to land take.

A subproject that involves any of the above must develop a LALP that includes a study of the subproject's social effects on the lives of citizens. The socioeconomic study will identify those who are negatively affected by the subproject and the level impact through census, interviews large-scale community discussions that include stakeholders and the affected individuals.

Although the exact nature and locations of sub-projects are unknown, the following categories of PAPs will be used in identifying groups of PAPs for the purpose of determining impacts.

Project affected persons (PAPs) are individuals whose assets may be lost, including land, property, other assets, and/or access to natural and/or economic resources as a result of activities related to sub-projects. Project affected households are groups of PAPs in one household and where one or more of its members are directly affected by the sub-project. These include members like the head of household, male, and female members, dependent relatives, tenants, etc..

Vulnerable groups of people: From these households the sub-project will separately identify the vulnerable members, such as those who are too old or too ill; children; women; unemployed youth; etc. Households headed by women or dependent on sons, brothers, and others for support are especially vulnerable. Similarly, households with elderly or seriously ill persons are eligible for additional support.

Following the conduct of the socioeconomic impact study, a workshop must be held to which all of the stakeholders, particularly the affected individuals, should be invited by advertising in public avenues within municipalities and using local media platforms.

During the workshop, the discussion shall include the presentation of the following:

1. The main findings of the socioeconomic impact study.
2. Individuals who are affected by the project.
3. The entitlements of the PAPs under the LALP
4. Establishment of the two committees detailed in an earlier section above.

#### **14.2 Creation of Baseline Information on PAPs**

A subproject that developed a LALP must conduct a socioeconomic study to determine the subproject's social and economic impacts. In addition, a census will be done to determine the with the number and type of impacts (lists of those that are affected).

The database of the affected people must include the following description:

- The number of affected household members.



- The socioeconomic status of the household, including its income, livelihoods mean, before the implementation of the subproject.
- The type of losses and access restrictions to land incurred as a result of the subproject.
- The amount of loss of land, livelihood, assets and income.

### 14.3 Socio-economic Impacts

Identify and assess the social impact, adverse and beneficial, in the project's area of influence in order to avoid, or where avoidance is not possible, minimize, mitigate, or compensate for adverse impacts on PAPs, affected communities.

- Identify the types, nature and scale of sub-projects under the project;
- Propose mitigation and monitoring measures in the form of a sub-project- socioeconomic impact study and applicable standards documentation to address potential impacts;
- Develop procedures to identify and address potential social-issues of the projects;
- Provide a detailed budget for mainstreaming social issues into the project budget.

## 15. METHODS FOR VALUING ASSETS

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

The municipalities will implement the subprojects on governmental unused and unclaimed land, when possible, in order to minimize the impacts related to private land acquisition.

The LALF seeks to ensure that 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 assistance regardless of their legal land status. This follows a two-step process, which are proposed to be used in preparation of the LALP:

- The first step is a socioeconomic study to confirm and document that all adversely affected people were 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.
- The second step is defining legality of the PAPs status. Identified PAPs are classified into the following categories in the ESS5
  - Those who have formal legal rights to land or assets;
  - 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
  - those who have no recognizable legal right or claim to the land or assets they occupy or use.

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



## 15.2. Compensation Methods

Compensation principles will be as follows:

- Compensation shall be paid prior to land take; and  
Compensation will be at full land replacement value.

### Forms and Calculation of Compensation

Although the type of compensation may be an individual's choice, compensation in kind (such as land-for-land) is preferred, and this will be applied as per master plan (i.e., compensation will be for any land or asset that is exceeded the planned public land or roads as per master plan).

Compensation refers to both compensation for expropriated assets and restoration of income.

**Table 6: Forms of Compensation and Calculation Methods**

Types of Compensation	Calculation Method
Cash Payments	Compensation will be calculated and paid in local currency. Rates will be adjusted for inflation
In-Kind Compensation	Compensation may include items such as land, building materials, seedlings, agricultural inputs.

### ***Agricultural damages including land;***

- When the agricultural land owners or users are affected by the implementation of sub-projects, the compensation is provided as follows:
- If land affected permanently the land will be replaced with land in similar location and the same productive value or provide full replacement cost
- For those using land (squatters) they will be compensated of the investment they made on the land and assistance to restore their livelihoods.
- If land taken temporarily, the land must be returned to its previous state following closeout the project.
- The losses incurred during the taking of the land on a temporarily bases should be compensated for according to the market value at the time.
- In the case of uprooted trees, the same tree must be replanted. If replanting is not possible, compensation shall be paid to the PAP: if it is a fruit tree the compensation shall include output value at market prices along with maturity at current market price of the tree; for timber trees, the age, lifespan and maturity of the tree at current market price. The compensation is based on the size, lifespan, output, maturity of the tree, time to reach that maturity and the loss of income during that time.

### **None-Agricultural land**

- If land affected permanently the land will be replaced with land in similar location. If not possible the market value of land based on the replacement cost will be given.



- Same as squatters in agricultural land. For those using land (squatters) they will be compensated of the investment they made on the land and assistance to restore their livelihoods.
- If land taken temporarily, the land must be returned to its previous state following closeout of the project.
- For the duration of its occupancy for the project the owner should be compensated on a monthly bases based on the market value of the occupancy.
- Any uprooted trees must be replanted or compensated for if replanting was not possible. The compensation is based on the maturity of the tree, how long it takes to reach that maturity and the loss of income during that time.

#### **Loss of land**

Compensation at replacement cost for owner, in-kind compensation for land user (squatters and encroachers) for the economic value of land use.

#### **Agricultural Crop**

Compensation at replacement cost for restoration. Compensation by full cost where crop is affected. The losses incurred during the season must be compensated for according to the market value at the time.

#### **Impacts on structure other than building/household**

Compensation at replacement rates. Reinstate or rehabilitate the structure or to pay the full cost of repair. If building or household will be affected sub-project is rejected.

More details are in entitlement matrix (Annex 5)

### **15.3 Organizational Procedures for Entitlements Delivery**

#### **• Funding Approval Process**

Funding is processed and effected and channeled through municipalities and supervised through MDLF. Any delivery of entitlements and other financial arrangements must be agreed upon at project appraisal stage.

The funding and compensation processes involve several steps: public participation, notification, documentation, agreement, and compensation.

#### **• Public participation**

Local communities will initiate the compensation process as part of an ongoing process that starts at the land selection/screening stage and at the time the socio-economic study is being carried out. Public consultation ensures that affected individual/household is consulted fully during the preparation of the LALP and is fully aware of his or her entitlement. Once this is done and land is



needed the affected person will be “notified” ahead of time when land is to be acquired. This process seeks involvement and promotes participation of communities from day one.

- **Notification Procedure**

The appropriate municipalities involved in identifying the land will notify the inhabitants. Land or property users will be informed through both written and verbal formal notification delivered in the presence of the implementation committee. In addition, the Municipalities and individuals who control land will accompany the survey teams to identify sensitive areas.

A public notice must be announced in the media (Mosque, social media, public boards, etc). The notice must state:

- The Government’s proposal to acquire the land
- The public purpose for which the land is needed
- That any person affected may, by written notice, object to the transaction giving reasons for doing so, to the implementation committee with copies to the Municipality within 14 days of the first public announcement or appearance of the notice. Assurances must be made that affected persons have actually received this information and notification.

- **Documentation**

The implementation committee must arrange the meetings with the PAPs and/or their households to discuss the compensation process. For each individual or household affected, the implementation committee completes a compensation dossier containing necessary personal information on the affected party and those that s/he claims as household members, dependents, total landholdings, inventory of assets affected, and information for monitoring their future situation. This information is confirmed and witnessed by the implementation committee. Dossiers will be kept current and will include detailed documentation of all assets surrendered and/or impacted. Each individual will be provided a copy of the dossier at the time of negotiations.

The documentation is necessary because it permits for the situation to be monitored over time. All claims and assets will be documented in writing.

- **Agreement on compensation and preparation of contracts**

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

A person selecting in-kind compensation has an order form, which is signed and witnessed. The compensation contract is read aloud in the presence of the affected party and the respective of implementation committee prior to signing.

- **Compensation payments**



All compensation payments (and/or any handover of property such as land) must be made in the presence of the affected party and the implementation committee.

#### 15.4. Compensation and Project (Civil Works) Schedule:

A comprehensive timetable must be drawn up and agreed upon by all parties including the PAPs.

Proper timing and coordination of the civil works will be made to ensure that no PAPs will be negatively affected (economically or physically) due to civil works activity.

PAPs will need to be fully compensated, in accordance with the objectives and principles of the LALF and LALPs, before any project activity can begin.

For activities involving land acquisition or loss, denial or restriction of access to resources, provisions for compensation must be made prior to land entry.

In addition, land and related assets may be expropriated only after compensation has been paid to PAPs.

Details on land acquisition and compensation must be provided in the Implementation Schedule of LALP. The schedule for implementation must be agreed between the project unit and PAPs and include:

- Target dates for start and completion of civil works.
- Timetables for transfers of completed civil works to PAPs.
- Dates of possession of land that PAPs are using (this date must be after transfer date for completed civil works to PAPs and for payments of all compensation).
- The link between LALP activities at overall and subproject levels.

## 16. CONSULTATION AND STAKEHOLDER PARTICIPATION

### 16.1 Involving Stakeholders and documenting consultations and participation

A Social Impact is identified as the impact of an activity or a project on the social fabric of a local community and on the quality of lives of households within the community. Accordingly, a social impact might be positive or negative, and might affect a community as a whole, certain households, or individuals.

- Why is it necessary to estimate the social impacts of projects?

The impacts on people are the most commonly considered aspect of certain projects as negative social impact might decrease a project's added value and therefore jeopardize its core importance. The evaluation of social impacts is considered as a part of the environmental evaluation, as a parallel process, or a completely separate one. Therefore, the evaluation of social impacts is used to analyze the overall impacts of a proposed project on communities and individuals to reduce the negative effects of the project on their livelihood, to reinforce the positive impacts, and to provide a framework for social change.





▪ Social Risk:

This concept has been developed to identify the social risks that face local communities and individuals upon the implementation of a certain project. In general, the poorest households are exposed to higher risks of marginalization as a result of social, economic, and political circumstances. Being unable to reach the level of decision making, they lack the tools to change the decisions that may be devastating to their lives.

Therefore, it is crucial to provide individuals with protection against social risks that might prevent them from practicing their work and livelihood activities or decrease their living standards. Those protection tools must guarantee individuals' decent lives and work conditions that follow global humanitarian and human rights standards.

▪ Social Participation:

This type of participation by relevant individuals in decision making takes place, directly or indirectly, by legitimate mediums that represent their interests. For that reason, social participation becomes the participation of individuals, families, organizations, and other stakeholders in decision making. This includes the identification of development needs and priorities that reflect their interests using direct or indirect tools. This guarantees an active role for those who do not occupy leading positions in projects or organizations by affecting the decisions that determine events and their results.

Accordingly, the following steps are necessary to guarantee that the process will be meaningful and inclusive of all groups and genders including vulnerable groups. If certain measures (e.g separate meetings) are required for their participation, these will be provided.

- Setting a clear timeframe for stakeholder engagement activities.
- Defining the participating groups.
- Identifying the tools of discussion and participation.
- Defining the responsibilities and the means of agreement.
- Identifying risks and results in a clear manner.
- Maintaining a transparent process, the results of which are publicly announced.

Moreover, there are four levels of participation:

- Sharing information.
- Participating in decision making.
- Taking initiatives.
- Constructive affiliation in activities.

Social participation can be achieved through numerous tools. However, in certain situations, for example during COVID 19 surges, the social participation tools are limited. The main of which in local communities is strategic planning that includes the targeted priorities in a participatory manner while reasonably managing resources and results. Other tools of participation may include the following:

- Questionnaire-based surveys.
- Direct interviews.
- Focus groups.



- Direct observation.
- Extended workshops.
- Virtual workshops and meetings (online)

With respect to means of consultation, municipalities might choose the tools that are most appropriate for holding social discussions about the social impacts of subprojects, while they must invite all stakeholders by advertising in local public avenues and through media platforms. This form of social discussions aims to:

- Introduce the public and stakeholders to the details of the subproject, the expected hardships, and the subproject's anticipated duration.
- Inform the public and stake holders of the willingness to launch the LALF and initiate the preparation to develop a LALP, including a future study of social impacts.
- Discussing the grievance system related to the LALF.

▪ Stakeholders:

The municipalities that implement subprojects that use the LALF must formulate a list of stakeholders that includes:

- Civil and community-based organizations (CBOs).
- Individuals and households affected by the subproject.
- Social and civil activists.
- Related governmental bodies in the area.
- Any other influential stakeholders.
- Any other affected and/or interested stakeholder.
- Vulnerable groups.

Extended workshops, among other tools, could be used to hold community discussions. However, they must remain clear and within the LALP.

Each municipality has to organize two consultation workshops in order to include the public and PAPs in the planning, implementation, monitoring and evaluation of the sub-project. Due to the COVID 19 emergency situation, the consultation tool used during MDP-3 was slightly changed, and under RLGMSF, the consultation tool will be decided by municipalities based on the situation at the area (could be physical and limited or virtual). Should municipalities decide to conduct face to face consultations, municipalities shall adhere to the restrictions put in place by governments on social distancing and reducing crowding as established in WHO-guidance notes (i.e. limited number of concerned people taking into consideration all the required measures of wearing the mask and social distancing (all of affected people should be consulted). Municipalities can also use a blend of traditional and digital outreach if required. Stakeholder engagement activities shall be conducted in compliance with the Bank's note on *"Public Consultations and Stakeholder Engagement in WB-supported operations when there are constraints on conducting public meetings"*. The note is attached in Annex 7.

The consultation should present a comprehensive image of the sub-project with all of details including all of structures/properties which will be affected due to the implementation of the sub-project.



In case of the implementation of the LALF, the affected people should be consulted twice as the following:

**First Consultation:**

Following the MDLF approval of a sub-project that requires the LALF, a consultation must be organized with the sub-project's affected parties (physical or virtual). The consultation should ensure that affected individual/household is consulted fully during the preparation of the LALP and is fully aware of their entitlement.

During the consultation, the discussion shall include the following

- Community discussion about the sub-project.
- The location and design layout of the sub-project.
- The potential social and environment impacts.
- Any COVID-19 related concerns and other safety-related measures with communities.
- The launch of the socioeconomic study, LALP.
- The GM system.

**Second Consultation:**

Following the conduct of the socioeconomic impact study, a large-scale consultation must be held with the participation of stakeholders, particularly the affected individuals. If there is a COVID-19 public health emergency situation, the consultation meeting shall be conducted in compliance with the Bank's note on *"Public Consultations and Stakeholder Engagement in WB-supported operations when there are constraints on conducting public meetings"*.

During the consultation, the discussion shall include the presentation of the following:

- The main findings of the socioeconomic impact study.
- Individuals who are affected by the project.
- The entitlements of the PAPs under the LALF.
- Establishment of the two committees detailed in an earlier section above.
- Mechanisms for filing grievances in the case of impact on land or livelihoods.

Stakeholders, particularly the affected individuals (inhabitants, land or property users) should be invited by advertising in public avenues within municipalities and using local media platforms.

Each consultation should be documented, including the names of the participants, and attached to the sub-project LALP.

Once the project starts implementation, all municipalities will receive training on the LALF to be ready to undertake consultations with affected people on the LALF and potential follow up Action Plan. However, during implementation of the LALP, stakeholder consultation will be an on-going activity.



## 17. MONITORING AND EVALUATION

In order to assess whether the goals of the land acquisition and compensation plan are being met, a monitoring plan will be required. The monitoring plan includes indicators to be monitored, introduces milestones, and provides resources including responsible persons or institutions to carry out the monitoring activities. The arrangements for monitoring land acquisition and compensation activities will be part of the monitoring and reporting process of the project, which will fall under the overall responsibility of the executing agency.

The MDLF, with support from the Social Specialist, will institute an administrative reporting system that:

- Alerts the project authorities on the necessity and procedures for land acquisition for the project activities and the need to incorporate land acquisition, loss of assets and impact on livelihood provisions in design specifications and budgets.
- Provides timely information about asset valuation and negotiation process.
- Maintains records of any grievances that require resolution.
- Documents timely completion of project obligations for all permanent and temporary losses, as well as unanticipated, additional construction damage.
- Updates database with respect to the changes that occur on the ground as land acquisition and compensation activities are being implemented.

LALF requires to be cost effective. MDLF will be responsible for the monitoring and evaluation of the project. This will take the form of giving the municipalities the mandate to carry out independent monitoring of land acquisition and compensation plans at periodic intervals (e.g., quarterly) during the program life as circumstances require.

The monitoring objective will be to make a final evaluation in order to determine:

- If affected people have been paid in full and before implementation of the subproject
- If the people who were affected by the subproject have been affected in such a way that they are now living a higher standard than before, living at the same standard as before, or they are actually poorer than before.

Monitoring will be an on-going activity during implementation to determine the progress in LALP implementation, and to adjust the timelines accordingly.

### Monitoring and Evaluation Indicators

In order to assess whether these goals are met, indicators capable of measuring LALP performance will have to be developed.

A number of objectively verifiable indicators must be used to monitor the impacts of the compensation and land acquisition activities. These indicators will be targeted at quantitatively measuring the physical and socio-economic status of the PAPs, to determine and guide improvement in their social and economic wellbeing.



**Table 7: Indicators**

Monitoring	Evaluation	Expected Timeframe
Public information dissemination and consultation procedures	Timeliness, quality, and effectiveness of consultation and information disclosure	During preparation of LALP and during the E&S Audit stage
Payment of compensation to PAPs in various categories	Conformance to compensation policies described in the LALP	During implementation of LALP and during the E&S Audit stage
Completion dates of the LALP activities.	Actual completion of land acquisition activities compared with the LALP time schedule	During implementation and during the E&S Audit stage
Number of grievances	Timeliness and quality of decisions made on grievances	During implementation of LALAP and during the E&S Audit stage
Grievances recognized as legitimate out of all complaints lodged	All legitimate grievances rectified	During implementation
Pre- project production and income (year before land used) versus present production and income of PAPs, off farm-income trainees, and users of improved production or agricultural techniques	Affected individuals and/or households compensated in first year who have maintained their previous standard of living at final evaluation.	During preparation and during the E&S Audit stage
Pre- project production versus present production (crop for crop, land for land).	Equal or improved production per household.	During preparation and during the E&S Audit stage

Indicators to be used in order to determine the living standards of PAPs are:

- Land being used compared to before
- Level of participation in project activities compared to before
- Health standards compared to before
- Income levels compared to before

In view of the above, the land acquisition and compensation plans have overarching socio-economic goals by which to evaluate its success:

- Affected individuals, households, and communities are able to maintain their pre-project standard of living, and even improve on it.

In order to assess whether this goal has been met, indicators capable of measuring the land acquisition plan performances will have to be developed by MDLF at the start of the evaluation process. The land acquisition and compensation plans will provide measurable parameters to be monitored and provide resources necessary to carry out the monitoring activities. For example, the following parameters and



verifiable indicators could be used to measure the land acquisition and compensation plans performance:

- Questionnaire data will be entered into a database for comparative analysis at all levels of Local Governments.
- Each PAP will have a compensation dossier recording his or her initial situation, and compensation agreed upon and received.
- The Local Governments will maintain a complete database on every individual impacted by the sub-project land use requirements including compensation, land impacts or damages.
- Percentage of individuals selecting cash or a combination of cash and in-kind compensation
- Proposed use of payments
- The number of grievances and time and quality of resolution
- Agricultural productivity of new lands
- Number of PAPs employed by the civil works contractors

### **Record Keeping**

Financial records will be maintained by MDLF.

The records will permit the verification of the final cost of land acquisition and compensation per individual or household. Each person receiving compensation will have a dossier containing:

- Individual bio-data information,
- Number of people s/he claims as household dependents,
- Amount of land available to the individual or household when the dossier is opened.
- Level of income and of production through an inventory of material assets and improvements in land, and debts.



**Table 8: Suggested Timeframe for The Land Acquisition and Livelihood Plan Within the Subprojects**

Stage	Step	Required time (weeks)	Accumulated time (weeks)	Notes
1.Development	1.1 Applying for the subproject that launches the LALF	4	4	
	1.2 MDLF approval of the LALP	1	5	
	1.3 Preparing and conducting a community discussion of the project	1	6	In parallel with contracting
	1.4 Contracting a consultant (firm or individual)	2	8	
	1.5 Developing the LALP including the social impact study	8	16	
	1.6 MDLF approval of the plan and the project	2	18	
	1.7 respective DPS ensure compliance of the plan to LALF	2	20	
	1.8 Preparing and conducting a community discussion of the project	1	21	In parallel with plan development
2.Implementation	2.1 Forming the two committees	2	23	
	2.2 Launching the compensation and the grievances systems	1	24	
	2.3 Implementing the compensation plan	2	25	
3.Approval	3.1 Provide MDLF with the grievances and compensation documentation	1	26	
	3.1 MDLF approval of the subproject	1	27	

MDLF will monitor the timeframe of LALF implementation, including preparation of LALPs and implementation of sub-projects, to not exceed the duration of MDP4 cycle which is 2 years.

## 18. PUBLIC CONSULTATION

MDLF conducted a public consultation meeting during the RLGMSPP preparation on 1<sup>st</sup> of Nov. 2022. The workshop was held in the West Bank and Gaza via virtual connection. Seventy-five (75) participants representing municipalities in the West Bank and Gaza Strip, ministries and public authorities, key representatives of the communities, elected council members from beneficiary municipalities, several NGOs working on women, youth, disabled people represented by Palestinian General Union of People with Disabilities, consultants, Engineer's Association, Contractors Union, and



representative of institutions interested in climate change participated in the consultation. Supervision Engineers from (51) municipalities also attended the meeting. Large and small municipalities, municipalities representing different governorates in the WB&G and municipalities using different GRM systems (i.e electronic, manual) were attending as well.

In the consultation meeting, MDLF discussed the activities of the RLGMSF, explained the LALF and other ESF instruments (ESMF, SEP, LMP) that has been prepared to comply with the WB ESF, and the project's GM including special features for potential SEA/SH grievances and anonymous complaints.

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. Municipalities highlighted their understanding of the provisions of the LALF based on their experience in implementing the MDP-3. They highlighted that the projects implemented under MDP-3 had low scale impacts and agreements were reached and signed with citizens who encroached the ROW. Municipalities confirmed that they will submit projects' proposals to be implemented within the approved Master Plans.

Feedback was also received from NGOs, including women's organizations, and this is recorded in the project SEP. Briefly, the Palestinian Contractor's Union (PCU) highlighted the need to consider the capacity of contractors to meet E&S requirements and to ensure that sufficient budget is available to ensure compliance with ESF. The PCU appreciated the availability of robust consultation mechanisms and agreed that these will be beneficial for resolution of potential disputes during construction. The representative of the General Union of Palestinian Women (GUPW) in Ramallah highlighted the importance of engaging the women members of LGUs in the works and activities of LGUs. The GUPW representative also inquired about and was provided details of the Code of Conduct for project workers and the measures included to protect against the risk of sexual exploitation and abuse and sexual harassment. Overall, participants indicated that they are satisfied with the process of engaging stakeholders during the previous cycles of MDP program. They added that the mechanisms and procedures implemented by MDLF in the past are well known due to the regular and frequent public meetings and consultations conducted by MDLF previously.

Details of the consultation meeting are provided in Annex 8.





## 19. ANNEXES

### Annex 1: A Generic template for a LALP

1. This Annex describes the elements of the plans addressing physical and/or economic displacement described in paragraph 21 of ESS5. For purposes of this Annex, these plans shall be referred to as “LALPs.” LALPs include measures to address physical and/or economic displacement, depending on the nature of the impacts expected from a project. Projects may use alternative nomenclature, depending on the scope of the LALPs—for example, where a project involves only economic displacement, the LALP may be called a “livelihood plan” or where restrictions on access to legally designated parks and protected areas are involved, the plan may take the form of a “process framework.” This Annex also describes the framework referred to in paragraph 25 of ESS5.

#### A. LALP

2. The scope of requirements and level of detail of the LALP vary with the magnitude and complexity of resettlement. The plan is based on up-to-date and reliable information about (a) the proposed project and its potential impacts on the displaced persons and other adversely affected groups, (b) appropriate and feasible mitigation measures, and (c) the legal and institutional arrangements required for effective implementation of resettlement measures.

#### *Minimum elements of a LALP*

3. *Description of the project.* General description of the project and identification of the project area.

4. *Potential impacts.* Identification of: (a) the project components or activities that give rise to displacement, explaining why the selected land must be acquired for use within the timeframe of the project; (b) the zone of impact of such components or activities; (c) the scope and scale of land acquisition and impacts on structures and other fixed assets; (d) any project-imposed restrictions on use of, or access to, land or natural resources; (e) alternatives considered to avoid or minimize displacement and why those were rejected; and (f) the mechanisms established to minimize displacement, to the extent possible, during project implementation.

5. *Objectives.* The main objectives of the Land Acquisition and Livelihood program.

6. *Census survey and baseline socioeconomic studies.* The findings of a household-level census identifying and enumerating affected persons, and, with the involvement of affected persons, surveying land, structures and other fixed assets to be affected by the project. The census survey also serves other essential functions: (a) identifying 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; (b) information on vulnerable groups or persons for whom special provisions may have to be made; (c) identifying public or community infrastructure, property or services that may be affected; (d) providing a basis for the design of, and budgeting for, the land acquisition program; (e) in conjunction with establishment of a cutoff date, providing a basis for excluding ineligible people from compensation and resettlement assistance; and (f) establishing baseline conditions for monitoring



and evaluation purposes. As the Bank may deem relevant, additional studies on the following subjects may be required to supplement or inform the census survey: (g) land tenure 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 project area; (h) the patterns of social interaction in the affected communities, including social networks and social support systems, and how they will be affected by the project; and (i) social and cultural characteristics of displaced communities, including a description of formal and informal institutions (e.g., community organizations, ritual groups, nongovernmental organizations (NGOs)) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

7. *Legal framework.* The findings of an analysis of the legal framework, covering: (a) the scope of the power of compulsory acquisition and imposition of land use restriction and the nature of compensation associated with it, in terms of both the valuation methodology and the timing of payment; (b) the applicable legal and administrative procedures, including a description of the remedies available to displaced persons in the judicial process and the normal timeframe for such procedures, and any available grievance redress mechanisms that may be relevant to the project; (c) laws and regulations relating to the agencies responsible for implementing resettlement activities; and (d) gaps, if any, between local laws and practices covering compulsory acquisition, imposition of land use restrictions and provision of resettlement measures and ESS5, and the mechanisms to bridge such gaps.

8. *Institutional framework.* The findings of an analysis of the institutional framework covering: (a) the identification of agencies responsible for resettlement activities and NGOs/CSOs that may have a role in project implementation, including providing support for displaced persons; (b) an assessment of the institutional capacity of such agencies and NGOs/CSOs; and (c) any steps that are proposed to enhance the institutional capacity of agencies and NGOs/CSOs responsible for resettlement implementation.

9. *Eligibility.* Definition of displaced persons and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cutoff dates.

10. *Valuation of and compensation for losses.* The methodology to be used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of compensation for land, natural resources and other assets under local law and such supplementary measures as are necessary to achieve replacement cost for them.

11. *Community participation.* Involvement of displaced persons (including host communities, where relevant): (a) a description of the strategy for consultation with, and participation of, displaced persons in the design and implementation of the resettlement activities; (b) a summary of the views expressed and how these views were taken into account in preparing the resettlement plan; (c) a review of the resettlement alternatives presented and the choices made by displaced persons regarding options available to them; and (d) institutionalized arrangements by which displaced people can communicate their concerns to project authorities throughout planning and implementation, and



measures to ensure that such vulnerable groups as indigenous people, ethnic minorities, the landless, and women are adequately represented.

12. *Implementation schedule.* An implementation schedule providing anticipated dates for displacement, and estimated initiation and completion dates for all resettlement plan activities. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project.

13. *Costs and budget.* Tables showing categorized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; timetables for expenditures; sources of funds; and arrangements for timely flow of funds, and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies.

14. *Grievance redress mechanism.* The plan describes affordable and accessible procedures for third-party settlement of disputes arising from displacement or resettlement; such grievance mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms.

15. *Monitoring and evaluation.* Arrangements for monitoring of displacement and resettlement activities by the implementing agency, supplemented by third-party monitors as considered appropriate by the Bank, to ensure complete and objective information; performance monitoring indicators to measure inputs, outputs, and outcomes for resettlement activities; involvement of the displaced persons in the monitoring process; evaluation of results for a reasonable period after all resettlement activities have been completed; using the results of resettlement monitoring to guide subsequent implementation.

16. *Arrangements for adaptive management.* The plan should include provisions for adapting resettlement implementation in response to unanticipated changes in project conditions, or unanticipated obstacles to achieving satisfactory resettlement outcomes.



Annex 2: A Generic Template for LALP

بلدية :

خطة عمل حياة الأراضي وتحسين حياة الناس (المستوى البسيط)

للمشروع: \_\_\_\_\_

المراجعات	تاريخ تحضير الخطة	تاريخ تقديم الخطة الى الصندوق	تاريخ تقديم الملاحظات البلدية
الخطة الاصلية			
المراجعة رقم (*)			
الخطة النهائية			



## مقدمة

عندما يكون إطار عمل حياة الأراضي وتحسين حياة الناس هو الوثيقة الوحيدة التي يجب تقديمها كشرط لتمويل البرنامج، فإن خطة عمل حياة الأراضي وتحسين حياة الناس المطلوب تقديمها كشرط لتمويل المشاريع الفرعية لا تحتاج إلى تضمين مبادئ إطار العمل، ومعايير الاستحقاق والأهلية، والترتيبات التنظيمية، وترتيبات المتابعة والتقييم، وإطار المشاركة المجتمعية، وآلية الشكاوى المنصوص عليها في إطار عمل حياة الأراضي وتحسين حياة الناس.

الخطة (المستوى البسيط) يجب أن تشمل معلومات مسح الأساس والمسح الاجتماعي والاقتصادي؛ ومعدل ومعايير التعويضات؛ وسياسة الاستحقاق المتعلقة بأي آثار إضافية تم تحديدها من خلال المسح؛ وصف مواقع تأثير المشروع الفرعي، والتدخلات لتحسين حياة الناس للحفاظ على نفس مستوى المعيشة أو أعلى؛ الجدول الزمني لتنفيذ أنشطة الخطة؛ وموازنة تفصيلية.

يستخدم هذا النموذج في حالة مواجهة الآثار البسيطة كما حدد في التقييم الاجتماعي للمشروع من قبل صندوق تطوير البلديات.

الرجاء الرجوع لإطار عمل حياة الأراضي وتحسين حياة الناس:

<http://mdlf.org.ps/Files/Docs/maMDPIII%20LALPF-Final%2016March%20amended%20April%2010.pdf>



**خطة عمل حياة الأراضي وتحسين حياة الناس (المستوى البسيط) لمشروع \*\*\*\*\***

وصف المشروع
<p>هذا القسم يوفر وصفاً عن المشروع، الأهداف، والموقع/المواقع، الموق او المواقع التي تحتاج الى تنفيذ خطة مبسطة</p> <p>مثال:</p> <p>مشروع تأهيل شوارع في بلدية X يهدف إلى تأهيل 5 شوارع فرعية داخل البلدة.</p> <p>هذه الوثيقة تعالج الآثار المتوقعة لشارع X وهو بطول 150 متراً، والممتد ما بين شارع X وشارع X.</p> <p>خارطة تظهر الشارع المقصود.</p>
وصف مراحل وأنشطة المشروع
<p>هذا القسم يصف مراحل المشروع والأنشطة المحددة التي سوف تؤثر على الأرض، حياة الناس، و/او الوضع الاقتصادي.</p>
مسح الأساس والمسح الاجتماعي الاقتصادي



هذا القسم يجب أن يعرض بيانات التعداد التي تم جمعها عن الأشخاص المتضررين من المشروع الفرعي، وعددهم المحدد، وعدد الأراضي المتضررة، وعدد المباني المتضررة، وعدد الأشخاص الذين ستتأثر سبل عيشهم، وأنواع سبل العيش، وطول التأثير إذا كان مؤقتاً، الحالة الاجتماعية والاقتصادية. وينبغي أن يستند ذلك إلى بيانات دقيقة يتم جمعها من الميدان.

مثال: سيتأثر 10 أشخاص. 5 خسارة للأرض، مجموع 2 دونم، 3 فقدان الدخل بسبب الاضطرابات لأعمالهم مؤقتاً. وهي تشمل اثنين من الباعة المتجولين ومحل واحد، والمبلغ الإجمالي للخسارة. 2 من واضعي اليد الذين قاموا ببناء بعض المباني، وما إلى ذلك.

#### الرجاء الرجوع الى الاطار لاجراءات المسح الاجتماعي والاقتصادي

#### تأثيرات حيازة الأراضي وتحسين حياة الناس

#### التأثيرات خلال البناء : حيازة الأرض بشكل دائم (إذا أنطبق)

هذا القسم يصف تأثيرات حيازة الأراضي بشكل دائم، ضمن مساحة تنفيذ المشروع الفرعي، إضافة لأي تأثيرات أخرى.

#### التأثيرات خلال البناء : حيازة الأرض بشكل مؤقت (إذا أنطبق)

هذا القسم يصف تأثيرات حيازة الأراضي بشكل مؤقت، ضمن مساحة تنفيذ المشروع الفرعي، إضافة لأي تأثيرات أخرى.

#### خسارة الأصول و/ أو الوصول بشكل مؤقت:

هذا القسم يصف تأثيرات خسارة الأصول أو الوصول بشكل مؤقت، على سبيل المثال تغيير مكان شجرة أو أعمال مؤقتة على شارع تحد من الوصول إلى محل تجاري.

#### الكلفة والتعويضات



إجراءات احتساب الكلفة للمحاصيل / الأصول

ينبغي أن يتضمن هذا القسم وصفاً للإجراءات المستخدمة لتقييم قيمة التعويض عن آثار تنفيذ المشروع الفرعي. ومن المرجح أن يكون ذلك وصفاً للعملية التي تستخدمها لجنة التقييم التابعة للبلدية و يمكن الرجوع الى خبير زراعي من المنطقة او الى وزارة الزراعة لتحديد طبيعة ونوعية التعويض لكل نوع للأصول: على اللجنة ان تقرر كيفية تحديد الية التقييم حسب الاجراءات المتبعة للجنة التقييم في البلدية

مسح الأشخاص المتأثرين بالمشروع الفرعي، واحتساب التعويض لكل فرد

اسم الشخص	نوع الملكية	المنطقة المتأثرة بالمشروع	نوع التأثير	قيمة التعويض

التكلفة والموازنة





هذا قسم فرعي من القسم أعلاه، حين تختلف الميزانية الإجمالية للتعويض والتكاليف الأخرى ذات الصلة عن مسارها. يمكن إضافة

المحور	تكلفة التعويض (العملة المحلية)	الآلية التعويض*
الأشخاص المتأثرين بالمشروع	المبلغ	الغير التعويضات للمباني سكنية/ الهياكل
	المبلغ	التعويضات لخسارة الأراضي
	المبلغ	خسارة الأرباح
المستأجرين تجارياً	المحاصيل	أشجار
	المبلغ	محاصيل
	المبلغ	خسارة الأرباح
	المبلغ	خسارة المحاصيل (أشجار + محاصيل)
المنتفعين وغير المالكين او المستأجرين	المبلغ	بدل الإقامة
	المبلغ	بدل المواصلات
	المحاصيل	أشجار
المباني العامة	المبلغ	محاصيل
	المبلغ	خسارة الأرباح
	المبلغ	التعويض عن ضرر في المباني
	المبلغ	أشجار
المبلغ	تكاليف أخرى	
المبلغ	تكلفة خدمات استشارية او مؤسسة أهلية	
المبلغ	تكاليف اللجان	
	<b>المجموع</b>	
	احتياطي 10%	
	<b>المجموع الكلي</b>	

\* توضيح الآلية التعويض لكل محور ان كان بدفع نقدي، اعادة بناء، نقل شجر، (عدم التعويض) التبرع بقيمة التعويض من قبل المواطن مع ارفاق جميع الوثائق اللازمة والاثباتات باتمام عملية التعويض المادي او المعنوي. في حال تم الاتفاق بين البلدية والشخص المتأثر بالمشروع على عدم التعويض المادي يتم ارفاق اتفاقية موقعة بين الطرفين على ان تتضمن الاتفاقية نصاً بمعرفة الشخص المتأثر بحقوقه وانه لم يتعرض لآلية ضغوطات او اكراه على الموافقة

آلية الشكاوى



يوضح هذا القسم آلية الشكاوى الخاصة بالمشروع الفرعي وكيف تم تعميمها على الأفراد المتأثرين بالمشروع

#### المشاورات المجتمعية

ينبغي أن يتضمن هذا القسم وصفاً لجميع أنشطة المشاورات المجتمعية التي أجريت بما في ذلك الدراسات الاجتماعية، المجموعات البؤرية، والاجتماعات العامة. وينبغي إدراج الصور والنماذج الموقعة في المرفق.

#### الإفصاح

يصف هذا القسم كيفية توزيع هذا النموذج وجميع المعلومات المذكورة أعلاه إلى الأشخاص المتأثرين من المشروع الفرعي وأصحاب المصلحة الآخرين ذوي الصلة.



صندوق تطوير وإقراض الهيئات المحلية  
Municipal Development & Lending Fund



المرفقات

الرجاء ادراج قائمة بالمرفقات حسب ما طلب اعلاه



### Annex 3: Willing Seller Willing Buyer

For Land Purchase through willing seller willing buyer approach, land acquisition must occur by mutual agreement in exchange for a notarized purchase contract based on the market price at the date of acquisition. In addition, these questions should be answered and documented:

- If the owner of the land refuses to sell, will the municipality search for another plot of land? Yes/No
- Is the owner free of municipality or social pressure to refuse to sell? Yes/No
- Is the owner made aware of his/her refusal to sell? Yes/No
- Will the owner continue to live in current place of residence (will not relocate)? Yes/No
- Is the land free of any renters, users, squatters or encroachers? Yes/No
- Is the land free of any competing claims of ownership? Yes/No
- Can the owner negotiate for price? Yes/No
- Is the owner made aware that he/she can negotiate for price? Yes/No
- Does the owner have access to a project level grievance mechanism? Yes/No
- Is the owner made aware of such grievance mechanism? Yes/No
- Is there documentation reflecting the understandings above, signed by the owner? Yes/No

Finally, prior to land purchase process, the municipality council shall take an official decision in the municipality intention to purchase certain land, then municipality should obtain MOLG district office approval after checking: (1) allocation in the budget abundance, (2) The MOLG to create committee to evaluate the land market value, the committee shall represent MOLG, MOF, LGU, and the Land Authority. (3) After that, the municipality take decision through in the council official meeting regarding the estimate and proceed with the purchase.



## Annex 4: Legal Framework for Land Acquisition and Expropriation and Related Procedures

### Laws on Property, Compensation, Expropriation

- A. The right to private property was stated in article 21 of the Palestinian Basic Law as follows:
- A.1 The Palestinian Economy is based on the principles of open economy, and the executive authorities are entitled to establish public companies that are organized by certain laws.
- A.2 The freedom of economic acts is guaranteed and regulated by the law that defines the rules of supervision over its parameters.
- A.3 Private property is protected by the law and shall not be deprived of, and real estate and capital shall not be taken over except in the public interest, upon payment of just compensation, and according to a legal adjunction.
- The above article of the Palestinian Basic Law shows how the law has expressed the necessity of respecting the right to private property and that no one shall be deprived of his properties except in the public interest, upon payment of just compensation, and according to an adjunction. Those terms serve as a tool to reduce the takeover of private properties, setting the protection of private property as the general principle and its expropriation as the exception.
- B. Article 931 of The Palestinian Civil Law number 4 of the year 2012 stated that “No one shall be deprived of the ownership and benefits of his private property. The deprivation of private property shall not take place except in the public interest and, in all circumstances, according to the law and in exchange of a just compensation.”
- C. Article 8 of The Investment Encouraging Law number 1 of the year 1998 stated that “The ownership of enterprises’ real estate shall not be deprived of, in whole or in part, except for the public interest, according to the law, and upon just compensation for the real estate on the basis of its market value and for any other losses that may be incurred as a result.

### The expropriation of land and property for the public interest

Despite the legal protection of property rights, properties may be expropriated for the purpose of serving the public interest. This has been stated in multiple laws:

- A. The Expropriation Law of the year 1953 requires that the expropriation of private lands for the purpose establishing public enterprises must aim to benefit the public interest. Article 1\3 states that “the establishing authority of a public enterprise must advertise in the official gazette for the period of fifteen days, by which it announces the willingness to approach the Cabinet to obtain a decision to expropriate the land described in the advertisement for the sake of public interest.”
- B. The Telecommunications Law number 3 of the year 1996 gave the Ministry of Telecommunications the authority of expropriating land for the benefit of registered companies in accordance with the valid procedures and regulations. Article 78 states that “wherever the installation of telecommunication poles, towers, and ground or aerial wires must take place on private property, the Ministry of Telecommunication has the right to seek agreements with the owners of the private property. If the Ministry was unable to reach such



- an agreement, it has the right to expropriate the property in part or in whole to install the telecommunication network for public interest and in accordance with the Expropriation Law.”
- C. Article 34/1 of The Palestinian Water Law number 3 of the year 2002 states that “the Palestinian National Authority is entitled to request the entry to or the expropriation of lands or real estate to practice its activities.

Moreover, Article 31 states that “the Palestinian National Authority, in coordination with other concerned authorities, may consider an area that contains subterranean water a natural reserve when the quality or the quantity of that water is endangered, the water might be subject to contamination, or when the implementation of its policies requires such an action. However, the authority must provide alternative water resources.

### **Authorities that are entitled to order Land and Property expropriation**

According to article 4 of the Expropriation Law of the year 1953, the Cabinet is the authority entitled to issue expropriation orders following the ascertainment of the financial viability of the project establisher and of that project’s contribution to serving the public interest. Accordingly, the cabinet may decide to order one of the following:

1. The complete expropriation of the property.
2. The temporary disposition of the property.
3. The suspension of easement rights or any other rights related to the property.
4. The imposition of restrictions on exercising any rights that result from the ownership of the property.

Moreover, according to the Jordanian Planning Law for the year 1966, the authorities that are entitled to land expropriation are the following:

1. The Minister of Internal Municipal Affairs, who is entitled to ensure the following:
  - a. The coordination of land usage around the Kingdom for the benefit of public interest.
  - b. The usage of the Kingdom’s lands is in accordance to the governmental economic plans.
  - c. The planning of cities and villages is in coordination with the government’s social development policies.
  - d. The supervision of municipal planning committees and ensuring that their decisions are issued in accordance to the law.
  - e. The declaration, extension, and revocation of municipal planned zones upon the recommendation of the Higher Organizational Council.
2. The Higher Organizational Council which is entitled by article 6 to the following:
  - a. Determining, extending, and amending the cities’ planned zones.
  - b. Announcing regional zoning and structural plans.
  - c. The amendment or the revocation of building permits that were issued according to this law if it was evident that they contradict with the planning and construction regulations and orders.



- d. The amendment or the revocation of building permits that were issued for land development to the extent it deems necessary in the following cases:
    - d.1. The permit is related to construction, on the condition that the revocation takes place before the completion of the construction.
    - d.2. The permit is related to changing the usage of the land under the condition that this does not affect any ongoing construction.
  - e. Handling appeals that are submitted against the Regional Committee's decision issued according to this law.
  - f. Approving the planning projects that are set by the planning department.
  - g. Assigning a secretary who is responsible for registering and recording the council's decision.
3. The Cities and Villages Central Planning Department, which is entitled by article 7 to the following:
- a. Conducting the natural and social census required to achieve the cities and villages planning goals.
  - b. Outlining the regional organizational plans for the Kingdom's districts.
  - c. Outlining the organizational structural plans for cities that still lack such plans.
  - d. Providing assistance and guidance to cities' planning authorities in changing its organizational and structural plans in accordance with those cities' development needs, in amending these plans, and in conducting the required census.
  - e. Providing the planning committees of districts and cities with the needed technical support in terms of supervising planning and construction.
  - f. Preparing standardized systems that organize the planning of cities and villages within the Kingdom.
4. The Committee for the Planning of Cities, Villages, and District Constructions, which is entitled by article 8 to the following:
- a. Approving structural organization plans.
  - b. Handling any objections filed against the regional structural plans in its district and raising its recommendations to the Higher Organizational Council.
  - c. Handling the appeals that are applied against the decisions of cities' local organization committees in its district, and issuing the final decision. However, in case the committees disagreed, the issue is raised to the Higher Organizational Council to issue the final decision.
  - d. Issuing orders and notices where the district committee practices the authority of the local committee according to the law.
5. The Cities' Local Planning Committee which is entitled by article 9 of this law to take any necessary arrangements to implement laws, regulations, and any related planned projects. Moreover, it is entitled to the following:
- a. Outlining the detailed organizational and structural plans with in coordination with the planning department.
  - b. Approving allocation plans according to the approved organization plans.
  - c. Issuing construction permits in accordance with the laws.
  - d. Supervising constructions within its district to ensure its accordance with the permitted specifications.
  - e. Issuing notices and ensuring its execution.



- f. Organizing the construction and the demolition of structures, extending and organizing roads, and any other issues outlined in this law.
6. The joint planning committees that are entitled by article 2/10 to all of the authorities assigned to the local or district committees.

The Planning Law number 28 of the year 1963 al which still takes effect in Gaza Strip entitled the following authorities to issue expropriation orders:

1. The District Committee for City Planning: according to article 3, each district must form a committee to organize construction in cities. Article 1/4 has further defined the authority of these committees as “to issue internal regulations on a regular basis regarding the areas of cities’ organization within the committees’ jurisdiction. Those regulations outline the terms of applying for and issuing local construction permits, the required fees, and the submission of blueprints of the intended structures. Moreover, the regulations must include the procedures of maintaining the required road width, the stability of the newly built or under rehabilitation structures, and ensuring their convenient ventilation and compliance with health standards.”

Article 5 of the same law stated additional authorities of district committees regarding the issuance of regulations for their districts related to any of the following:

- a. The preparation and implementation of any project by a local committee.
  - b. The procedures and the deadlines of submitting objections against structural, detailed, or allocation projects.
  - c. The forms and regulations that must be followed in filing complaints against any damage that might result to properties during the implementation of projects, and in filing requests to collect and how to pay the Improvement Tax that may result from a certain project.
  - d. Any procedures that are required to ensure the implementation of the regulations that were issued according to this law.
  - e. Any procedures that are required to avoid the construction of any structure without the required permit or against the terms of the issued permit.
  - f. The regulation of the rights and duties of the owners, tenants, or operators of neighboring properties which fall within the city’s area and the procedure of settling disputes over properties, such as the construction and maintenance of joint or separate walls.
  - g. Regulating the demolition of dangerous structures.
  - h. The procedures of delivering orders and notices issues in accordance with this law.
2. The Local Committees of City Planning Zones that are located within municipal boundaries: article 8 of the latter law stated that “these committees act as the construction organization committees in areas that are declared by the high commissioner as a planned city zone whether they fall in whole or in part within municipal boundaries. In such cases, the committees are entitled to practice the authorities originally assigned to the municipal councils, and pay the fees to the municipal treasury and pays the required expenses from that treasury.”
  3. The Local Committees of City Planning Zones that are located outside municipal boundaries: article 1/7 stated that “when an area that is located in whole or in part outside the municipal





boundaries is declared by the high commissioner as a planned city zone, the district committee must assign a local construction and city planning committee for that zone. This committee must include no more than seven members, one of which is assigned as a president of the committee and two of which must not be employed at the Palestinian Authorities.”

As to the decision to land and property expropriation, article 1/24 of the Planning Law stated that “following the initiation of a structural or detailed project, the district committee is entitled according to this law and in coordination with the local committee to assign the local committee to initiate the expropriation of lands and properties that are decided upon during the planning of the project.”

### **Who is entitled to expropriation?**

The term “establisher” was defined in the Land Acquisition Law of the year 1953 as the entity that intends to expropriate the land to establish a project for the public interest. Article 2 states that “the establisher may be the local council, any other local authority, companies and associations, the government itself, or the government on behalf of the above-mentioned entities that intend to establish a project for the public interest.”

Article 56 of the Planning Law of the year 1966 stated that:

- a. When a certain land is intended for expropriation in the city plan, the Higher Organizational (Planning) Council, the District Planning Committees, or the Local Committees are entitled to request the expropriation of that land as per the regulations stated in this law on the basis that expropriation would serve the public interest.
- b. Following the declaration of a planning zone, the Higher Organizational Council is entitled to request, prior to or during the planning phase, the expropriation of lands that will serve the public interest.
- c. Despite the regulations stated in the Land Acquisition Law or any other laws, any land that falls within the city structural or organizational plan may be expropriated for the return of its market value on the date of declaring the area as a planning zone.
- d. Following the approval of the Higher Organizational Council, district or local planning committees are entitled to expropriate lands or real estate for the restructuring of a planning zone or to establish or rehabilitate public housing projects.
- e. It is possible to partially expropriate lands that are not suitable in whole or in part for construction. The expropriated lands are annexed to neighboring lands in order to become suitable for implementing planned projects, and are registered under the name of the owner of the neighboring land who must pay the required compensation in a method determined by the responsible planning committee.

The Planning Law has stated that the ownership of the expropriated lands is transferred to the local committee for the purpose of implementing projects that serve the public interest. More specifically, it entitled the local committee to outline a separate planning project for any lands that are located within the city’s planned zones, or to approve with or without amendments the implementation of a project suggested by the owners of those lands. However, such projects must be reviewed by the district committee which may decline the project that doesn’t satisfy the related regulations.



### **Properties that are subject to expropriation:**

According to article 2 of the Land Acquisition Law of the year 1953, the lands that are subject to expropriation are all types of lands, structures, trees, sea and river waters, beaches, and the right of disposition of the land, the structures, the waters, or any other estate that is located on the land. The term “project” in this law refers to projects that serve the public interest upon the decision of the Cabinet and the approval of the King.

The temporary Planning Law of the year 1966 stated in article 2/2 that the term “land” refers to properties, real estate, or any other immovable properties, which includes structures as defined in clause 12 of the same article. Moreover, chapter 9 of the Planning Law stated that the term “land” includes any disposition of the lands, its benefits, and its easement rights.

The Planning Law of the year 1936 did not include a definition of the expropriated properties. However, it could be understood from its articles that the definition of the expropriated lands is similar to the definition that is mentioned above in the 1966 Planning Law which is applicable in the West Bank.

### **Ownership transfer procedures:**

According to article 1/4 of the Land Acquisition Law of the year 1953, expropriation decisions must be taken by the Cabinet:

1. As mentioned earlier, upon ensuring the establisher’s financial viability and the project’s benefit of the public interest, the cabinet is henceforth entitled to one of the following:
  - a. The complete expropriation of the property.
  - b. The temporary disposition of the property.
  - c. The suspension of easement rights or any other rights related to the property.
  - d. The imposition of restrictions on exercising any rights that result from the ownership of the property.
2. The Cabinet’s decision is then raised to the President for his approval, after which it is advertised in the official gazette. Meanwhile, the establisher must provide the required documents to the Land Registration Officer of the area where the land is located.
3. The Land Registration Officer is responsible for delivering copies of the expropriation order to the land owners and to the expropriators.
4. Publishing the expropriation decision demonstrates that the project is for the public interest. Following the publishing, the Land Registration Officer must mark the registered land that is subject to expropriation and prevent any legal actions related to this land.

### **Negotiating with the land owner(s):**

1. Upon the receipt of the expropriation order, the establisher must negotiate with the landowner and any other right holders the purchase or disposition of the land or the acquisition of any rights that is required for the project.
2. The landowner must notify the establisher of any right holders or tenants of that land within 15 days of initiating the negotiation in order for the establisher to compensate them. Otherwise, the landowner will be responsible for the compensation. To receive compensation, the tenants or



right holders must possess a contract that precedes in its date the expropriation order.

3. In cases where the establisher is the government and the landowner is the Awqaf, a minor, an internee, an incompetent, or an absentee, the government must not negotiate with or compensate the owners without the approval of the Shari'a Court. Moreover, if the land is registered as a Waqf, the compensation must be paid to the Awqaf Fund when it is an Islamic Waqf or to the responsible denomination when it is a non-Muslim Waqf.

#### **Immediate expropriation orders:**

1. The establisher may apply to the Cabinet for an immediate acquisition order for the public interest. Unless the project is established by the government itself, the establisher must pay the compensation to the compensation fund.
2. When the partial expropriation of a land may result in damage to the remaining part, the establisher must expropriate the remaining part upon the desire of the owner.
3. In cases of a dispute over the ownership of the expropriated land, the owner that is stated in the records of the Land Registration Department is considered the lawful owner. However, when the land is not registered in the Land Registration Department, the appropriator is considered the landowner and any other claims of ownership and compensation must be raised in court.

In Gaza Strip, the Planning Law of the year 1936 outlined the procedures of ownership transfer. Article 25 stated that "following the initiation of a structural or a detailed project, the local committee is entitled to initiate the expropriation of all or some of the lands or structures designated for the project, in accordance with articles 27 and 28 of this law. The expropriation is implemented in accordance with the laws in effect, as if the High Commissioner agreed that the project is for the public interest.

Furthermore, the Planning Law of the year 1936 regulated in-kind compensation for expropriated land:

1. The local committee is entitled in all cases to agree with the owner of an expropriated land to be compensated by the transfer of ownership of alternative lands that may or may not be located within the area designated for the project. This type of compensation takes place instead of cash compensation and in exchange of all the rights resulting from expropriation.  
When the expropriated lands belong to multiple neighboring owners, the local committee is entitled to agree with the owners to transfer the ownership of alternative lands that may or may not be located within the area designated for the project to each separate owner or to the owners combined instead of cash compensation. Upon this agreement, the local committee is entitled to divide any non-expropriated land -which also may or may not be located within the area designated for the project- among the owners.
2. All of the above agreement must be approved by the district committee.
3. When the landowner refuses in any of the cases mentioned above to accept the alternative land as a compensation for expropriation, the local committee is authorized to refer the case to an arbitration committee which may decide to force the landowner to accept the offered in-kind compensation instead of cash compensation.

To make such a decision, however, the arbitration committee must be convinced that the owner's refusal of the compensation offer is unreasonable and that the value, type, location, and quality



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of the offered land is equal to that of the expropriated land.



### Annex 5 : E&S Mechanism and Procedures

Phase	Planned Activities	Requirements
1. Subprojects Preparation Phase	<ul style="list-style-type: none"><li>- Municipalities identify and submit a list of subprojects</li><li>- The subprojects are selected from the SDIPs for each municipality</li><li>- The municipalities prepare and submit the application for each subproject</li></ul>	List of identified subprojects selected from the SDIP
2. Subprojects Initial Screening Phase	<ul style="list-style-type: none"><li>- MDLF conducts a social screening of the submitted subprojects and prepares the social screening report which clarifies the social requirements and measures to be considered for project approval</li><li>- The municipalities provide detailed information about the environmental and social impact of the subproject, including the affected people, type of impact (fences, external walls, trees, business), The municipalities conduct FGD with the affected people to present the environmental and social impacts of the project implementation The municipalities prepare and document the FGD report including the feedback from the citizens and photos</li><li>- The municipalities initiate a consultation with the PAPs, either collectively or individually, and sign agreements with the PAPs, including the compensations if needed</li><li>- Publish information and disclosure of GM</li><li>- The municipality has to contact UNMAS for safety review and advice on the overall safety of the subproject site</li></ul>	<p>PAPs detailed information including types of overlapping structures,</p> <p>Signed agreements by the affected people to get their approval on the overlapping structures</p> <p>FGD reports Photos</p> <p>GM mechanism channels are declared</p> <p>UNMAS declaration about the project site safety</p>
3. Subprojects design phase	<ul style="list-style-type: none"><li>- The municipality reviews the subprojects design and includes the environmental and social implications</li><li>- The municipalities prepare the ESMP and attached it with the project documents and bidding</li></ul>	ESMP
4. Implementation Phase	<ul style="list-style-type: none"><li>- Follow-up complaints</li></ul>	Follow up report



	- Conduct field visits to follow up ESMP implementation	
5. Operation and Closing Phase	- Conduct follow-up up visits to the subproject - The municipality should conduct a citizen's satisfaction survey	Citizen's satisfaction survey published on the municipalities' websites
6. Capacity building and job training for municipalities	- MDLF with the support of environmental and Social Consultant provide technical assistance and on the job training for the municipalities' staff along the project cycle	ES training materials and guidance developed

### ANNEX 6: Social Assessment Sheet

#### Social assessment (To be completed by Social Specialist)

#### A) IMPACT IDENTIFICATION

General description of social surrounding and settings (rural area, urban area, population, employment, income level...etc.)

.....  
.....

Note : If the sub-project include removal of inhabited / residential trespassing houses or part of inhabited / residential trespassing shelter, reduce peoples Access to their economic resources, such as land, pasture, water, public services or other resources that are depend on ; the sub-project is rejected. Otherwise, please continue filling the form.

For Gaza strip only :

Are there internally displaced people at these sites of sub-projects involving construction or reconstruction that will be displaced again as a result of the sub-projects?

If the answer is "yes," the sub-project is rejected. Otherwise, please continue filling the form

Labor and Working Conditions-- ESS2		
<b>Employment Generation</b>		
Will the Project increase employment opportunities?	Yes	No
Will the Project eliminate job opportunities in the project area?	Yes	No
Will the project increase income and means of sustenance	Yes	No
Will the project diminish income and means of sustenance?	Yes	No
<b>Labor and Working condition</b>		
Will the sub-project will cause exposure of workers to transmitted diseases including COVID-19	Yes	No
Will the sub-project activities affect workers welfare (rest periods, toilets, fresh water...etc).	Yes	No



<b>Labor Influx</b>		
Will the sub-project generate labor influx and required labor camps?	Yes	No

<b>Community Health and Safety – ESS4</b>		
<b>Local community health and possibility of the Community Exposure to GBV/SEA/SH and Covid-19</b>		
Direct impact from dust resulted from movement of heavy machinery and construction works?	Yes	No
Is there a possibility of nuisances to the local community from the excavation and construction work?	Yes	No
Is there a possibility of risks of community exposure to Covid-19 from the direct contact with the workers who are potentially could be affected?	Yes	No
Does the project area present considerable GBV/SEA/SH risk?	Yes	No
Is the local community have good level of knowledge about the health safety mitigation measures.	Yes	No
Is the local community have acceptance to the sub-project (Negative publicity, misconceptions of neighbors, and lack of acceptance to the project from the side of the local communities. Different concerns from the local community towards the project activities)	Yes	No
Will the sub-project activities cause accidental risk to underground infrastructure (water network, wastewater system, telecommunication)	Yes	No
<b>Transportation and Traffic</b>		
Will the sub-project activities cause disturbance of traffic movement on the main roads due to construction works.	Yes	No
Will the sub-project activities increase the probability of accidents	Yes	No

<b>Land Acquisition and Involuntary Displacement – ESS5</b>		
Will the Project cause encroachment to the right of way?	Yes	No
Will the Project require acquisition of land (public or private, temporarily or repentantly) for its development?	Yes	No
Will the project result in resettlement of individuals or families for its development?	Yes	No
Will the project cause Economic damage on source of livelihood at the project area that cause loss of income of the affected persons (temporarily or permanently loss of crops, fruits, trees ...etc.)	Yes	No



- In case there is acquisition of land, provide further details about its area, type, its ownership...etc.  
.....
- In case the sub-project result in is people will be resettled, provide further detail about the affected people (individuals, families, number...etc.)  
.....
- In case there is people will be negatively affected with their income, provide further details  
.....

Stakeholder Engagement and Information Disclosure – ESS10		
Have concerned communities needed to be involved/engaged and to what extent?	Yes	No
List the type of stakeholders ..... .....		
Specify the means of engagement ..... .....		
Add specific means to engage vulnerable group (if any) ..... .....		
Specify the uptake complaining channels in the municipality .....		
Specify the methods to disclose the information related to the project .....		

#### A) CATEGORIZATION & CONCLUSION

Conclusion of social screening:

Sub-project is declined

Sub-project is accepted

In cases where there is voluntary land donation, defined as when people or communities agree to voluntarily provide land in exchange for benefits or services related to the project, the below requirements must be met:

1. The act of donation is undertaken without coercion, manipulation, or any form of pressure on the part of public or traditional authorities;





2. The potential donor is aware that refusal or to say no is an option without any consequences, and that right of refusal is specified in the donation document the donor will sign.
3. Land to be donated must be identified by the municipality in coordination with the community for the project that have been selected; the impacts of proposed activities on donated land must be fully explained to the donor;
4. The donor may negotiate compensation (in full or in part) or alternative forms of benefits as a condition for donation
5. Donation of land cannot occur if it requires any household relocation;
6. For community or collective land, donation can only occur with the consent of the individuals owners of the land.
7. Verification must be obtained from each person donating land (either through proper documentation or through confirmation by at least two witnesses);
8. The implementing agency establishes that the land to be donated is free of encumbrances or encroachment and registers the donated land in an official land registry;
9. Voluntary land donation will not be permitted in cases of site-specific infrastructure as community pressure could be too onerous for a person to refuse, thus removing the power of choice.<sup>4</sup>
10. In case that the donated land were not used for it is agreed purpose then the municipality needs to have a written agreement from the land donor that they agree to use the land for the new purpose , otherwise the municipality will return the land to the owner.
11. There should be no coercion, manipulation or pressure from the community or public or traditional authorities for individuals to voluntary donate land.
12. The proportion of land that may be donated cannot exceed the area required to maintain the donor's livelihood or that of his/her household. Documentation for VLD provided below should be sufficient to verify this.
13. The infrastructure must not be site specific
14. The person who donates the land should have access to project level grievance mechanism.
15. The donor should be provided with the information for such grievance mechanism.
16. The donor has benefited from the project.
17. The voluntary donation will be free of any compensation
18. The ownership of the donated land will be transferred to the concerned municipality or related authorities

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<sup>4</sup> In cases of site-specific infrastructure, it is recommended to use land under ownership of municipalities in exceptional cases willing-buyer willing-seller if adequate measures are put in place to avoid coercion.



## **Annex 7: Technical Note: Public Consultations and Stakeholder Engagement in WB-supported operations when there are constraints on conducting public meetings**

With the outbreak and spread of COVID-19, people have been advised, or may be mandated by national or local law, to exercise social distancing, and specifically to avoid public gatherings to prevent and reduce the risk of the virus transmission. Countries have taken various restrictive measures, some imposing strict restrictions on public gatherings, meetings and people's movement, and others advising against public group events. At the same time, the general public has become increasingly aware and concerned about the risks of transmission, particularly through social interactions at large gatherings.

These restrictions have implications for World Bank-supported operations. In particular, they will affect Bank requirements for public consultation and stakeholder engagement in projects, both under implementation and preparation. WHO has issued technical guidance in dealing with COVID-19, including: (i) **Risk Communication and Community Engagement (RCCE) Action Plan Guidance Preparedness and Response**; (ii) Risk Communication and Community engagement (RCCE) readiness and response; (iii) COVID-19 risk communication package for healthcare facilities; (iv) Getting your workplace ready for COVID-19; and (v) a guide to preventing and addressing social stigma associated with COVID-19. All these documents are available on the WHO website through the following link: <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/technical-guidance>.

This Note offers suggestions to World Bank task teams for advising counterpart agencies on managing public consultation and stakeholder engagement in their projects, with the recognition that the situation is developing rapidly and careful regard needs to be given to national requirements and any updated guidance issued by WHO. It is important that the alternative ways of managing consultation and stakeholder engagement discussed with clients are in accordance with the local applicable laws and policies, especially those related to media and communication. The suggestions set out below are subject to confirmation that they are in accordance with existing laws and regulations applying to the project.

**Investment projects under implementation.** All projects under implementation are likely to have public consultation and stakeholder engagement activities planned and committed as part of project design. These activities may be described in different project documents, and will involve a variety of stakeholders. Commonly planned avenues of such engagement are public hearings, community meetings, focus group discussions, field surveys and individual interviews. With growing concern about the risk of virus spread, there is an urgent need to adjust the approach and methodology for continuing stakeholder consultation and engagement. Taking into account the importance of confirming compliance with national law requirements, below are some suggestions for task teams' consideration while advising their clients:

Task teams will need to review their project, jointly with the PMUs, and should:

- Identify and review planned activities under the project requiring stakeholder engagement and public consultations.



- Assess the level of proposed direct engagement with stakeholders, including location and size of proposed gatherings, frequency of engagement, categories of stakeholders (international, national, local) etc.
- Assess the level of risks of the virus transmission for these engagements, and how restrictions that are in effect in the country / project area would affect these engagements.
- Identify project activities for which consultation/engagement is critical and cannot be postponed without having significant impact on project timelines. For example, selection of resettlement options by affected people during project implementation. Reflecting the specific activity, consider viable means of achieving the necessary input from stakeholders (see further below).
- Assess the level of ICT penetration among key stakeholder groups, to identify the type of communication channels that can be effectively used in the project context.

Based on the above, task teams should discuss and agree with PMUs the specific channels of communication that should be used while conducting stakeholder consultation and engagement activities. The following are some considerations while selecting channels of communication, in light of the current COVID-19 situation:

- Avoid public gatherings (taking into account national restrictions), including public hearings, workshops and community meetings;
- If smaller meetings are permitted, conduct consultations in small-group sessions, such as focus group meetings. If not permitted, make all reasonable efforts to conduct meetings through online channels, including webex, zoom and skype;
- Diversify means of communication and rely more on social media and online channels. Where possible and appropriate, create dedicated online platforms and chatgroups appropriate for the purpose, based on the type and category of stakeholders;
- Employ traditional channels of communications (TV, newspaper, radio, dedicated phone-lines, and mail) when stakeholders do not have access to online channels or do not use them frequently. Traditional channels can also be highly effective in conveying relevant information to stakeholders, and allow them to provide their feedback and suggestions;
- Where direct engagement with project affected people or beneficiaries is necessary, such as would be the case for Land Acquisition and Livelihood Plans or Indigenous Peoples Plans preparation and implementation, identify channels for direct communication with each affected household via a context specific combination of email messages, mail, online platforms, dedicated phone lines with knowledgeable operators;



- Each of the proposed channels of engagement should clearly specify how feedback and suggestions can be provided by stakeholders;
- An appropriate approach to conducting stakeholder engagement can be developed in most contexts and situations. However, in situations where none of the above means of communication are considered adequate for required consultations with stakeholders, the team should discuss with the PMU whether the project activity can be rescheduled to a later time, when meaningful stakeholder engagement is possible. Where it is not possible to postpone the activity (such as in the case of ongoing resettlement) or where the postponement is likely to be for more than a few weeks, the task team should consult with the OESRC to obtain advice and guidance.

**Investment projects under preparation.** Where projects are under preparation and stakeholder engagement is about to commence or is ongoing, such as in the project E&S planning process, stakeholder consultation and engagement activities should not be deferred, but rather designed to be fit for purpose to ensure effective and meaningful consultations to meet project and stakeholder needs. Some suggestions for advising clients on stakeholder engagement in such situations are given below. These suggestions are subject to the coronavirus situation in country, and restrictions put in place by governments. The task team and the PMU should:

- Review the country COVID-19 spread situation in the project area, and the restrictions put in place by the government to contain virus spread;
- Review the draft Stakeholder Engagement Plan (SEP, if it exists) or other agreed stakeholder engagement arrangements, particularly the approach, methods and forms of engagement proposed, and assess the associated potential risks of virus transmission in conducting various engagement activities;
- Be sure that all task team and PIU members articulate and express their understandings on social behavior and good hygiene practices, and that any stakeholder engagement events be preceded with the procedure of articulating such hygienic practices.
- Avoid public gatherings (taking into account national restrictions), including public hearings, workshops and community meetings, and minimize direct interaction between project agencies and beneficiaries / affected people;
- If smaller meetings are permitted, conduct consultations in small-group sessions, such as focus group meetings. If not permitted, make all reasonable efforts to conduct meetings through online channels, including webex, zoom and skype meetings;
- Diversify means of communication and rely more on social media and online channels. Where possible and appropriate, create dedicated online platforms and chatgroups appropriate for the purpose, based on the type and category of stakeholders;



- Employ traditional channels of communications (TV, newspaper, radio, dedicated phone-lines, public announcements and mail) when stakeholders do not have access to online channels or do not use them frequently. Such channels can also be highly effective in conveying relevant information to stakeholders, and allow them to provide their feedback and suggestions;
- Employ online communication tools to design virtual workshops in situations where large meetings and workshops are essential, given the preparatory stage of the project. Webex, Skype, and in low ICT capacity situations, audio meetings, can be effective tools to design virtual workshops. The format of such workshops could include the following steps:
  - *Virtual registration of participants*: Participants can register online through a dedicated platform.
  - *Distribution of workshop materials to participants, including agenda, project documents, presentations, questionnaires and discussion topics*: These can be distributed online to participants.
  - *Review of distributed information materials*: Participants are given a scheduled duration for this, prior to scheduling a discussion on the information provided.
  - *Discussion, feedback collection and sharing*:
    - ✓ Participants can be organized and assigned to different topic groups, teams or virtual “tables” provided they agree to this.
    - ✓ Group, team and table discussions can be organized through social media means, such as webex, skype or zoom, or through written feedback in the form of an electronic questionnaire or feedback forms that can be emailed back.
  - *Conclusion and summary*: The chair of the workshop will summarize the virtual workshop discussion, formulate conclusions and share electronically with all participants.
- In situations where online interaction is challenging, information can be disseminated through digital platform (where available) like Facebook, Twitter, WhatsApp groups, Project weblinks/ websites, and traditional means of communications (TV, newspaper, radio, phone calls and mails with clear description of mechanisms for providing feedback via mail and / or dedicated telephone lines. All channels of communication need to clearly specify how stakeholders can provide their feedback and suggestions.
- *Engagement with direct stakeholders for household surveys*: There may be planning activities that require direct stakeholder engagement, particularly in the field. One example is resettlement planning where surveys need to be conducted to ascertain socioeconomic status of affected people, take inventory of their affected assets, and facilitate discussions related to relocation and livelihood planning. Such survey activities require active participation of local stakeholders, particularly the potentially adversely affected communities. However, there may be situations involving indigenous communities, or other communities that may not have access to the digital platforms or means of communication, teams should develop specially tailored stakeholder engagement approaches that will be appropriate in the specific setting. The teams should reach out to the regional PMs for ENB and Social Development or



to the ESSA for the respective region, in case they need additional support to develop such tailored approaches.

- In situations where it is determined that meaningful consultations that are critical to the conduct of a specific project activity cannot be conducted in spite of all reasonable efforts on the part of the client supported by the Bank, the task team should discuss with the client whether the proposed project activities can be postponed by a few weeks in view of the virus spread risks. This would depend on the COVID-19 situation in the country, and the government policy requirements to contain the virus spread. Where it is not possible to postpone the activity (such as in the case of ongoing resettlement) or where the postponement is likely to be for more than a few weeks, the task team should consult with the OESRC to obtain advice and guidance.



## Annex 8: Summary of Consultation Meeting on RLGMS – Environmental and Social Instruments

### 1. Workshop Data

Day/Date	Tuesday 01 November, 2022								
Time	09:00 – 14:00								
Venue	West Bank..... Red Crescent Al-Birch Gaza..... Light House Gaza City				via zoom + 14 online participants.				
Subject of Consultation	Discussion of Guidelines under the new Municipal Development Program (MDP4)								
Participants (75) <sup>1</sup>	LGUs	Ministries				Consult.	Contr. Union	Eng. Assoc.	Others <sup>2</sup>
		MoLG	MoL	MoH	EQA				
West Bank	31	3	1	1	1	4	1	1	12
Gaza	20								
MDLF	Moderator	Hazem Kawasmi, Operations Manager							
	In Participation of	Naim Nobani, Mutaz Muhaisen, Lana Lahlabat, Nancy Al-Masri, Amal Sabawi In addition to MDLF area engineers and support staff.							

### 2. Summary of Public Consultation & Main Highlights

MDLF conducted a public consultation meeting on 1<sup>st</sup> of Nov. 2022. The workshop was held in the West Bank and Gaza via virtual connection. Seventy-five (75) participants representing municipalities in West Bank and Gaza Strip, ministries and public authorities, NGOs, women union, consultants, Engineer's Association, Contractors Union, and representative of institutions interested in climate change had been participated. Supervision Engineers from (51) municipalities attended the meeting. Large and small municipalities, municipalities representing different governorates in the WB&G and municipalities using different GM systems (i.e electronic, manual) were attending as well. In the consultation meeting, MDLF presented the Land Acquisition and Livelihood Framework (LALF) that was prepared based on updating the MDP3 LALPF.

The meeting agenda was divided into two sections as the following:

#### Section (1): Presentation: Land Acquisition and Livelihood Framework (LALF)

- Virtual presentation had been presented to provide the participant with an overview of LALF across the project as follows:
  - **LALF Objectives and Content:** MDLF introduced the LALF to the participants and provided them with an overview of its main objectives and principles, the eligibility criteria of implementing it and the ESS 05 which was the reference of updating the LALF.
  - **Assessment of Social and Economic Impacts:** MDLF highlighted the social and economic impacts due to project implementation and detailed that most of MDLF projects are fall into the category of infrastructure and road construction, which will assist citizens in enjoying their rights to reach their place of residence or work and will contribute to the development of businesses and income which will eventually increase those citizens' living standards. In addition, MDLF highlighted the potential negative impact that may affect the residents and their livelihood conditions and indicated that the LALF had been designed with proper mitigation measures to minimize/avoid the impacts of project on the population.

<sup>1</sup> Excluding MDLF staff. 22 women out of 75 were participated

<sup>2</sup> Including civil society organizations.



- **Legal Framework:** MDLF explained the Palestinian legal framework for land acquisition and expropriation and related procedures and highlight that these procedures will be implemented in the project and this in accordance with ESS05
- **Land Acquisition and Livelihood Plan (LALP):** MDLF indicated that when land will be acquired and people will be affected during the project, there is need for the preparation of LALP that must in accordance and be consistent with LALF. In addition, MDLF presented the process that will be implemented to prepare the LALP and presented the exhaustive list of impacts and entitlement, the identification of project affected parties (PAPs), methods of valuations and the measures that will be implemented in case any impact had been identified.
- **Institutional Arrangements of Preparation and Implementation LALPs:** MDLF presented the main stakeholders who will prepare and implement the LALP and provided details about the responsibility for each stakeholder. MDLF highlighted that the LALP will be prepared and funded by municipality.
- **Grievance Mechanism:** MDLF indicated at the time that the LALP is approved and individual compensation contracts are signed, affected individuals and households will have been informed of the process for expressing dissatisfaction and to seek redress. The grievance procedure will be simple, accessible by PAPs and should be administered at the local level. MDLF added that the municipality will form GM committee to solve any complaint that may raise during preparation and implementation of the LALP and indicated that the GM Manuel will be adopted.
- **Building the Capacity of Stakeholders in Preparation and Implementation of LALP:** MDLF presented the capacity building activities that will be implemented to build the capacity of the stakeholders (mainly the municipalities and the social consultants) in preparation and implementation the LALP in accordance with national laws and the ESS05.



Cover Page of LALP Presentation

## in (2): Discussion

is section, the discussion was opened for all participants to provide any feedback, questions, stions, and inquiries. Participant's questions/comments and associated replies are illustrated in the ring points:





- 1) A representative of Municipality expressed his concerns over implementation of LALP. He indicated that he has a fear of possible impediment towards implementing much needed interventions in areas where residents may not adhere to an already approved masterplans in terms of setback, easement, and other building requirements, and that in turn can slow the pace of development or encourage LGUs to avoid much needed projects in their attempt to avoid financial implications associated with compensation. He urged MDLF to help LGUs implement their masterplans by allowing more proactive practice between the LGU and the citizens within the objective of serving the public interest and respect of all parties' rights and obligations within the approved masterplans. MDLF responded that the project will be implemented within master plan considering the land use and roads width as per master plan.
- 2) A representative of municipality showed his concern and objection to compensate the citizen who encroached the master plan. He stated that compensation in such case will encourage the citizen to encroach the master plan. MDLF responded that in such case the LALF should be applied considering the case and the circumstances.
- 3) A representative of Municipality asked if they will continue using the same approach of compensation like the previous cycle of the project. MDLF responded that the approach presented in LALP will be used and the municipality will consult affected people and sign agreement showing the scope of work without any kind of coercion.
- 4) A representative of municipality asked about land acquisition and livelihood plan. MDLF explained that this will be handed based on the case. Municipality has a potential to use private land to implement its project and, in this case, the municipality shall prepare LALP based on the LALF and MDLF will support municipality and will provide specific training to the municipality in this regard.
- 5) Participants indicated that they are aware about the mechanism and procedures of preparing LALP and this experience had been built along the previous cycles of MDP program. In addition, they added that although they have concerns in term of trigger the LALF, these concerns are not considered significant and this due to the types and small scale of the projects implemented through MDP. In addition, the sub-projects conducted within the master plan and the cases of trigger LALF will not occur extensively and they will attempt to be away of these cases as possible to avoid financial implications associated with compensation.

#### Annex 1: Photos

Workshop Banner & Moderators







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Municipal Development & Lending Fund



التاريخ: 23/10/2022

**معالي الدكتورة مي الكيلة حفظها الله**  
**وزيرة وزارة الصحة الفلسطينية**  
تحية طيبة وبعد،

**الموضوع: دعوة لحضور ورشة عمل / تحديث الإطار السنوي  
والاجتماعي لبرنامج تطوير البلديات المرحلة الرابعة**

يهديكم صندوق تطوير وإقراض الهيئات المحلية أطيب التحيات ، وبالإشارة إلى الموضوع أعلاه فإن الصندوق يصد تصميم البرنامج الرابع لتطوير البلديات والذي يتطلب تحديث الملفات الخاصة بالإطار السنوي والاجتماعي والإطار الخاص بحيازة الأراضي بالإضافة إلى إعداد الإجراءات الخاصة بإدارة العمال وأصحاب العلاقة.

وعليه بشرطنا دعوتكم لحضور ورشة العمل والتي ستعقد يوم الثلاثاء بتاريخ 2022/11/1 في قاعة الهلال الأحمر في البيرة، ما بين الساعة التاسعة صباحاً لغاية الثانية بعد الظهر لعرض الملفات الأولية المعدلة و لسماع آراكم وملاحظاتكم.

نرجو من حضرتكم ترشيح من ترونه مناسباً لحضور الورشة وترويده بالرابط المرسل لكم عبر البريد الالكتروني والذي يتيح المشاركة لمن تعذر عليه الحضور.

الرابط الإلكتروني:  
<https://us06web.zoom.us/j/83411346511?pwd=R0VlZDZlZDk2NDh0bkpYdUFlUkFvH0Q0T09>

**ونفضلوا بقبول فائق الإحترام،**

**المهندس. مجدي الصالح**  
  
**وزير الحكم المحلي**  
**رئيس مجلس إدارة الصندوق**

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Annex 4: Detailed List of Attendees

صندوق تطوير وإقراض الهيئات المحلية  
 Municipal Development & Lending Fund

ورشة عمل تحديث الأطار البيئي والاجتماعي المرحلة الرابعة  
 جمعية الهلال الأحمر الفلسطيني  
 الثلاثاء 2022/11/1

الاسم	المسمى الوظيفي	المؤسسة	رقم الجوال	البريد الإلكتروني
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صندوق تطوير وإقراض الهيئات المحلية  
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 صندوق تطوير وإقراض الهيئات المحلية  
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anv132@hdmal.com - 0577114454	مصرف استثماري	مصرف استثماري	مصرف استثماري	15
dmajm@hdmal.com - 0577114454	مصرف استثماري	مصرف استثماري	مصرف استثماري	16
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anv132 - info@hdmal.com - 0577114454	مصرف استثماري	مصرف استثماري	مصرف استثماري	21
anv132 - info@hdmal.com - 0577114454	مصرف استثماري	مصرف استثماري	مصرف استثماري	22

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Municipal Development & Lending Fund

**ورشة عمل تحديث الاطار التبيني والاجتماعي المرحلة الرابعة**  
**جمعية الهلال الأحمر الفلسطيني**  
**الثلاثاء 2022/11/1**

الاسم	المسمى الوظيفي	المؤسسة	رقم الجوال	البريد الإلكتروني
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صندوق تطوير وإقراض الهيئات المحلية  
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رقم الهاتف	اسم الهيئة	موضوع	ملاحظات
0599961870	مجلس المدينة	موضوع	27. ارقام
0597988071	مجلس المدينة	موضوع	30. م. م. م.
059996600	مجلس المدينة	موضوع	31. م. م. م.
0582297647	مجلس المدينة	موضوع	37. م. م. م.
0595602055	مجلس المدينة	موضوع	33. م. م. م.
0531350055	مجلس المدينة	موضوع	39. م. م. م.
0549322872	مجلس المدينة	موضوع	25. م. م. م.





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**جمعية الهلال الأحمر الفلسطيني**  
**الثلاثاء 2022/11/1**

الاسم	المسمى الوظيفي	المؤسسة	رقم الجوال	البريد الالكتروني
٣. طارق ابو حاتم	مدير مشاريع	جمعية الهلال الأحمر الفلسطيني	٥٤٥ ٢٩٦٠٢٩	tarik.abuhatem@hahf.org.ps
٤. شيراز حيدر	مدير البرامج	جمعية الهلال الأحمر الفلسطيني	٥٥٥ ٢٤٦٦٦٦	shiraz.haider@hahf.org.ps
٥. وائل ابو حاتم	مدير البرامج	جمعية الهلال الأحمر الفلسطيني	٥٥٥ ٢٤٦٦٦٦	waal.abuhatem@hahf.org.ps
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ورشة عمل  
تحديث الإطار البيئي والاجتماعي لإنتاج تطوير البلديات - المرحلة الرابعة  
Updating the Environmental and Social Management Framework (ESMF) - MDP 4  
1 نوفمبر 2022

رقم	الاسم	المهنة	التخصص	رقم الجوال	العنوان الإلكتروني	التوقيع
1	محمد بن عبد الله	مهندس	مهندس	0595364721	muhammad@... .sa	
2	أحمد بن محمد	مهندس	مهندس	0599617926	ahmed@... .sa	
3	علي بن محمد	مهندس	مهندس	099259116	ali@... .sa	
4	أسامة (مهندسة)	مهندسة	مهندسة	059519438	asama@... .sa	
5	د. محمد بن أحمد	مهندس	مهندس	0598205001	muhammad@... .sa	
6	مهندسة محمد بن أحمد	مهندسة	مهندسة	0595361956	mohammed@... .sa	
7	تامر بن محمد	مهندس	مهندس	0599002791	tamr@... .sa	
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12	محمد بن محمد	مهندس	مهندس			
13	محمد بن محمد	مهندس	مهندس			

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ورشة عمل  
تحديث الإطار البيئي والاجتماعي لإنتاج تطوير الهيئات - المرحلة الرابعة  
Updating the Environmental and Social Management Framework (ESMF) - MDF 4  
1 نوفمبر 2022

الترتيب	الاسم	المؤسسة	الوظيفة	رقم الجوال	البريد الإلكتروني
1	مهاجر محمد علي	EMAI + RAI	Environmental	011339672	
2	مهاجر محمد علي	EMAI + RAI	Environmental	011339672	
3	مهاجر محمد علي	EMAI + RAI	Environmental	011339672	
4	مهاجر محمد علي	EMAI + RAI	Environmental	011339672	
5	مهاجر محمد علي	EMAI + RAI	Environmental	011339672	
6	مهاجر محمد علي	EMAI + RAI	Environmental	011339672	
7	مهاجر محمد علي	EMAI + RAI	Environmental	011339672	
8	مهاجر محمد علي	EMAI + RAI	Environmental	011339672	
9	مهاجر محمد علي	EMAI + RAI	Environmental	011339672	
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11	مهاجر محمد علي	EMAI + RAI	Environmental	011339672	
12	مهاجر محمد علي	EMAI + RAI	Environmental	011339672	
13	مهاجر محمد علي	EMAI + RAI	Environmental	011339672	
14	مهاجر محمد علي	EMAI + RAI	Environmental	011339672	
15	مهاجر محمد علي	EMAI + RAI	Environmental	011339672	
16	مهاجر محمد علي	EMAI + RAI	Environmental	011339672	
17	مهاجر محمد علي	EMAI + RAI	Environmental	011339672	
18	مهاجر محمد علي	EMAI + RAI	Environmental	011339672	
19	مهاجر محمد علي	EMAI + RAI	Environmental	011339672	
20	مهاجر محمد علي	EMAI + RAI	Environmental	011339672	

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ورقة عمل  
لتحديث الإطار البيئي والاجتماعي لإدارة مشروع تطوير الهيئات - المرحلة الرابعة  
Updating the Environmental and Social Management Framework (ESMF) - MDP 4  
1 نوفمبر 2022

#	الاسم	التوصية	الوقت	رقم التعديل	المرحلة الإلكترونية	التوقيع
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2	محمد بن محمد	إضافة بند	المشاريع	9/3/2024		
3	محمد بن محمد	إضافة بند	المشاريع	9/1/2024		
4	محمد بن محمد	إضافة بند	المشاريع	9/1/2024		
5	محمد بن محمد	إضافة بند	المشاريع	9/5/2024		
6	محمد بن محمد	إضافة بند	المشاريع	9/5/2024		
7	محمد بن محمد	إضافة بند	المشاريع	9/5/2024		
8	محمد بن محمد	إضافة بند	المشاريع	9/5/2024		
9	محمد بن محمد	إضافة بند	المشاريع	9/5/2024		
10	محمد بن محمد	إضافة بند	المشاريع	9/5/2024		
11	محمد بن محمد	إضافة بند	المشاريع	9/5/2024		
12	محمد بن محمد	إضافة بند	المشاريع	9/5/2024		

محمد بن محمد  
مستشار



Annex 9: **Complaint Form**

نموذج تقديم شكوى

البلدية:	مشروع:
التاريخ:	رقم الشكوى:

طلب تقديم شكوى

القسم الأول: حول المشتكى/ة

اسم مقدم/ة الشكوى:
هوية رقم:

القسم الثاني: حول الشكوى

موضوع الشكوى:

وقائع الشكوى:

الجهة المقدم بحقها الشكوى:

هل الشكوى منظورة أمام القضاء:	أ. نعم	ب. لا
هل تقدمت بشكوى في ذات الموضوع لجهة أخرى	أ. نعم	ب. لا
الجهة: .....	هل تلقيت رد: .....	



تاريخ الرد: .....

**القسم الثالث: مرفقات الشكوى (وثائق ومستندات)**

أقر وأصرح انا مقدم/ة الشكوى ..... بأن المعلومات والبيانات والمرفقات الواردة أعلاه هي معلومات وبيانات ومرفقات صحيحة وحقيقية والتزم واتعهد بتحمل كامل المسؤولية القانونية فيما لو تبين خلاف ذلك في أي وقت من الأوقات أو إذا تبين أن الشكوى المقدمة من قبلي كيدية.

وعليه أوقع

توقيع و/أو بصمة مقدم/ة الشكوى: ..... تاريخ تقديم الشكوى: / /

**القسم الرابع: (خاص لاستخدام مسؤول الشكاوى)**

التوصية حول الشكوى:

في حال رفض الشكوى، مبررات رفض الشكوى:

.....  
.....  
.....

مسئول مراجعة الشكوي: .....

التوقيع:

التاريخ:



صندوق تطوير وإقراض الهيئات المحلية  
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