

REPUBLIC OF IRAQ

Resettlement Policy Framework

Electricity Services Rehabilitation and Enhancement Project

For the Benefit of the South Electricity Directorate

Final

October 16th , 2018

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LIST OF ACRONYMS AND ABBREVIATIONS

ARAP	Abbreviated Resettlement Action Plan
ESIA	Environmental and Social Impact Assessment
ESREP	Electricity Services Rehabilitation and Enhancement Project
GOI	Government of Iraq
GRM	Grievance and Redress Mechanism
OP	Operational Policy
SEDD	Southern Electricity Distribution Directorate
SETD	Southern Electricity Transmission Directorate
PAP	Project Affected Persons
PMTs	Project Management Teams
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
TOR	Terms of Reference
WB	World Bank

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GLOSSARY

Census. Household survey that covers all affected persons irrespective of entitlement or ownership. It provides a complete inventory of all affected persons and their assets. It can be used to minimize fraudulent claims made by people who move into the area affected by the project in the hope of being compensated and/or resettled.

Displaced Persons. Persons who are affected by the involuntary taking of land and / or the involuntary restriction of access to legally designated parks and protected areas.

Environmental Impact. An effect (both positive and negative) on an environmental resource or value resulting from infrastructure development projects.

Environmental and Social Impact Assessment (ESIA). A systematic procedure for enabling the possible environmental and social impacts of development projects to be considered before a decision is made as to whether the project should be given approval to proceed.

Involuntary. Actions that may be taken without the displaced person's informed consent or power of choice.

Involuntary Resettlement. The unavoidable displacement of people and/or impact on their livelihood, assets and common property resulting from development projects that create the need for rebuilding their livelihood, sources of income and asset bases.

Land Acquisition refers to all methods of obtaining land for project purposes, which may include outright purchase, expropriation of property and acquisition of access rights, such as easements or rights of way. Land acquisition may also include: (a) acquisition of unoccupied or unutilized land whether or not the landholder relies upon such land for income or livelihood purposes; and (b) repossession of public land that is used or occupied by individuals or households. "Land" includes anything growing on or permanently affixed to land, such as crops, buildings and other improvements.

Restrictions on Land Use refers to changes in or prohibitions on agricultural, residential, commercial or other land uses that are directly introduced and put into effect as part of the implementation of the

project. These may include restrictions on access to legally designated parks and protected areas, restrictions on access to other common property resources, restrictions on land use within utility easements or safety zones, etc.

Livelihood. refers to the full range of means that individuals, families and communities utilize to make a living, such as wage-based income, agriculture, fishing, foraging, other natural resource-based livelihoods, petty trade and bartering.

Monitoring. The process of repeated observations and measurements of environmental and social quality parameters to assess and enable changes over a period of time.

Public Involvement. The dialogue encompassing consultation and communication between a project proponent and the public. It includes dissemination, solicitation and presentation of information.

Rehabilitation/Resettlement. A term often used to describe the process of reestablishing lifestyles and livelihoods following resettlement. The term is also used to describe construction works that bring a deteriorated structure back to its original conditions.

Replacement Cost. A method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement. Where functioning markets exist, replacement cost is the market value as established through independent and competent real estate valuation, plus transaction costs. Where functioning markets do not exist, replacement cost may be determined through alternative means, such as calculation of output value for land or productive assets, or the undepreciated value of replacement material and labor for construction of structures or other fixed assets, plus transaction costs. In all instances where physical displacement results in loss of shelter, replacement cost must at least be sufficient to enable purchase or construction of housing that meets acceptable minimum community standards of quality and safety. Transaction costs include administrative charges, registration or title fees, reasonable moving expenses, and any similar costs imposed on affected persons.

Resettlement Action Plan (RAP). A time-bound action plan with a budget, setting out resettlement strategy, objectives, options, entitlements, actions, approvals, responsibilities, monitoring and evaluation.

Social Impact. An effect (both positive and negative) on a social issue resulting from infrastructure development projects

Stakeholders. Those who have an interest in project development and who will be involved in the consultative process, and includes any individual or group affected by, or that believes it is affected by the project; and any individual or group that can play a significant role in shaping or affecting the project, either positively or negatively, including the host community/population.

Vulnerable Groups. Distinct groups of people who might suffer excessively from resettlement effects, such as, the old, the young, individuals with disabilities, the poor, isolated groups and female headed households (single-mothers, widows, etc.).

Compensation means payment in cash or kind or other assets given in exchange for the acquisition of land including fixed assets thereon as well as other impacts resulting from Project activities. Compensation is at full replacement cost.

Cut-off date means the date after which PAPs will not be considered eligible for compensation, i.e. they are not included in the list of PAPs as defined by the socioeconomic survey. The cut-off date is determined in a manner acceptable to all parties, documented and widely disseminated. Normally this cut-off date is the date the census begins. The cut-off date could also be the date the subproject area was delineated prior to the census, provided that there has been an effective public dissemination of information on the area delineated and systemic and continuous dissemination subsequent to the delineation to prevent further population influx (from footnote 22 of OP 4.12). All stakeholders including PAPs will be informed of the cut-off date and its implications during the stakeholder meetings.

Encroachers are those people who move into the project area after the cut-off date and are therefore not eligible for compensation or other rehabilitation measures provided by the project.

Displaced Persons. The people or entities directly affected by a project through the loss of land and the resulting loss of residences, other structures, businesses, or other assets.

Economic Rehabilitation consists of the measures taken so that the affected population can improve or at least restore its previous standard of living.

Eligibility. The criteria for qualification to receive resettlement benefits.

Eminent Domain. The right of the state to acquire land, using its sovereign power, for public purpose. National law establishes which public agencies have the prerogative to exercise eminent domain.

Entitlements. Resettlement entitlements are the sum total of compensation and other forms of assistance provided to displaced persons in their respective eligibility category. They might comprise cash or kind compensation, relocation costs, income rehabilitation assistance, transfer assistance, income substitution, and relocation

Grievance. An issue, concern, problem, or claim (perceived or actual) that an individual or community group wants a company or contractor to address and resolve.

Grievance Redress Mechanism (GRM) is a locally based, formalized way to accept, assess, and resolve community feedback or complaints from individuals or communities who believe they are adversely affected by the Project.

Livelihood restoration consist of the entitlements (e.g., compensation, other assistance) for affected persons and/or communities who are economically displaced, in order to provide them with adequate opportunity and resources to at least restore, if not improve, their livelihoods.

Market Value is defined as the value required to allow PAPs to replace lost assets with assets of similar value.

Project Affected Household means the family or collection of PAPs forming a nuclear or extended family that coexists or lives within the same house or precinct that will experience effects from land acquisition regardless of whether they are physically displaced or relocated or not.

Project Affected Person (PAP). Any person who, on account of the execution of the Project, or any of its components or subprojects would have their: (i) right, title or interest in any house, land

(including residential, agricultural and grazing land) or any other fixed or movable asset acquired or possessed, in full or in part, permanently or temporarily; (ii) business, occupation, work, place of residence or habitat adversely affected; (iii) standard of living adversely affected.

Rehabilitation Assistance means the provision of development assistance in addition to compensation such as land preparation, credit facilities, training, or job opportunities, needed to enable PAPs and Displaced Persons to improve their living standards, income earning capacity and production levels; or at least maintain them at pre-Project levels.

Relocation means the physical moving of PAPs from their pre-project place or residence, place for work or business premises.

Replacement cost is defined as the market value of the assets plus transaction costs. In applying this method of valuation, depreciation of structures and assets should not be taken into account. Where functioning markets exist, replacement cost is the market value as established through independent and competent real estate valuation, plus transaction costs. Where functioning markets do not exist, replacement cost may be determined through alternative means, such as calculation of output value for land or productive assets, or the undepreciated value of replacement material and labor for construction of structures or other fixed assets, plus transaction costs.

Socioeconomic Survey. A complete and accurate survey of the project-affected persons and households. The survey determines the socioeconomic status of each PAP (age, family status, number of dependents, level and sources of income, available material assets, debts) and focuses on income-earning activities and other socioeconomic indicators. Special attention is paid to the needs of vulnerable people among the PAPs.

Squatter is a person occupying land without legal claims to the land and/or permission from the concerned authorities to build; as a result of their illegal or semi-legal status, infrastructure and services are usually inadequate.

EXECUTIVE SUMMARY

This Resettlement Policy Framework (RPF) was prepared for the Electricity Services Rehabilitation and Enhancement Project (ESREP) for the benefit of the Southern Electricity Directorate. The World Bank is financing the project to improve the reliability and enhance the operational and commercial efficiency of electricity services in southern Iraq, in the governorates of Basra, Al-Muthana, Dhi Qar, and Missan. The achievements of the project will be measured by following three key indicators: (i) improvement of the reliability of electricity service delivery: Increased efficiency of distribution infrastructure (reduction in unserved energy due to unplanned outages, MWh/year). (ii) enhancement of the operational efficiency of electricity services: Reduction in technical losses (Technical Loss reduction, MWh/year) and (iii) improvement of commercial operations: Increase in collections/billed (Percentage increase in collections/billed energy).

The RPF is guided by the **legal and regulatory framework** defined by the World Bank's Operational Policy OP 4.12 on Involuntary Resettlement and Iraqi laws and regulations related to land acquisition and ownership, economic displacement, resettlement and compensation. World Bank requirements will be applied in the areas of: eligibility for benefits, public participation and disclosure, cut-off dates and resettlement assistance, to address gaps between national and World Bank requirements.

During the lifespan of the project, there might be a need for either fixed or mobile substations to be implemented which may require private land. Moreover, land take on temporary terms may be required for diversion of traffic during construction, stock piling of building materials, excavated soils and overburden. Temporary taking of land for workers' camp, engineers offices and accommodation of night guards may also be required. Temporary blocked/restriction of access may be required, as construction activities might restrict access to houses, shops, businesses or other properties.

Eligibility conditions for resettlement compensation are defined by the principles of the World Bank's Operational Policy on Involuntary Resettlement, OP4.12:

- those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country)
- those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets-provided that such claims are recognized under Iraqi laws or become recognized through a process identified in the resettlement plan
- those who have no recognizable legal right or claim to the land they are occupying

Resettlement Planning would involve the following key steps for any subproject that might cause involuntary resettlement:

- A comprehensive census of PAPs and an inventory of their affected assets. A cut-off date for eligibility will be determined in a manner acceptable to all parties, documented and widely disseminated
- Socioeconomic survey of affected individuals and households with special attention to the needs of vulnerable people among the PAPs
- An assessment of the affected assets, including trees and crops, documentation of the PAPs and verification of assets

Any subproject activity that shall entail the acquisition of land or may result in the involuntary resettlement of people or loss or restriction of access to private or communal resources will require the preparation of a RAP or abbreviated RAP as per the number of people affected or the significance of the resettlement impacts. The RAP/ARAP, including the proposed mitigation measures within the plan, will need to be reviewed by the technical team as well as environmental and social team and approved by PMT Head and then will be sent to the World Bank for final review and approval. Once the RAP is approved by the Bank, it will be translated into Arabic and disclosed locally as well as in the Bank's external website at the Bank. The PMT and relevant authorities are responsible for implementation of the RAP.

During project implementation, when resettlement impacts are involved, and a RAP needs to be prepared, consultations with affected persons will be carried out through an independent consultant that is contracted for the RAP preparation process.

The Project will establish a Grievance Redress Mechanism that will be used for environmental, resettlement and social issues. In addition to the courts which are considered the official channel in Iraq, a Grievance Redress Mechanism will be established at the project level for the project to ensure any grievance can be addressed in an amicable manner. A Grievance Redress Mechanism at both the Southern Electricity Directorate (SEDD) and Southern Electricity Transmission Directorate (SETD) will establish GRM units to handle project activity-related complaints or requests each with dedicated focal points with dedicated personnel for complaints handling will be established. Resolving complaints at community level is required, as this will address the problem of distance and cost the

PAPs may have to face in pursuing grievance redress. The Grievance Redress Mechanism shall be setup in early stages of the project, and before starting any project-related activities on the ground.

1. INTRODUCTION AND BACKGROUND

1.1 Introduction

This document provides a Resettlement Policy Framework (RPF) for the Electricity Services Rehabilitation and Enhancement Project (ESREP). The objective of the ESREP is to improve the reliability and enhance the operational and commercial efficiency of electricity services in the in the governorates of Basra, Al-Muthana, Dhi Qar, and Missan. The following key indicators will be measured to demonstrate the achievements of the objectives:

- I. Improve the reliability of electricity service delivery: Increased efficiency of distribution infrastructure (Percent Reduction in unserved energy due to limited transmission and distribution network capacity) [50percent-Baseline-111.0GWh (2017), Target-42.5GWh (2022)].
- II. Enhance the operational efficiency of electricity services: Reduction in technical losses (Percentage Reduction in Technical Losses) [17percent, Baseline-10.9MW (2017); 9.0MW (2022)].
- III. Improve Commercial operations: Increase in Billed/Supplied (Percentage increase in Billed/Supplied energy) [30percent -Baseline 40percent (2016); 70percent (2022)].

The Project will have broad social benefits by improving quality of life through the possibility of using electrical appliances and lighting of homes; improving security, due to public lighting; increasing economic activities stemming from the development of businesses, mechanization and electrification of stores and workshops; providing access to information services (new technology, TV, etc.); and improving performance of administrative and social services as well as economic operators based in the project area (better working conditions, possibility of IT equipment, communication facilities).

During the construction phase several positive social impacts are expected, including income generation through the creation of temporary jobs; development of small businesses (food, clothing, etc.); and increased income through the procurement of local and imported materials sold on the domestic market.

The key social challenges of the Project are associated with the community's participation in the identification and implementation of activities financed by the Project due to the conflict context and security constraints, labor influx and land acquisition.

1.2 Project Description

The Project will support improving the reliability, efficiency and accountability of electricity supply in the governorates of Basra, Al-Muthana, Dhi Qar, and Missan by improving transmission and distribution infrastructure, and reducing technical loss of electricity within the transmission and distribution system. The project also finances an operational and commercial efficiency enhancement program that includes the design, supply, install and commission of an integrated distribution management information system (IDMIS). The IDMIS shall cover core electricity distribution utility business functions, namely; network operations and maintenance, commercial, and management of corporate resources. Lastly, the project will support the decentralized electricity services and operationalization of the electricity law with regard to the corporatization of the South Electricity Distribution Directorate.

The project will directly support increasing the efficiency and reliability of electricity supply within the project areas by strengthening the transmission and distribution system through the construction of several transmission and distribution substations and lines. The project is expected to increase the electricity supply reliability in the project areas by reducing the electricity supply interruptions and network technical losses by about 50 percent and 16 percent, respectively. The commercial efficiency enhancement program is expected to increase electricity revenues sales by about 30 percent, with increased billing from 40 percent to over 70 percent. The project will also support sector institutional reforms for improved electricity services delivery, operations improvement, transparency and accountability by supporting the initial business processes of the SEDD as a corporate entity, sector corporatization and the set-up of a Modernization Unit at the MoE to kick-start the sector regulation functions.

The proposed operational improvements focused on the SEDD is aimed to be a transformative catalyst for reform in the provision of electricity services in Iraq. Improved electricity distribution operations will go a long way to addressing chronic distrust amongst electricity consumers and at the same time will begin to alleviate the burden on government resources by enhancing fiscal performance. The goal of the proposed approach is to help enhance the SEDD core business operations; to get the commercial foundation built and reinforced and to use that strength to then systematically tackle pandemic challenges related to the sector's fiscal sustainability.

The project will consist of the following three (3) main components:

Component 1. Transmission Network Reinforcement (US\$125.0 million). This component is proposed to finance activities aimed at increasing the transmission network capacity to: (i) address network capacity limitations to meet existing electricity power demand; (ii) meet expected future load growth; (iii) provide operation flexibility and hence improved electricity supply reliability; and (iv) reduce transmission network technical losses. The proposed activities include: (i) 132/33/11KV substations rehabilitation and upgrades; (ii) 132KV transmission network reinforcement; and (iii) supply and installation of 132/33/11KV mobile substations. The proposed scope is expected to increase the transmission network capacity by about 1.60GW.

Component 2. Distribution Network Reconstruction, Operational and Commercial Efficiency Enhancement (US\$ 110.0 million). This component will support activities related to: (a) distribution network rehabilitation and reinforcement to meet both current and future electricity demand, reduce technical losses and increase operations flexibility including distribution substations and lines; and (b) Design, supply, install and commission of an Integrated Distribution Management Information System (IDMIS) covering electricity distribution core business functions namely; network operations and maintenance, commercial, and management of corporate resources. The IDMIS will include a Revenue Protection Program (RPP) to improve electricity sales revenue management, including a geo-referenced customer database, metering, billing and revenue collection.

The IDMIS forms a foundation for future operations and business improvement plans of the corporatized SEDD. The proposed IDMIS will enhance the directorate's ability to operate the network and monitor performance at the directorate level including but not limited to: (i) aggregating the electricity received from the national grid to the directorate to become more financially and operationally accountable; (ii) enhancing electricity billing and revenue collections including energy auditing and (iii) localizing network monitoring and remote control and thus faster response to distribution network services.

Component 3. Institutional Capacity Strengthening and Project Implementation- (US\$ 15.0 million). This will include development of a regulatory framework and institutional capacity building aligned with the government reform program for improved accountability, governance, financial sustainability and increased private sector participation. The TA and advisory services will among others support the following:

- a. *Sector Restructuring and Corporatization.* This sub-activity will support basic, early reform actions which will support longer term reform and restructuring of the sector initially

supporting the sector corporatization with regard to new business processes that contribute to better governance, improved performance management and greater efficiency. This shall include among others: (i) electricity sector institutional set-up; (ii) establishing a viable financing plan and initial business plans; and (iii) public awareness/communication with stakeholders on the corporatization process.

- b. *Establishment of a Sector Modernization Unit within the MoE.* This sub-component will support establishment of a Sector Modernization Unit within the MoE, as the first step towards the eventual establishment of an independent national regulator. Capacity development will also be provided to support those regulatory functions that are most urgently required within the sector – including (a) secondary regulations required to operationalize the electricity law (b) tariff modeling; and (b) establishment of industry wide key performance indicators (KPIs).
- c. *Capacity Building and Institutional Strengthening.* This will support enhancing the SEDD institutional capacity as a corporate entity, for improved accountability, governance, and financial sustainability as an “Island of Excellence”¹; which model could be scaled up to cover other electricity distribution directorates as the sector reforms and corporatization are rolled-out. The support will include preparation of the SEDD Business Management Improvement Plan (BMIP) and setting of key performance indicators. The proposed support includes definition and re-engineering of the business and operational processes and practices including coaching, mentoring and training of SEDD staff.

1.3 Rational for the Preparation of RPF

This RPF is prepared based on the requirements of World Bank Operational Policy on Involuntary Resettlement (OP 4.12) and is related to laws and regulations of the Republic of Iraq as a guide for resettlement preparation and implementation, if there is any. The RPF may be triggered whenever any of the project’s activities entails the acquisition of land and/or the displacement of people, causing the loss of property, income, or sources of livelihood. The RPF is usually prepared when the exact activities of the project are not clearly known at the project appraisal.

¹ Directions for the WBG Energy Sector (2013), Strengthening governance—including addressing transparency, accountability, and public participation—is vital to ensuring that the sector function efficiently and that energy contribute to equitable economic, social, and environmental development”.

The purpose of the RPF is to lay out the necessary principles for social impact mitigation, and clarify the organizational arrangements that may be needed during implementation phases of the project in case the land acquisition was deemed as a necessary option that may result in impacts on assets and/or livelihoods. This includes compensating all project affected persons (PAPs) for the loss of properties and livelihoods resulting from displacement and resettlement, as well as assisting the affected people in relocation and rehabilitation. The RPF also outlines a proposed approach and work plan to guide the implementation, handover, and monitoring and evaluation of the resettlement process, in case land acquisition becomes a necessity and leads to impacts on assets or livelihoods at any point.

The RPF represents the reference to be used in managing land acquisition issues and addressing the involuntary resettlement and displacement of people related to WB-financed projects. In case of discrepancies between the national laws and the requirements of OP 4.12, the latter should supersede.

Eligibility

This RPF covers all the project's activities, and shall apply to all displaced persons regardless of the total number affected, the severity of impact, and whether or not the affected persons have formal utilization papers. Since resettlement often affects the most vulnerable and marginalized groups (economically, politically, and socially), the RPF shall be particularly sensitive to the impacts of displacement that can occur to these groups, including the poor, landless, elderly, women, children, ethnic minorities, or persons with specific mental or physical disabilities.

Concerning vulnerable groups, these are the people who are typically disadvantaged or marginalized based on their economic, ethnic, social, or cultural characteristics. The RAP will adopt the Sustainable Livelihood Approach (which aims to improve understanding of the poor people's livelihoods) that will help in vulnerability identification. In line with WB requirements, internal and external resettlement monitoring and evaluation will be carried out during implementation of the RAP and ensure that all PAPs are compensated adequately.

Scope of applicability

During the lifespan of the project, there might be a need for either fixed or mobile substations to be implemented which may require private land. Moreover, land take on temporary terms may be required for diversion of traffic during construction, stock piling of building materials, excavated soils and overburden.

Temporary taking of land for workers' camp, engineers offices and accommodation of night guards may also be required. Blocked/restriction of access may be required, as construction activities might restrict access to houses, shops, businesses or other properties. For these reasons, the World Bank's Operational Policy on Involuntary Resettlement (OP 4.12) is applied and the RPF is prepared for precautionary purposes to the entire Project.

2. WORLD BANK REQUIREMENTS AND LEGISLATIVE FRAMEWORK FOR RESETTLEMENT

2.1 World Bank Safeguard Policies

The WB's policy on Involuntary Resettlement as mentioned in different sections of the framework sets forth all the resettlement requirements and principles which will be well considered and fully applied in the proposed project.

2.1.1 Objectives of OP 4.12

Involuntary resettlement may cause severe long-term hardship, impoverishment, and environmental damage unless appropriate measures are carefully planned and carried out. For these reasons, the overall objectives of the Bank's policy on involuntary resettlement are the following:

- Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs.
- Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.
- Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

2.1.2 Key Principles of OP 4.12

The principles outlined in the World Bank's OP 4.12 have been adopted in preparing this RPF. In this regard, the following principles would be applied:

- a) Acquisition of land and other assets, and resettlement of people will be minimized as much as possible. Where land acquisition is unavoidable, it will be undertaken in a manner that minimizes adverse impact on the PAPs, especially the vulnerable groups;

- b) All PAPs will be compensated, relocated and rehabilitated, if required, so as to improve their standard of living, income earning capacity and production capacity, or at least to restore them to pre-Project levels or pre-displacement levels, whichever is higher.
- c) All PAPs residing in, or cultivating land, or having rights over resources within the components' area are entitled to compensation for their losses and/or income rehabilitation. Lack of legal right to the assets lost will not bar the PAP from entitlement to such compensation, rehabilitation and relocation measures;
- d) The rehabilitation measures to be provided are (i) compensation at full replacement cost for houses and other structures; (ii) compensation for land acquisition or restoration and resettlement subsidy for the affected farmers; (iii) dislocation allowance and transition subsidies; (iv) full compensation for crops, trees and other similar agricultural products at market value; and (v) other assets, and appropriate rehabilitation measures to compensate for loss of livelihood;
- e) Replacement house-plots, place of business and agricultural land will be as close as possible to the land that was lost, and acceptable to the PAPs;
- f) Land-for-land is the preferred option. Land-for-land may be substituted by cash provided that: (i) land is not available in the proximity of the project area; (ii) PAP willingly accept cash compensation for all assets on the land; and receive full replacement value without any deductions for depreciation; and (iii) cash compensation is accompanied by appropriate rehabilitation measures which together with project benefits results in restoration of incomes to at least pre-project levels;
- g) The resettlement transition period will be minimized, land-for-land and/or cash compensation provided to the PAP completed prior to the expected start-up date of works in the respective components;
- h) Resettlement plans will be implemented following consultations with the PAPs, and will have the endorsement of the PAPs;
- i) The previous level of community services and access to resources will be maintained or improved after resettlement;
- j) Any acquisition of, or restriction on access to resources owned or managed by PAP as common property will be mitigated by arrangements ensuring access of those PAP to equivalent resources on a continuing basis;

k) Financial and physical resources for resettlement and rehabilitation will be made available as and when required;

l) Resettlement program will include adequate institutional arrangements to ensure effective and timely design, planning and implementation of resettlement and rehabilitation measures;

m) Adequate arrangements for effective and timely internal and external monitoring will be made on implementation of all resettlement measures.

2.2 National Legal Framework

In the Republic of Iraq three principal forms of land ownership exist:

- Public or state-owned land;
- Private land which can be bought from its owner or may be alienated/transferred freely by donation; and
- Leased land, which is owned by the government but leased to individuals, as is the case with agricultural lands managed by the Ministry of Agriculture.

2.2.1 The Civil Code (Law No. 40 – year 1951)

Usurpation

Article 192: The property usurped must be restituted in-kind to its owner at the place wherein it was usurped if it is existing; if the owner of the property has casually met the usurper who had with him/her the usurped property at a different place he/she may if he/she so wishes to have the property restituted in that place. But if he/she demands restitution at the place of usurpation, the expenses of moving it and the cost of providing for its restitution will be borne by the usurper which thing will be without prejudice to reparation for the other injuries.

Article 195: If after the usurpation the value of the thing usurped has diminished (depreciated) the usurpee has no alternative but to accept it in its existing state without prejudice to his/her right to reparation for the other injuries; the usurper shall however be liable if through his/her act or use, the thing usurped has depreciated.

This law includes squatters as well.

2.2.2 Land Acquisition Law No. 12 – year 1981

Land acquisition and all related issues are governed locally by the Land Acquisition Law No. 12 issued in 1981 and updated in 1998. Primarily, the Government of Iraq (GoI) has the right to remove

encroachers of state-owned lands without compensation. Below are the relevant provisions (according to the latest amendments).

Section II: Types of Acquisition & Procedures – Chapter I: Acquisition in Agreement

Article 4: Directorates and social and joint sectors which have the right to acquire property can negotiate with the property/land owner to take the property by agreement either in kind or in cash depending on the price estimated by the committee established according to this law. In case of a public property, all related partners shall approve this.

Section II – Chapter II: Juridical Acquisition

Article 9: Government departments and social and common sectors which have the right to legally possess a property can request to acquire any property, part of it, or its relevant original property rights for the purposes of implementing their projects and achieving their goals.

Article 13:

According to this Article, a Valuation Committee is formed to estimate the compensation value. This Committee is ideally assembled from the following members:

- a. Head of the Land Registry Office or his/her deputy,
- b. Head of the Property Tax Department or his/her deputy,
- c. Representative of the holder, and
- d. Representative of the property owner, if the property owner is a group of people and they do not agree to choose a representative, or if some of them were absent, the court assigns one of its experts.

Section II – Chapter III: Administrative Acquisition

Article 22: If the property or the real estate right requested for acquisition is owned by government departments or the social or public sectors, the property shall be possessed administratively and the compensation is determined in consensus.

Section III: Compensation – Chapter I: In-kind Compensation

Article 29:

First: If the property requested for acquisition is a land or an orchard, the holder can, in consultation with the Ministry of Finance or the Ministry of Agriculture, compensate the property owner for the land or orchard at the same value of the Administrative Unit of the land or orchard requested for acquisition. However, the holder can agree with the owner on land/orchard basis compensation, outside the Administrative Unit boundaries,

Second: If the property requested for acquisition is not a land or an orchard, the holder can still agree with the property owner on offering another property or real estate as a means for compensation.

Section III: Compensation – Chapter II: Monetary Compensation

Article 31: Compensating for farmlands.

First: The value of the land is estimated by Iraqi donum (equivalent to 2,500 sq metric meters) and according to the prices of 1973 by referring to the selling procedures of the Land Registry Office as a basis to fairly compensate as follows:

- a. If the land is an absolute property and has been transferred to the property owner in or before 1973, the compensation is determined according to the prices of 1973, adding 4% amount for each year till the date of inspection and estimation. Taking into account that compensation should not exceed the prevailing price, and that a part of a year (if it is more than six months) is considered as a year,
- b. If the land is transferred to the property owner after 1973, the compensation is determined according to the price registered in the property record (adding to it the percentage mentioned in Item a. above) and the prevailing price during the inspection and valuation.

Second: In order to define the prevailing price during inspection and valuation, other factors shall be referred to, such as: land production, location, distance from markets, fertility, irrigation and planting methods and other land qualifications identified locally.

Third:

- a. The compensation for disposing of lands owned by the Government is estimated by considering the lands' value as it is considered an absolute property according to the basis mentioned in Items First & Second of this article. The compensation received by the Government is deducted according to the percentages laid down in Article 5 of the Law of Unifying Government's Lands Types No. 53 of 1976.
- b. The value of facilities built on the land owned by the Government and decided for disposition is estimated according to rules mentioned in this Law if these facilities have been founded for planting

purposes, including the house of the land owner and the house of the land workers or if these facilities have been established according to valid legislations. These facilities may be demolished if they are not built for planting purposes or they are proved to have been built contrary to valid legislations.

Fourth: The land shall be covered by the provisions of this Law if it is used for cultivating or could be used for cultivating based on its status during acquisition request regardless of its area, location and type mentioned in the land registry. This rule applies for cultivated lands which do not match the orchards conditions mentioned in the Agrarian Reform Law of 1970.

Article 32: Compensating for Orchards & Planted Species

First: Trees planted on this land are considered orchards, thus, they are estimated as in Article 31. However, the utilities are valued according to the rules mentioned in Article 33.

Second: The value of the trees is valued according to the prevailing prices in the area as of the date of inspection and valuation taking into consideration the tree species, age, and whether it is fruitful or not, as well as other known qualifications.

Article 33: Compensation for Property

This includes residential, industrial, and commercial properties, as well as land for constructing buildings. These properties are valued according to their prevailing prices during inspection and valuation, regardless of their value after implementing the project. The following rules apply:

First: when estimating compensation, the following factors are taken into consideration: location of the property, level of construction, area, assets, and type of construction materials, as well as revenues attained by the property.

Second: The following references could be accounted for when evaluating a property: the value of the property as estimated by the Land Registry Office, values of neighboring or equivalent properties, or their selling prices, or their annual lease value, either actual or estimated for tax purposes.

Third: The value of land and the value of buildings and other utilities and property (if any) are estimated separately.

Fourth: The estimation is made using the squared meter or by using a standard measurement unit. The Valuation Committee can make an estimation in whole (according to a previous decision) or by any other normally accepted method, in order to have a fair compensation.

Section V: Disadvantages due to Acquisition – Chapter I: Ownership Loss due to Acquisition

Article 49: In the case of partial acquisition, the property owner could request repossession of the whole property if the part left did not benefit from government improvement. The court could decide to return the whole property to the owner if the Valuation Committee verifies the lack of benefit.

Article 50: The property owner is entitled for compensation, if partial acquisition has caused damages to the remaining portion of the property.

Section V: Disadvantages due to Acquisition – Chapter II: Others' Losses due to Acquisition

Article 51: If the acquisition has led to harm/damage to other property owners (whom were not subjected to acquisition), then this property owner is entitled for compensation, for the said harm/damage. It is worth mentioning here that the Law does not consider offering people who are encroaching a government-owned land any alternatives for relocation.

2.2.3 Gaps between Iraqi Laws and Regulations and World Bank Policies

The project requires full compliance with the Bank's environmental and social safeguards, as well as compliance with the Iraqi legal system as described above. Both statutory bodies share the objective of advancing developments in a harmless (or in the least harmful) manner to the environment and people. However, some gaps in the requirements of the two governing systems have been identified. These relate to the extent of stakeholder consultation/participation in the resettlement process, payment of compensation, grievance redress mechanisms, squatters and encroachers, and information disclosure. Wherever there is insufficient information by the Iraqi laws, or where there is some disagreement/conflict with the Iraqi laws, the requirements of the World Bank Policy on Involuntary Resettlement OP 4.12, as outlined by this Framework, will take precedence.

In essence, national laws do not require consideration of alternatives to displacement of PAPs located on a state land, especially when it relates to having no legal title to the asset/property that PAPs are using. The Iraqi Acquisition Law neither entitles any illegal holder of a property for any kind of compensation, nor does it provide a fair compensation for those who have the legal tenure. The Project owner should take into consideration any possibilities of lost assets/livelihoods due to any action of economic displacement/ involuntary resettlement on people who occupy/utilize the land at the time of the Project implementation. This kind of involuntary resettlement is fairly addressed in the WB's "Involuntary Resettlement OP/BP 4.12" in terms of applicability and means for compensation.

Table 2-1: Summary of gaps between the World Bank Policy and Iraqi Law

Key Issue	World Bank	Iraqi Laws	Gap Filling Measures
Policy of avoidance or minimization of displacement of persons	Avoid or minimize by exploring all viable alternatives; If resettlement is required – execute as sustainable Program.	Not specified (but common practice by the Government has been to minimize this to the extent possible)	A policy of avoidance and minimization, as stipulated in the provisions of OP 4.12 shall be implemented by adopting a policy that avoids and minimizes as much as possible the displacement of persons.
Definitions of Adversely Affected Persons	People impacted by: 1. Involuntary taking of land, 2. Loss of shelter, assets, income sources or livelihood, 3. Involuntary restriction of access to protected areas resulting in adverse impacts on livelihood	People impacted by involuntary taking of land resulting in loss of land, assets and livelihoods	OP 4.12 provides for a more detailed definition than Iraqi law, and should be adopted as such to include in its definition of Adversely Affected Persons: 1. Involuntary taking of land, 2. Loss of shelter, assets, income sources or livelihood, 3. Involuntary restriction of access to protected areas resulting in adverse impacts on livelihood.
Early screening to identify social impacts and risks; Survey census of displaced persons to determine scope of resettlement planning.	Full RAP is required for 200 adversely affected people or more. Abbreviated RAP is for less than 200 adversely affected people	Law provides for identification through land title registration and a valuation/compensation committee is formed to verify adversely affected persons. The law provides for monetary compensation for one year of crops lost for the entire packet of land leased/owned by the PAP. According to Decision No. 360/2008 of the Council of Ministers, compensation amounts have been identified for crops, trees, etc. 25% of agricultural land can be acquired without compensation. If the entire packet of land is acquired the PAP is provided with	During project preparation, early identification of potential impacts will be carried out through social screening, and SIA will be carried out to assess precise impacts to assess physical and economic displacement as well as other types of permanent and temporary impacts carried out prior to site possession and start of civil works.

Key Issue	World Bank	Iraqi Laws	Gap Filling Measures
		12% equivalent as “private” land.	
Consultations	Affected persons, communities, local authorities, NGOs – on eligibility criteria for compensation and assistance; Displaced persons & their communities and host communities – participate in planning, implementing and monitoring resettlement process; PAP’s will be meaningfully consulted	The only consultation Requirement is the negotiation procedure set between affected parties with the compensation committee.	Consultations have to be carried out in a meaningful and inclusive way, which allow for participation in planning, implementing and monitoring of the resettlement process. Consultations are a continuous process at all stages of the project cycle such as design stage, implementation and post implementation phase including monitoring phase.
Impact on Informal Settlers	Included, but only entitled to resettlement assistance for structure, other assets lost (other than land), and livelihood losses during resettlement.	Law does not provide for resettlement assistance or mitigation for informal/illegal settlers.	Informal settlers impacted shall be entitled to resettlement assistance for: <ul style="list-style-type: none"> • Livelihood losses during resettlement • Assets other than land • Assistance for structure
Compensation for Housing/Structures	Replacement houses or full replacement costs.	Cash compensation for these assets as per established public valuation records.	Replacement houses or full replacement cost, accompanied by appropriate rehabilitation measures.
Compensation for Land	Land in urban areas: market value of land of equal size/use w/similar public infrastructure and services in same vicinity, plus cost of any transfer taxes (OP/BP 4.12) also known as replacement cost; Agricultural land: market value of land of equal productive potential in vicinity plus the cost of preparing land to levels similar to affected land plus cost of transfer taxes & registration (OP/BP 4.12); “Land” also includes anything growing	Law provides for acquisition of 25% of land without compensation. Acquisition of whole packets of leased state land provide for compensation of 25% of that land packet size, sometimes in agricultural areas and sometimes in urban areas.	Land for land is the preferred option and may be substituted by cash provided land is not available in close proximity of area and PAPs willingly accept cash compensations for all assets on the land and receive full replacement value without and deduction for depreciation and cash compensation is accompanied by appropriate rehabilitation measures which together with the project benefits result in restoration of incomes to at least pre-project levels.

Key Issue	World Bank	Iraqi Laws	Gap Filling Measures
	or permanently affixed to land – including crops (OP/BP 4.12).		
Livelihood Support/ Transitional Assistance	Provide development assistance such as land preparation, credit facilities, training or job opportunities (also includes business premises); For impacts on agricultural land – PAPs that are actively cultivating affected land are given combination of training, money to invest to improve productivity, agricultural extension and income restoration allowance.	Not provided for.	Development assistance such as assistance for relocating and providing job opportunities (also includes business premises shall be provided) and skills training. For impacts on agricultural land – PAPs that are actively cultivating affected land are given combination of training, money to invest to improve productivity, agricultural extension and income restoration allowance.
Disclosure and access to information	Disclosure of findings and proposed management actions to the public in an accessible way, in local language in an understandable manner. The public can access information through the Bank's external websites.	There is no explicit mentioning of the need to disclose information to the public on resettlement process outcome.	This RPF and the Project-specific RAPs will be disclosed in-country and available at places accessible to displaced persons and local NGOs, in a form, manner, and language (Arabic) that are understandable to them. In addition, the RPF and the individual RAPs will also be made available to the public through Bank's external website after they have been reviewed and cleared by the Bank.

3. ELIGIBILITY CRITERIA FOR AFFECTED PERSONS

3.1 Conditions that could lead to Involuntary Resettlement

It is strongly encouraged that the practice of the implementing partners is to work with local authorities and leaders to avoid involuntary resettlement, for example by conducting works that may block road access late at night or early morning, when both formal and informal businesses are not active. Subprojects could also be designed not only to avoid involuntary resettlement but also to improve livelihoods.

Activities that might require involuntary resettlement include:

- i. **Land take on temporary terms.** Temporary taking of land for diversion of traffic during construction, stock piling of building materials, excavated soils and overburden. Additionally, temporary taking of land for workers' camp, engineers offices and accommodation of night guards.
- ii. **Blocked/restriction of access.** Construction activities might restrict access to houses, shops, businesses, gardens or other properties.
- iii. **Livelihood impacts.** Includes temporary or taking of land used for crops.

It is not possible at the time of preparing the RPF to estimate the potential number of PAPs given that subprojects that might trigger resettlement have not been designed. The number of PAPs will be established before when preparing the RAP or ARAP for any subprojects causing involuntary resettlement.

3.2 Definition of Affected Persons

Affected persons may be classified as persons:

- Who have formal legal rights to land or assets;
- Who do not have formal legal rights to land or assets, but have a claim to land or assets that is recognized or recognizable under national 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, as a part of the site specific environmental and social assessment, a census will be conducted to identify the persons who will be affected by the project, to establish an inventory of land and assets to be affected, to determine who will be eligible for compensation and assistance, and to discourage ineligible persons, such as opportunistic settlers, from claiming benefits.

The social assessment will also address the claims of communities or groups who, for valid reasons, may not be present in the project area during the time of the census, such as seasonal resource users. In conjunction with the census, a cut-off date will be established 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 non-written forms and in relevant local languages. This will include posted warnings that persons settling in the project area after the cut-off date may be subject to removal.

To address the issues identified in the environmental and social assessment, a Resettlement Action Plan (RAP) will be prepared proportionate to the risks and impacts associated with the project. According to the nature of the project and the fact that the land is state owned it is predicted that the project will be of minor land acquisition or restriction on land use, as a result of which there will be no significant impact on incomes or livelihoods. The plan will establish eligibility criteria for affected persons, set out procedures and standards for compensation, and incorporate arrangements for consultations, monitoring and addressing grievances.

Table 3-1: Means of livelihood that may be affected due to Land Acquisition

Land	<ul style="list-style-type: none"> ▪ Agricultural land (rented or owned) ▪ Access to land
Structures	<ul style="list-style-type: none"> ▪ Houses or living quarters (rented or owned) ▪ Other physical structures (rented or owned)
Income	<ul style="list-style-type: none"> ▪ Income from crops ▪ Income from wage earnings ▪ Income from raising animals ▪ Income from affected business ▪ Access to formal employment opportunities
Communal²	<ul style="list-style-type: none"> ▪ Public Schools ▪ Public Hospitals ▪ Markets ▪ Cemeteries ▪ Social capital: networks, activities, relationships
Environmental	<ul style="list-style-type: none"> ▪ Access to natural resources ▪ Negative environmental impacts resulting from land acquisition or from the project itself

² In principle, projects are not permitted to be constructed on public cemeteries or private graveyards or causing damage thereof. Additionally, no subproject is to be established on or cause any damage to cultural and religious physical assets. If extremely necessary, such cases shall be subject to the Laws of the Government of Iraq.

3.3 Eligibility Criteria

All PAPs who suffer a complete or partial loss of assets or access to assets shall be eligible for some kind of assistance, according to their legal rights to the land, if it can be proven that they occupied the land before the claim cut-off date. The Bank OP4.12 specifically proposes three general categories for eligibility as illustrated in Table 3-2.

Table 3-2: Eligibility Criteria (OP 4.12)

Displacement Category	Entitlement
Individuals who have formal legal rights to land (including customary and traditional rights recognized under the laws of Iraq)	<ul style="list-style-type: none"> ▪ Compensation for loss in land and assets at full replacement cost. ▪ In case of physical relocation, provide assistance during relocation (i.e. moving allowances) and residential housing and / or agricultural sites with productive and location advantages equivalent to the lost sites. ▪ Support after displacement, until livelihoods and standards of living are restored to pre-displacement levels. ▪ Development assistance in addition to compensation measures (i.e. land preparation, credit facilities, training, job opportunities).
Individuals who do not have formal legal rights to land, but have a claim to such land or assets (provided that such claims are recognized under Iraqi laws or become recognized through a process identified in the resettlement plan)	<ul style="list-style-type: none"> ▪ Compensation for loss in land and assets at full replacement cost. ▪ In case of physical relocation, provide assistance during relocation (i.e. moving allowances) and residential housing and / or agricultural sites with productive and locational advantages equivalent to the lost sites. ▪ Support after displacement, until livelihoods and standards of living are restored to pre-displacement levels. ▪ Development assistance in addition to compensation measures (i.e. land preparation, credit facilities, training, job opportunities).
Individuals who have no recognizable legal right or claim to the land they are occupying (i.e. squatter settlements, disputed ownership).	<ul style="list-style-type: none"> ▪ Resettlement assistance as appropriate (i.e. land, assets, cash, employment, etc.). ▪ Other assistance necessary for achieving the objectives of the World Bank Policy OP 4.12

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

Each RAP should develop a resettlement matrix that identifies the expected negative impacts from the project, the eligible persons for compensation, and the compensation policy that is to be applied. Since the exact sites of the project have not yet been specifically identified, Table 3-3 provides an entitlement matrix that may serve as a generic tool for identifying the possible losses arising from the project and the respective entitlement benefits of the PAPs.

Table 3-3: Entitlement Matrix for Affected Persons

Type of Losses	Level of Impact	Entitled Person(s)	Compensation Policy & Standards	Remarks
Agricultural Land				
Loss of arable and grazing agricultural land	Permanent (complete or partial) loss of arable and grazing land located in the project site	Farmers / Individuals who have formal legal ownership rights to land	<ul style="list-style-type: none"> • Provide cash compensation at replacement cost for the lost land³ plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes. • Provide cash compensation for loss of crops or trees at replacement cost. • Provide transitional, and moving assistance⁴ 	<ul style="list-style-type: none"> • Land mapping shall be performed at the time of sub-project screening -A list of entitled PAPs shall be prepared • Consultations on the type of compensation shall be done with PAPs
		Farmers / Individuals who do not have formal legal ownership rights to land but have temporary or leasing rights	<ul style="list-style-type: none"> • Provide transitional, and moving assistance³ until locating new replacement lease land). • Provide cash compensation for loss of crops or trees at replacement cost. • Provide assistance in rental/lease of alternative land. 	

³ Calculated at entitlement cut-off date.

⁴ Transitional and moving assistance include the following: a) costs of shifting (including costs associated with constructing a new house if it initially existed in addition to costs associated with moving the furniture and/or any other movable assets); b) assistance in reestablishing economic trees; c) allowance up to a maximum of 12 months while short- term crops mature.

In determining the specified entitlements, the following inputs will be required: a) number of family members (adults and children); b) description of movable assets; c) description of fixed assets; d) distance between the original location and the new one; e) market price for construction work and for moving companies.

Type of Losses	Level of Impact	Entitled Person(s)	Compensation Policy & Standards	Remarks
		Farmers / Individuals who do not have any recognizable legal right or claim to the land	<ul style="list-style-type: none"> No compensation for land. Provide landless PAPs with transitional, and moving assistance³ in securing temporary or lease rights to replacement land Provide cash compensation for loss of crops or trees at replacement cost. 	
	Temporary (complete or partial) loss of all or part of arable and grazing land located in the project site	Farmers / Individuals who have formal legal ownership rights to land	<ul style="list-style-type: none"> No compensation for land if returned to owner in less than one year. Provide cash compensation equivalent to the replacement cost at market price of renting the land during the temporary use. Provide cash compensation for loss of crops or trees at replacement cost which should include the replacement cost of the time that could be needed until the crops grow again and compensation for loss of net income from subsequent crops that cannot be planted for the duration of the lease. 	<ul style="list-style-type: none"> If the temporary loss continues for more than one year, PAPs will be given a choice of either continuing with the temporary arrangements, or selling the affected land to the project at full replacement cost at current market value Provision of development assistance to enable farmers / land owners to restore land to its previous condition or better quality by providing measures to improve land quality in cases of land being adversely affected.
		Farmers / Individuals who do not have formal legal ownership rights to land but have	<ul style="list-style-type: none"> No compensation for land if returned to owner in less than one year. 	

Type of Losses	Level of Impact	Entitled Person(s)	Compensation Policy & Standards	Remarks
		temporary or leasing rights	<ul style="list-style-type: none">• Provide cash compensation equivalent to the replacement cost at market price of renting the land during the temporary use.• Provide cash compensation for loss of crops or trees at replacement cost which should include the replacement cost of the time that could be needed until the crops grow again and compensation for loss of net income from subsequent crops that cannot be planted for the duration of the lease.	
		Farmers / Individuals who do not have any recognizable legal right or claim to the land	<ul style="list-style-type: none">• No compensation for land if returned to owner in less than one year.• Provide cash compensation for loss of crops or trees at replacement cost.	<ul style="list-style-type: none">• Provision of development and resettlement assistance to landless PAPs with no legal rights.
Urban Land (Residential and /or Commercial)				
Loss of urban residential or commercial non-arable land	Permanent (complete or partial) loss of urban residential or commercial non-arable land	Individuals who have formal legal ownership rights to land	<ul style="list-style-type: none">• Provide cash compensation at replacement cost of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes.	

Type of Losses	Level of Impact	Entitled Person(s)	Compensation Policy & Standards	Remarks
			<ul style="list-style-type: none"> In the case that there are structures on the land, provide cash compensation at replacement cost for the materials used to rebuild the structures or to partially repair an affected structure. 	
		Individuals who do not have formal legal ownership rights to land but have temporary or leasing rights	<ul style="list-style-type: none"> In the case that there are structures on the land which have been built by the users, provide cash compensation at replacement cost for the materials used to rebuild the structures or to partially repair an affected structure. Provide development and transitional assistance in locating new replacement lease land 	
		Individuals who do not have any recognizable legal right or claim to the land	<ul style="list-style-type: none"> Provide no compensation for land. In the case that there are structures on the land which have been built by the users, provide cash compensation at replacement cost for the materials used to rebuild the structures or to partially repair an affected structure. Provide landless PAPs with resettlement and transitional assistance in securing alternative commercial or residential land and 	

Type of Losses	Level of Impact	Entitled Person(s)	Compensation Policy & Standards	Remarks
			to restore their livelihoods.	
	Temporary (complete or partial) loss of urban residential or commercial non-arable land	Individuals who have formal legal ownership rights to land	<ul style="list-style-type: none"> • No compensation for land if returned to owner in less than one year. • Provide cash compensation equivalent to the replacement cost at market price of renting the land during the temporary use • Provide cash compensation for loss of crops, trees, or structures at replacement cost. 	<ul style="list-style-type: none"> • If the temporary loss continues for more than one year, PAPs will be given a choice of either continuing with the temporary arrangements, or selling the affected land to the project at full replacement cost at current market value • Provision of assistance to enable the land users' owners to restore land to its pre-project condition by providing measures to improve land quality in cases where land is adversely affected
		Individuals who do not have formal legal ownership rights to land but have temporary or leasing rights	<ul style="list-style-type: none"> • No compensation for land if returned to owner in less than one year. • Provide cash compensation equivalent to the replacement cost at market price of renting the land during the temporary use • Provide cash compensation for loss of crops, trees, or structures at replacement cost. 	
		Individuals who do not have any recognizable legal right or claim to the land	<ul style="list-style-type: none"> • No compensation for land if returned to owner in less than one year. • Provide cash compensation for loss of crops, trees, or structures at replacement cost. 	

Type of Losses	Level of Impact	Entitled Person(s)	Compensation Policy & Standards	Remarks
Structures or Buildings (Commercial, Business, Industrial, or Residential)				
Loss of structures	Permanent (complete or partial) loss of structures	Individuals who have formal legal ownership rights to the structures	<ul style="list-style-type: none">• Provide cash compensation at replacement cost which equals the market cost of materials used to build a replacement structure with similar area and quality, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labor and contractors' fees, plus the cost of any registration and transfer taxes.	
		Individuals who do not have formal legal ownership rights to land but have temporary or leasing rights (tenants)	<ul style="list-style-type: none">• Provide assistance in moving and finding similar and affordable rental accommodation (this may include moving allowance and rental allowance for a transitional period).	<ul style="list-style-type: none">• A 3-month notice - at least - to be given to the tenants.
		Individuals who do not have any recognizable legal right or claim to the land (squatters and persons in ownership dispute)	<ul style="list-style-type: none">• Provide cash compensation at replacement cost for the structures if they were built by the users.• Provide assistance in moving and finding similar and affordable rental accommodation (this may include moving allowance and rental allowance for a transitional period).	<ul style="list-style-type: none">• The Environmental and Social Officer may look into the possibilities of formalizing the structures following their repair.
Standing Crops, Trees, and Plants				
Loss of standing	Permanent	Farmers or individuals	<ul style="list-style-type: none">• Provide cash compensation for loss	

Type of Losses	Level of Impact	Entitled Person(s)	Compensation Policy & Standards	Remarks
crops, trees, or plants	(complete or partial) loss of standing crops, trees, or plants	who cultivate the land and who have formal legal ownership rights to the land on which the crops are	of crops, trees, or plants at replacement cost.	
		Farmers or individuals who do not have formal legal ownership rights to land on which the crops are but have temporary or leasing rights (tenants)	• Provide cash compensation for loss of crops, trees, or plants at replacement cost.	
		Farmers or individuals who do not have any recognizable legal right or claim to the land on which the crops are	• Provide cash compensation for loss of crops, trees, or plants at replacement cost.	
Income or Access to Income (Commercial, Business, and Industrial Activities)				
Loss of source of income or access to source of income	Permanent loss of income source or access to it	Owner or workers in formal registered businesses	<ul style="list-style-type: none">• Provide transitional cash compensation until new permanent employment is secured based on net income (for a maximum period of 6 months).• Provide development assistance to PAPs (i.e. training in specific areas) in order to help them to maintain and/or improve their income	<ul style="list-style-type: none">• A list of available commercial, industrial, and business activities in each affected commune• A list of PAP and entitled persons.• The Environmental and Social Officer shall assist in the

Type of Losses	Level of Impact	Entitled Person(s)	Compensation Policy & Standards	Remarks
			<p>generation potential and access to gainful employment.</p> <ul style="list-style-type: none"> • Provide assistance in getting alternative employment. 	<p>provision of development assistance to severely affected PAPs and vulnerable groups (i.e. design training programs, formalizing informal activities, access to credit, including them in the project's contractors' specifications wherever possible).</p>
		Owner or workers in informal unregistered businesses	<ul style="list-style-type: none"> • Provide transitional cash compensation until new employment is secured based on minimum wage per month in the respective district (for a maximum period of 6 months) • Priority shall be given to severely affected PAPs in the provision of any relevant employment in the activities related to the project. • Provide assistance in getting alternative employment. 	
	Temporary loss of income source or access to it	Owner or workers in formal registered businesses	<ul style="list-style-type: none"> • Provide cash compensation for the duration of business/income generation that is disrupted based on net income. • Assist in provision of short-term jobs. 	
		Owner or workers in informal unregistered businesses	<ul style="list-style-type: none"> • Provide cash compensation for the duration of business/income generation that is disrupted based on the minimum wage per month in 	

Type of Losses	Level of Impact	Entitled Person(s)	Compensation Policy & Standards	Remarks
			<p>the respective district.</p> <ul style="list-style-type: none"> Assist in provision of short-term jobs. 	
Community Resources				
Loss of community assets	Permanent (complete or partial loss) of community physical assets	All members of the community	<ul style="list-style-type: none"> Affected land will be replaced in areas identified in consultation with affected communities and relevant organizations and authorities. Provide alternative or similar resources to compensate for the loss of access to community physical resources. 	
	Temporary (complete or partial loss) of community physical assets	All members of the community	<ul style="list-style-type: none"> Restoration of affected community buildings and structures to original or better condition. Provide alternative or similar resources to compensate for the temporary loss of access to community physical resources. 	
Loss of socio-economic and/or social-cultural relationships / networks	Permanent (complete or partial loss) of community non-physical assets	All members of the community	<ul style="list-style-type: none"> Provide development assistance to enable community members to take advantage of income restoration measures. Provide alternative or similar resources to compensate for the loss of access to community social 	<ul style="list-style-type: none"> Identify different forms of social capital from PAPs' point of view (i.e. social credit, networks, social cohesion, etc.) Consultation with PAPs to identify measures to rectify the permanent or partial losses in

Type of Losses	Level of Impact	Entitled Person(s)	Compensation Policy & Standards	Remarks
			capital.	social capital.
	Temporary (complete or partial loss) of community non-physical assets	All members of the community	<ul style="list-style-type: none"> • Provide development assistance to enable community members to take advantage of income restoration measures noted above. • Provide alternative or similar resources to compensate for the temporary loss of access to community social capital. 	

4. METHODS OF VALUATION OF AFFECTED ASSETS AND COMPENSATION

4.1 Asset Valuation

The valuation of losses in physical assets will be carried out by assessing the market value of the assets, if known, and estimating the replacement cost. Depreciation and salvage value will not be subtracted from the compensation value of the assets. Replacement cost is simply calculated as the cost of replacing the lost assets plus any transaction costs associated with bringing the asset to pre-displacement value. However, if the land includes orchards/crops/livestock, then valuation will mainly rely upon the prices lists developed by relevant Iraqi agriculture directorates and revisited annually. Replacement cost will differ depending on the type of asset, as illustrated in Table 4-1.

Table 4-1: Replacement Cost for Tangible Assets

Asset	Replacement Cost
Agricultural Land	Equals the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes.
Urban Land	Equals the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes.
Houses / Other Structures	Equals the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labor and contractors' fees, plus cost of lost goods and commodities, plus the cost of any registration and transfer taxes.

Source: WB OP 4.12

For intangible losses that cannot easily be valued in monetary terms (i.e. access to employment opportunities, public services, natural resources, social capital), the project should attempt to establish access to equivalent resources and earning opportunities that are acceptable to the PAPs.

4.2 Compensation

Compensation will be provided to all individuals whose assets or access to assets is affected or damaged, as a consequence of land acquisition or any other activities undertaken by the project. The compensation for the loss of physical and nonphysical assets will vary depending on the type of loss, and eligibility of the PAPs. Compensation may come in the form of cash compensation, in-kind compensation, and/or other kinds of assistance, such as like assistance for relocating and providing job opportunities.

All PAPs will be entitled to monetary compensation at replacement cost, at market value (at the entitlement cut-off date) for affected tangible assets. Another option may be in-kind compensation where the affected assets would be replaced with an asset of similar size, value, and quality. The decision on which type of compensation is used should be jointly agreed upon between the project staff and the PAPs and shall be subject to the availability of replaceable assets. Moreover, development and resettlement transitional assistance needed to restore the livelihood and standard of living of PAPs under the project to pre-project levels shall also be part of the compensation component of any resettlement plan.

It should be noted that lack of title, license or permit would not be a bar to compensation because even squatters have construction costs relative to design, materials employed, workmanship and final finish. Indeed, “squatters”, may be deemed to be classified under 15 (c) of OP/BP 4.12 as “those who have no recognizable legal right or claim to the land they are occupying”. Under 15 (c) of the policy which deals with ‘Criteria for Eligibility’, squatters are provided resettlement assistance⁵ in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives set out in this policy, if they occupy the project area prior to a cut-off date established by the borrower and acceptable to the Bank.⁶ Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance.

It should be noted here that compensation for losses in communal property shall only be in-kind for the community as a whole, and shall take the form of reconstruction of the affected or damaged facility (i.e. public-school buildings, markets, etc.) to - at least - the same standard it was on prior to

5. Resettlement assistance may consist of land, other assets, cash, employment, and so on, as appropriate.

6. Normally, this cut-off date is the date the census begins. The cut-off date could also be the date the project area was delineated, prior to the census, provided that there has been an effective public dissemination of information on the area delineated, and systematic and continuous dissemination subsequent to the delineation to prevent further population influx.

the project's implementation.

If relocation of business becomes necessary, access to customers and suppliers will be taken into account. In addition, workers losing employment in the process of relocating should be entitled to transitional income support.

Compensation for temporary impacts should include, but not limited to, the following:

- (i) Compensation equivalent to lost income required for the duration of impact;
- (ii) Compensation equivalent to lost income required for loss of access; and
- (iii) Physical restoration of assets (or access) required prior to return.

In addition, PAPs will be entitled to transitional assistance which include moving expenses, temporary residence (if necessary), employment training and income support while awaiting employment and should have an option for full compensation if duration of impact is to exceed two years. In preparing the valuation, average costs will have to be assumed.

4.3 Livelihood Development and Sustenance

The following livelihood development initiatives are recommended to be considered during RAP implementation:

- a. Make use of local labor as far as possible;
- b. Liaise with local community structures to identify local labor pool;
- c. Include conditions in construction contract to involve and train emerging small scale companies;
- d. Enlist service of appropriate experts for development of appropriate livelihood improvement
- e. and sustenance plan;
- f. Enhance existing livelihoods as far as possible;
- g. Develop skills transfer plans that would enable a worker to move from one project to another
- h. within the same area / region;
- i. Facilitate the establishment of a "Community Safety Committee" to monitor and control illegal squatting. Committee to consist of:
 - Local landowners; and
 - Representatives of local community structures
 - The Local Authority/government
- j. Align social investment strategies with local development;
- k. Additional security must be provided during this period by the contractors, which should be integrated with existing farm /community security systems; and
- l. Align awareness campaigns with those of other organizations in the area (i.e. the Local Authority, Farmers etc.).

5. INSTITUTIONAL AND ORGANIZATIONAL ARRANGEMENT FOR RESETTLEMENT PLANNING AND IMPLEMENTATION

The SETD and SEDD shall be responsible for all the project implementations activities including procurement, safeguards, financial management, Monitoring & Evaluation, and project management functions. Each implementing entity has established a Project Management Team (PMT) that will be responsible for the overall project implementation as well as coordination and reporting to the Bank. The PMT includes personnel responsible for the following aspects:

- Coordination
- Procurement
- Planning
- Financial aspects
- Operation
- Technical
- Environmental and social

For each aspect, three dedicated personal have been proposed as focal points; One manager and two officers. The responsibility of day-to-day planning, implementation and supervision of environmental/social safeguards specific to sub-projects will be borne by the PMT.

It is envisaged that if additional capacity is required, the PMT may recruit external consultants who have sufficient expertise to support PMT' focal points. At the field level, it is expected that the PMT's environmental and social focal points will conduct regular field supervision to ensure compliance of contractors, their workers and practices, to the ESMPs. PMT will also require engineering and technical firms to recruit specialized staff in environment, social development and health and safety to conduct daily supervision on field activities and prepare noncompliance reports on which the PMT will investigate and take action accordingly.

The PMT within the ministry will: i) be responsible for the routine management of the consultant's recruitment to prepare the RAPs; ii) assign expert from the Ministries' environmental, social and legal specialists to support this work, and iii) provide information required by the consultants. More specifically, the Technical Team of PMT will identify the location of the sub-projects based on

various technical criteria and will determine the amount of land needed for the repair or rehabilitation activities.

5.1 Procedure for delivery of Entitlements

Project Social Screening

As soon as the location of sub-projects is determined, PMT and the consultants will obtain all permits/approvals related to the construction activities. Thereafter, the social development specialist of PMT will cooperate with relevant authorities to carry out social screening to determine if the subprojects will result in any resettlement impact. Accordingly, PMT will decide the need for the preparation of a RAP or an ARAP.

Preparation of Socio-Economic and Inventory Survey

In case the need of preparation of RAP or ARAP then a socio-economic study and census survey will be conducted, in which baseline data within the project's target areas is collected. This information shall include the PAPs and related household members or dependents, total land holdings, and affected assets amongst other things. This information will be documented and shall be used in determining the appropriate compensation and assistance for each affected individual / household.

The objectives of conducting this socio-economic survey are to:

- Introduce the project to the PAPs.
- Collect census data to identify PAPs on the individual and household levels.
- Collect census data to identify vulnerable and severely affected PAPs.
- Collect census data on the overall socio-economic environment of the affected communities
- Identify stakeholders.
- Identify impacts of the project on the livelihoods of the PAP (i.e. properties, structures, income, etc.).
- Identify any concerns or worries the PAPs may have.
- Identify the resettlement preferences of the PAPs.

Preparation of Resettlement Action Plans⁷

Any subproject activity that shall entail the acquisition of land or may result in the involuntary resettlement of people or loss or restriction of access to private or communal resources will require the preparation of a RAP or abbreviated RAP as per the number of people affected or the significance

⁷ See annex 1 for more details on A/RAPs.

of the resettlement impacts. The PMT will contract an independent consultant to prepare the RAP, with the participation of involved entities. The commencement of the census to be conducted under the RAP will be the cut-off date. This will be announced to the public and only the PAPs included in the results of the inventory will be considered as eligible for compensation. The cut off should be established to minimize the influx of outsiders and ineligible compensation claims.

The RAP should assess the number of PAPs, propose alternative locations for the project if possible, 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 RAP shall be disclosed to the PAPs, through consultations, for feedback.

More specifically, the RAP should include:

- A description of the project
- Objectives of RAP
- Identification of potential impacts
- Relevant findings of the socio-economic study
- Legal framework
- Institutional framework
- Eligibility criteria and eligible PAPs
- Valuation and compensation for losses
- Census
- Resettlement measures
- Site selection, site preparation, and relocation
- Housing, infrastructure, and social services
- Environmental protection and management
- Community participation
- Integration with host populations
- Grievance procedures
- Organizational responsibilities
- Implementation schedule
- Costs and budget
- Monitoring and evaluation
- Consultations
- Approval & Disclosure

If fewer there are fewer than 200 PAPs, or if all the PAPs suffer only minor impacts (i.e., lose less than 10 percent of their income producing assets), and the subproject does not involve any physical displacement, then an abbreviated plan (ARAP) should be prepared. An ARAP should include:

- A census survey of displaced persons and valuation of assets
- A description of compensation and other resettlement assistance to be provided and the basis of compensation rates
- Consultations with displaced people about acceptable alternatives
- Institutional responsibility for implementation and procedures for grievance redress
- Arrangements for monitoring and implementation
- A timetable and budget

RAP/ARAP Review, Approval & Disclosure

The RAP/ARAP, including the proposed mitigation measures within the plan, will need to be reviewed by the technical team as well as environmental and social team and approved by PMT Head then will be sent to the WB for final review and approval.

Once the RAP is approved by the Bank, it will be translated into Arabic and disclosed locally as well as in the Info Shop at the Bank. The PMT and relevant authorities are responsible for implementation of the RAP.

Signing Compensation Contract and Compensation payment

PAPs will be consulted on their compensation preferences of which they will be formally informed through written notification. In case some of the PAPs are illiterate, they are notified in the presence of at least one public official who is mainly one of the agriculture association representatives.

The PMT will arrange meetings with the PAPs to document the lands acquired by the project throughout the implementation period and discuss the compensation process. The PAP will be required to sign a contract detailing the acquired land plots and/or partially or completely affected structures and the corresponding types of compensation (i.e. cash or in-kind) that have been agreed upon. The signature of the compensation contracts as well as the actual payments and in-kind transfers shall be made in the presence of at least one public official from the village authorities. The contracts may also include contracts on possible transitional or developmental assistance and income restoration measures that will be given to the PAPs including, provision of skills training, access to credit, and project related job opportunities.

Budget and Sources of Funding RAP

At this stage, it is difficult to estimate the total resettlement cost. The actual resettlement cost and budget will be included in the RAP which will be prepared during project implementation. The budget shall consider all of the anticipated impacts under the project and calculate the cost (compensation, administrative costs and monitoring, etc.) according to actual replacement costs (at market value). The PMT is fully responsible for any compensation for land acquisition.

5.2 Vulnerable Groups

The Iraqi regulation does not specifically state any privileges for vulnerable groups. However, the World Bank OP 4.12 emphasizes the need to give special attention to the right of vulnerable groups to make sure that they are not excluded from any adopted measures within the overall resettlement actions.

By conventional definition, the vulnerable population are those groups of people who are typically excluded, disadvantaged or marginalized based on their economic, ethnic, social, or cultural characteristics. Various groups could fit within this description (e.g., women, youth, people with disabilities, refugees), there is always a need for a more specific and focused identification for them within the context of the project. The RPF analysis methodology for identifying the vulnerable groups and assessing project's impacts on them has been influenced by the Sustainable Livelihood Approach which helped in setting the scene for describing the context, motivations and resources of the affected vulnerable households.

Specific attention should therefore be paid to the needs of the following vulnerable groups, including:

- a) Persons below the poverty line,
- b) The landless,
- c) People who are typically excluded, disadvantaged or marginalized based on their economic, ethnic, social, or cultural characteristics.

Vulnerable people will be identified at socio-economic survey stage. And according to the vulnerability of these groups, each RAP developed will identify the following:

- a) Vulnerable people and their classification;
- b) The project impact on them;
- c) The required assistance at the various stages of the process: negotiation, compensation, moving,
- d) Necessary measures to assist the vulnerable person,
- e) Means of monitoring and evaluating the continual assistance after resettlement and/or compensation.

Assistance provided to vulnerable persons differs depending upon their individual needs and preferences. In general, assistance falls under one or more of the following forms:

- a) Assistance in the compensation payment procedure (e.g., going to the bank with the person to cash the compensation check),
- b) Assistance in the post payment period to secure the compensation money and reduce risks of misuse/robbery

6. Grievance Redress Mechanisms

The Bank's OP 4.12 on Involuntary Land Acquisition and Resettlement requires that affordable and accessible procedures for third party settlement of disputes arising from resettlement (i.e., grievance redress mechanisms) would be available. The GRM should take into account the availability of judicial recourse as well as traditional and community dispute resolution mechanisms.

In Iraq, the official channel is through court to hand the complaints involved in land acquisition. When the land (either owned by an individual or a government institute) cannot be purchased based on mutual agreement (through a willing buyer-willing seller approach), and there are not alternative sites for the project, the land has to be acquired by using eminent domain. In such case, the project entity or the responsible ministry will go to court and buy the land based on the value decided by the court. The land owners can appeal if they are not satisfied with the court decision. The second court decision will be final.

In addition to the official channel, a project-specific GRM for complaints handling with a dedicated section for handling land-related complaints will be developed at both the South Electricity Transmission Directorate (SETD) and the South Electricity Distribution Directorate (SEDD) with dedicated personnel from both the Transmission and Distribution directorates and made accessible to all. Resolving complaints at community level is strongly encouraged as it could address the problem of distance and cost the PAP may have to face in pursuing grievance redress. The following types of grievances are anticipated among others:

- The market value of land in case of land acquisition
- Delay in receiving compensation
- Temporary Loss of access to productive land
- Being subjected to pressure from the community of governmental officials to sell the land

- Damage to existing crop land
- Temporary use of land

As a minimum, the project will establish the following channels through which citizens/beneficiaries/PAPs can make complaints regarding project-funded activities:

- a) A dedicated email address
- b) A dedicated phone line
- c) A dedicated address to send written letters
- d) Feedback boxes located at project sites
- e) Verbal or written complaints to community leaders, or project staff directly or through project meetings. If project stakeholders provide verbal feedback/complaint, project staff will lodge the complaint on their behalf, and it will be processed through the same channels.
- f) Periodic project meetings, each of which shall include women.

Procedures

The GRM should comprise of a set of operating procedures to ensure successful implementation. The form of the GRM should be posted at each subproject site in Arabic Language with the contact information of the person in charge. While the details of the project grievance redressed system will be developed during the course of RAP/ARAP preparation, and also in consultation with communities, its broad steps to be refined based on further consultations might include the following procedures for written complaints:

- Receiving and registering complaints
- Grievance's document verification
- Conducting field inspections in order to verify and confirm the authenticity and eligibility of the reported grievance. The field inspection could include interviews with different parties involved.
- Referring cases to other GRMs, if necessary and/or to the courts.
- Referring cases to a third party
- Tracking, and evaluating the process and results

In case an agreement could not be reached, the borrower could play the role of a mediator via well-trained voluntary mediators following a pre-set time frame

The time frame and stages envisaged for the GRM are described below:

- First, the affected person sends his/her grievance in writing directly to the GRM center (or via the communities / community leaders, which in turn should provide resolution within 10 calendar days. Where the affected person is unable to write, she/he should obtain assistance from the community to write the note and mark the letter with his/her thumbprint.
- Second, if the aggrieved person does not receive a response or is not satisfied with the solution provided, s/he lodges have the right to appeal and the borrower should seek a mediator following a pre-set time frame which should not exceed 14 calendar days.
- Third, if the aggrieved person is not satisfied with the solution provided, s/he can reach to the court.

Grievance Redress Service⁸

The World Bank's Grievance Redress Service (GRS) provides an additional, accessible way for individuals and communities to complain directly to the World Bank if they believe that a World Bank-financed project had or is likely to have adverse effects on them or their community. The GRS enhances the World Bank's responsiveness and accountability by ensuring that grievances are promptly reviewed and responded to, and problems and solutions are identified by working together.

The GRS accepts complaints in English or the official language of the country of the person submitting the complaint. Submissions to the GRS may be sent by:

Email: grievances@worldbank.org
Fax: +1-202-614-7313
Letter: The World Bank
Grievance Redress Service (GRS)
MSN MC 10-1018
1818 H St NW
Washington, DC 20433, USA

⁸ <http://pubdocs.worldbank.org/en/440501429013195875/GRS-2015-BrochureDec.pdf>

7. RESETTLEMENT MONITORING AND EVALUATION ARRANGEMENT

7.1 Internal Monitoring

In line with WB requirements, internal monitoring the implementation of the resettlement activities will be carried out by PMT. Internal monitoring will be held every three months, results and findings will be included in quarterly project progress report. The report will mainly cover resettlement policies and compensation standards, resettlement progress, delivery of resettlement compensation, provision of development and transitional assistance to PAPs (especially vulnerable groups), implementation schedule, fund disbursements, land or structure allocation, and grievances and redress.

7.2 External monitoring

External Monitoring is required to ensure that the overall objective of the resettlement plan is achieved in an equitable and transparent manner and to ensure the effectiveness of the monitoring and evaluation activities carried out by PMT. The RAP will spell out the monitoring arrangements; more specifically, it will lay down the performance indicators which will be used to monitor the land acquisition and resettlement activities and the procedures to be used.

7.3 Monitoring and Evaluation Indicators

The RAP monitoring indicators will be simple but robust indicators or proxies that should be as far as possible visible and verifiable and that will, according to the nature of the impacts, measure the following key outcomes against the pre-resettlement baseline. Some key monitoring and evaluation indicators are shown in the following table.

Table 7-1: Verifiable Indicators for Monitoring and Evaluation Implementation of Resettlement Activities

Monitoring	Evaluation
Percentage of individuals selecting cash or a combination of cash and in-kind compensation	Proposed use of payments
Payment of compensation to PAPs in various categories	Conformance to compensation policies described in the RAP
Number of grievances	Timeliness and quality of decisions made on grievances
Delivery of technical assistance, relocation, payment of transitional subsistence and moving allowances	Facilitation of access to technical and development assistance and transitional allowances
Delivery of income restoration and development assistance	Ability of individuals and households to re-store sources of income
Public information dissemination and consultation procedures	Timeliness, quality, and effectiveness of consultation and information disclosure

8. PUBLIC CONSULTATION AND DISCLOSURE ARRANGEMENTS

8.1 ESMF & RPF Consultation

Conducting a public consultation was not feasible at the time of preparing the ESMF and RPF due to security concerns, protests as well as current in general unstable conditions. However, the project's team managed to hold a consultation session with the Vice-President of the Transmission project's team Eng. Ali Nasser Khodeir and members of the team at the Transmission Department of the Ministry of Electricity on May 3rd 2018. The objective of this session has been to present the objectives of the ESMF and obtain more info about the roles and responsibilities of the PMT, land tenure, environmental laws, land acquisition, among others. The session started with a PowerPoint presentation on the ESMF study including a description of the ESIA process, difference between project-specific ESIA, project-specific ESMP and ESMF, projects screening process, potential negative impacts and their mitigation measures.

During the introductory session, the attendees were informed with the importance that they clearly state their opinions and identify any impacts/risks that the project's team may have omitted. It was also clearly stated that their opinions will be taken into consideration and the ESMF Study will be modified accordingly where applicable.

The PMT members as well as their roles are listed below:

President	Eng. Zeyad Ali Fadel
Vice-president	Eng. Ali Nasser Khodeir
Team Management Supervisor& Technical Coordinator	Eng Taleb Gassem Hamid
Coordination team:	Eng Raed Abdel Kereem Nishan Zeinab Omran Moussa Adel Abdallah Abdel Mohssein Saad Abdel Samad Ghadban
Procurement team	Emad Abadi Abdel Razek Nadia Kazem Marzouk Hamid Mohid nagima Hazem Mohamed Shawkat
Planning team	Eng. Maissoun Abd-Allah Abd El Hussein KarimGomaa Horeiz Moslem Hassan Qassem
Financial team	Kheir Allah Taha Gabr Adel Badr Mehana

	Mahdi Abdel Hossein Mohamed Ammar Khalil Samer
Operation team	Eng. Mohannad Feissal Abd Daei Abdel Hakim Safi Maissam Nazem Belam
Lines team	Eng. Saleh Baqer Mohssein Eng. Ali Zoheir Karim Eng. Ahmed Ganem Gdough
Stations team	Eng. Abdel Amir Mohssein Goed Eng. Hussein Mahdi Eng. Ahmed Gabbar Afati Eng. Dred Ahmed Neama
Transformers team	Eng. Bassem Ebid Saleh Wael Yasser Abd Khaled Hamid Aboud
Environmental & Social team	Eng. Hazem Lafta Khamis Ragaa Sogeil Shamal Diaa Abd Ali Ramadan

Points of discussion and consultation outputs

Following the presentation, a discussion was carried out which focused on the following topics:

- Technical standards and codes of the Ministry of Electricity.
- Adopted procedures for obtaining the permits
- Final list of the sub-projects
- Iraqi environmental laws and policies
- Land acquisition and compensation

The session was concluded that the study has covered all key impacts and the team stressed upon the urgency to finalize the study and proceed with project's implementation. The team has also point at the fact the project's preparation phase has taken longer than expected.

With regards to potential impacts related to land acquisition, the team has clarified the fact that in order to be able to construct the transmission line, a number of permits have to be issued first form a number of ministries including the Ministry of Agriculture, Ministry of Environment, Ministry of Housing & Construction and ministry of water resources. Another important fact has been highlighted which is that the new transmission lines will follow the same route as the old existing ones.

The team has also stressed the difficulties of holding a public consultation especially that the electricity problem is very sensitive in Basra.

8.2 Consultations Arrangements during Project Implementation

During project implementation, when resettlement impacts are involved, and a RAP needs to be prepared, consultations with affected persons will be carried out through an independent consultant that is contracted for the RAP preparation process. All consultations shall be informed, inclusive of all groups, and gender, and a two-way dialogue to provide information and receive feedback. Responses will be provided by the project for all the queries raised and the participants will subsequently be informed on how their suggestions were incorporated in the design/mitigation measures.

Prior to or during the consultation, the PAPs should be well informed of the following information:

- Project components
- Project impacts
- PAPs' legal rights and entitlements
- Compensation policies
- Resettlement activities
- Grievance and Redress Mechanism
- Implementation schedule
- Public consultation and disclosure of information
- Organizational responsibilities

It is crucial that the PAPs and other primary stakeholders are involved in the project from the very early stages, and that relevant and adequate information about the project and its activities is provided to them in a timely manner, since this would:

- Help to identify the project impacts and the affected individuals, households, and communities (especially the most vulnerable groups)
- Allow for the collection of more accurate data for the socio-economic survey
- Make the delivery of entitlement and services more transparent
- Reduce the potential for conflicts and minimize the risk of project delays
- Support the formulation and design of resettlement programs and rehabilitation measures that meets the needs and priorities of the affected people

8.3 Stakeholder identification and analysis guidelines

In order to conduct a successful consultation and stakeholder participation, it is important to ensure that the project has approached the right stakeholders. This is best achieved by adopting a systematic process to identify and analyze stakeholders as described below.

Stakeholders Identification

This stage mainly consists of deciding the project's stakeholders (affected and interested parties) and dividing them into groups and categories. Examples of groups/categories include but are not necessarily limited to the following:

- Ministries
- Surrounding communities
- NGOs
- Land owners
- Media
- Academics and researchers
- Contractors
- Worker organizations

Following identification, the Borrower will identify the disadvantaged and vulnerable among those project-affected parties. This will entail different engagement approaches, tools, and level of communication.

Stakeholders Analysis

The groups identified will be then assessed based on level of interest, level of support and level of power/control over the project. This will help in identifying later the engagement approach, tool and frequency.

8.4 Information Disclosure and Local Access to Information

The PMT will take steps to ensure that affected persons and communities can obtain relevant information relating to the project in general and the land acquisition and resettlement arrangements in particular. As a first step, the safeguards documents and RAP will be available to the public, in English and Arabic. Additionally, summary contents of the RPF and RAP, including compensation

rates for all categories of land and assets, eligibility criteria for all modes of assistance, and information regarding the project grievance procedures, will be posted in an accessible and prominent place accessible to project affected persons.

ANNEX 1: Abbreviated/Resettlement Action Plan Guidelines

This template is extracted from OP 4.12 Annex A. Its full description can also be on the World Bank's external website: www.worldbank.org.

Scope of the RAP

The scope and level of detail of the RAP will vary depending on the magnitude and complexity of resettlement or displacement. The RAP is prepared based on the most recent and accurate information on the: (i) proposed resettlement and its impacts on displaced persons and other adversely affected groups; and (ii) legal issues affecting resettlement. The RAP covers elements that are specific to the project context. A broad outline of the RAP, as applied to subprojects covered under a RPF includes, but is not limited to, the following:

Objectives of RAP/ARAP

The main objective of the RAP/ARAP is to outline the set of actions needed to ensure that PAPs are informed, consulted and compensated prior to the start of any civil works. The RAP/ARAP should also outline the institutional setup as well as the arrangements for carrying out monitoring and evaluation. An Abbreviated Resettlement ACTION Plan (ARAP) needs to be prepared under the following conditions: 1) Total number of people affected is less than 200; and 2) No PAPs need to be physically relocated. The contents of ARAP is less complicated than RAP.

Preparation of Resettlement Action Plans

Any project activity that shall entail the acquisition of land or may result in the involuntary resettlement of people, negative impacts on livelihoods or loss or restriction of access to private or communal resources will require the preparation of a RAP or abbreviated RAP depending on the number of people affected or the significance of the resettlement impacts. The consultant shall prepare the RAP, with the participation of the PMT. The commencement of the census to be conducted under the RAP will be the cut-off date. This will be announced to the public and only the PAPs included in the results of the inventory will be considered as eligible for compensation. The cut-off date should be established to minimize the influx of outsiders and ineligible compensation claims.

The RAP should assess the number of PAPs, propose alternative locations for the project if possible or state why other alternatives were not feasible, 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 RAP shall be disclosed to the PAPs for feedback and comments.

The following includes an outline for the RAP with an elaboration on what should be covered under each Chapter

I. Executive Summary: including the statement of objectives, legal framework, main impacts, and the mitigation measures, and the budget.

II. Description of the Project, including the following

- 1) Key objectives of project
- 2) Description of the project activities, including the transmission line, substations
- 3) Description of the project areas, including the administrative territories (governorates, districts, and communities) to be traversed, locations and substations and land use.

III. Resettlement Impacts, including

- 1) To provide details (or best estimates) on categories and amounts of significant adverse impact, and the number of persons to be affected by each. The text should indicate how these data were obtained. As relevant in each case, this should include:
 - land to be acquired (by category of use; permanent and temporary acquisition)
 - housing or other structures to be demolished
 - fixed assets taken (e.g., wells, fences, tombs)
 - crop losses
 - businesses (and employees) affected by temporary or permanent displacement
 - disruptions to community facilities or services
- 2) To provide details (or best estimates) regarding identification of any groups who may be particularly vulnerable to hardship. The text should indicate how these data were obtained. As relevant, this should include:
 - Those occupying or utilizing land or structures without legal title or permit
 - Households vulnerable to hardship because of poverty, age, infirmity, or other limitations to responsiveness

IV. Socio-economic survey:

This section will be the summary of the results and findings of the socio-economic studies and surveys, including:

- 1) The results of a census survey covering:
 - The current occupants of the affected area to establish a basis for the design of the resettlement program and to exclude subsequent inflows of people for eligibility for compensation and resettlement assistance;
 - Standard characteristics of displaced households;
 - The magnitude of the expected loss - total or partial – of assets, and the extent of displacement, physical or economic;
 - Information on vulnerable groups or persons, for whom special provisions may have to be made; and

- Provisions to update information on the displaced people's livelihoods and standards of living at regular intervals

2) The results of other studies describing the following:

- 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, and any issues raised by different tenure systems in the project area;
- 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;
- Public infrastructure and social services that will be affected, and
- Social and cultural characteristics of displaced communities including a description of formal and informal institutions that may be relevant to the consultation strategy and to designing and implementing the resettlement activities

V. Policy Objectives, Legal Framework, and Definitions

This section normally would consist of standardized text outlining key objectives, principles and definitions to be employed in resettlement planning. This would include reference to the national legislation as well as to World Bank OP 4.12, Involuntary Resettlement.

1) Key policy objectives include:

- Avoidance or minimization of land acquisition and other adverse impacts
- Those adversely affected ("displaced persons," as defined below) are compensated at replacement cost for lost assets, and otherwise receive any assistance necessary to provide them with sufficient opportunity to improve, or at least restore, incomes and living standards

2) Legal framework, including:

- The scope of the power of eminent domain and the nature of compensation associated with it in terms of both the valuation methodology and the timing of payment;
- The applicable legal and administrative procedures
- Relevant laws governing land tenure, valuation of assets and losses, compensation and natural resource usage rights customary personal law related to displacement
- Laws and regulations relating to the agencies responsible for implementing resettlement activities
- Gaps, if any, between local laws in the country covering eminent domain and resettlement and the World Bank's resettlement policy, and the mechanisms to bridge such gaps and
- Any legal steps necessary to ensure the effective implementation of Resettlement activities under the project

3) Eligibility and Cut-Off date. A cut-off date is the date by which the delineation of the project site is confirmed and communicated to the public. This would allow the determination of project affected people as at the cut-off date to be made, which helps prevent further population influx to the project site.

VI. Valuation and Compensation

This section provides the following information:

- Eligibility criteria (including cut-off dates if necessary) establishing all displaced persons who is entitled to receive compensation (or other forms of assistance in lieu of compensation)
- Description of valuation procedures used to establish compensation rates for land, structures or other fixed assets. Compensation rates should be determined based on their replacement cost for loss of assets.
- Description of arrangements for delivery of compensation to displaced persons
- Compensation rates for all categories of land acquisition, for all affected areas
- Compensation rates for all categories of affected structures, for all affected areas
- Compensation rates for all categories of other fixed assets, for all affected areas
- Transitional support (e.g., moving expenses, temporary living allowances, payment of fees or other transaction costs) to be provided
- Arrangements for recalculation of compensation rates in case of prolonged delay in delivery of compensation

VII. Income and Livelihood Rehabilitation Measures

This section provides the following information:

- Arrangements (in addition to compensation) providing sufficient opportunity for those losing land to improve, or at least restore, incomes
- Arrangements, timing and availability for replacement housing, including site preparation and access to facilities and services as needed to improve, or at least restore, living standards
- Relocation or other arrangements necessary for shops and enterprises to resume profitable operation
- Arrangements (e.g., alternative employment, temporary wage support, other) necessary to maintain or restore incomes of workers in affected enterprises
- Relocation assistance to renters or leaseholders losing access to land or structures
- Special assistance to be provided to vulnerable groups (e.g., the poor, elderly, disabled)
- Restoration or replacement of community infrastructure and services
- Entitlement matrix, including entitlement for compensation, resettlement assistance and other resettlement measures.

VIII. Institutional Arrangements

This section identifies organizations or agencies primarily responsible for resettlement implementation. It describes these entities' capacity for effective implementation by reference to

links to authority, prior experience with resettlement, and number and training of personnel. This section also briefly describes the implementation timetable, establishing that key implementation measures precede adverse impacts.

IX. Budget and Funding Arrangements

This section includes a budget breakdown estimating all resettlement-related costs, including an allocation for contingencies. It also establishes financial responsibility for meeting resettlement commitments, and describes funding flow arrangements.

X. Consultation, Disclosure and Grievance Procedures

This section provides information on the following:

- Measures taken to consult with displaced persons regarding proposed resettlement arrangements, and to foster their participation in activities essential to improvement or restoration of incomes and living standards
- Disclosure arrangements for the resettlement plan, ensuring that it is made available in a language and location accessible to displaced persons and the general public.
- Administrative and legal steps displaced persons can take to pursue questions or grievances they may have regarding resettlement implementation.

XI. Monitoring Arrangements

This section briefly describes arrangements for monitoring implementation, for both internal project purposes and external monitoring to be conducted by a qualified agency independent of the project office. The scope and frequency of monitoring activities should be described.

1) Preparation of Abbreviated RAP

- A census survey of displaced persons and valuation of assets;
- A description of compensation and other resettlement assistance to be provided and the basis of compensation rates;
- Consultations with displaced people about acceptable alternatives;
- Institutional responsibility for implementation and procedures for grievance redress;
- Arrangements for monitoring and implementation; and
- A timetable and budget.

2) RAP Review and Approval

The RAP, including the proposed mitigation measures within the plan, will need to be reviewed and approved prior to making a decision on whether or not the project shall be implemented and then sent to the WB for final review and approval. It has to be noted that all compensation and resettlement arrangements should be finalized before the start of any construction works.

The consultant is required to carry out any necessary modifications to the RAP report in response to the reviews.

For any changes made to the RAP after the approval the same process of approval and disclosure that applied to the original RAP will need to be followed.

3) Qualifications and Experience of the Consultant

The assignment will be carried out by a specialized consultant. A confirmation letter from the consultant will be required including the staff that will be working on the project and in case of any changes has to be notified with the change and replacement arrangements to avoid any delays in executing the required activities. The consultant should have a previous experience in conducting social studies including RAPs that has been approved and cleared by the World Bank. The consultant should furnish samples of such work and studies that the Bank found satisfactory.

The Consultant should be familiar with the Iraqi land tenure as well as regulations and procedures related to land acquisition and should have acquired a minimum of five years of experience with land acquisition and resettlement planning and implementation. He should also have excellent oral and written communication skills in both English and local language.

4) Facilities to be provided by Client

The consultant shall be provided with project document, studies already conducted for the project including ESIA and RPF. The client may also facilitate meeting with stakeholders for the consultant to give legitimacy and support from the key stakeholders.

5) RAP Disclosure requirements

Once the RAP is approved by the Bank, the consultant shall carry out the translation into Arabic and then the following documents should be disclosed locally and in the Bank info shop:

- RAP/ARAP (English Language)
- RAP/ARAP (Arabic Language)