

Republic of Iraq  
Emergency Operation for Development Project (P155732)



**RESETTLEMENT POLICY FRAMEWORK**  
**(RPF)**

The World Bank, December 2015

# **Resettlement Policy Framework**

## **Iraq: Emergency Infrastructure and Services restoration Program**

### **1. INTRODUCTION**

#### **1. Project Background**

The conflict in northern Iraq has unfolded at a time of severe fiscal crisis. In the last two decades, Iraq has witnessed a dramatic fall in almost all human development indicators including poverty, health standards, life expectancy, and literacy. Extreme poverty is widespread, particularly in rural areas and a number of governorates. Owing to multiple shocks, economic growth is declining in Iraq and also affecting humanitarian outcomes. The impact of the double shock of the ISIS insurgency and the decline in oil prices has affected the economy.

The government's recovery strategy is to jump-start the delivery of basic infrastructure and services and rehabilitate critical infrastructure in the liberated areas from the insurgency. In response to the request of the Government of Iraq, the World Bank's support, through the proposed Emergency Infrastructure and Services Restoration Program for Iraq, is aimed at supporting the Republic of Iraq in the reconstruction of damaged infrastructure and restoration of public services delivery in Targeted Municipal Areas.

The Project will be implemented in urban agglomerations of Tikrit, Al- Dour, Al-Alam and Al Dhalooeya located in the Salah Al-Din Governorate as well as urban agglomerations of Jallawla, As-Sadiya and Al-AAzeem located in Diyala Governorate. In addition, suburban areas, villages and infrastructure across open range land may also be included for project-financed activities.

The common feature for all project interventions is the strict adherence to pre-existing footprints of buildings, structures and linear infrastructure, which was damaged or destroyed during combat activities when ISIS moved into the areas, and was pushed out again, and vandalism, sabotage, and retribution acts during ISISs occupation.

#### **2. Project Description**

The project will adopt an integrated and pragmatic approach to the reconstruction and rehabilitation damaged infrastructure and housing in conflict-affected cities in Iraq. For the water, energy and transport sectors, this will be conducted through the repair and reconstruction of damaged infrastructure in the areas of electricity transmission and distribution networks, municipal waste, water,

sanitation, roads and bridges, and health. Each of these sectoral interventions are sub-divided into: Year 1 concentrates on rapid repairs/supply and installation of damaged infrastructure, as well as a damage and need assessment, moving onwards through to the end of Year 5, planning and design and procurement of emergency equipment and goods/materials; and Year 2 to 5 will concentrate on the implementation of the rehabilitation and reconstruction of works as per the damage assessment. These interventions, in addition to promoting state/citizen trust-building and reconciliation, will be designed to generate local employment opportunities and help develop the local small- and medium-sized contracting industry including demand in a number of other sectors, such as construction materials and related services. For housing, a subsidy scheme will be designed and for health mobile hospitals and primary health care units and ambulances will be delivered.

The project will also support technical assistance towards planning and designing urban development and future infrastructure schemes and will also support project management, sensitization and monitoring and evaluation component. The design of the project components provides flexibility to include newly liberated and secure municipal areas.

The individual project components are as follows: (1) Electricity; (2) Municipal Waste, Water and Sanitation; (3) Housing and Transport; (4) Health (5) Technical Assistance; and (6) Project Management, Sensitization and Monitoring and Evaluation.

## **COMPONENT 1: Restoring Electricity Infrastructure and Connectivity**

Iraq's electricity sector has suffered from more than a decade of conflict and sanctions that have left its institutions weakened and have resulted in under-investment and chronic deterioration in service delivery and infrastructure. Although Iraq's electricity sector has made progress in restoring and increasing power generation capacity (20GW nameplate capacity as of 2014), the transmission and distribution sub-sectors continue to face serious issues including significant (over 40%) losses, and hampering the provision of reliable and adequate supply to households and the private sector. Inadequate electricity is seen by Iraqis today as a top concern in comparison with other matters such as national security, health care, unemployment, crime, and high prices. Unreliable and insufficient electricity supply is creating hardship and undermining government credibility. Inadequate and poor electricity services and infrastructure also impede private sector development and negatively affect employment, economic growth and constrain attempts to address widespread poverty. According to the Investment Climate Assessment (ICA) Survey, 73 percent of the firms operating in Iraq identified the lack of sufficient electricity supply as a "very severe obstacle" to productivity, and the most significant issue affecting private sector development and job creation. According to the Integrated National Energy Strategy (developed with the Bank in 2013), the lack of reliable electricity supply costs Iraq in excess of \$43 billion per year in lost GDP.

Today, less than 10 percent of the population has continuous access (i.e. at least 20 hours a day) to electricity. With progress being made in the expansion of generation capacity, it is now in the sector's transmission and distribution network where the challenges predominantly lie. Iraq's transmission and distribution networks have suffered chronic deterioration and are now overloaded, unreliable and in need of significant investment. The poor state of network infrastructure is compounded by the absence of effective metering, billing systems, and customer management systems resulting in very high technical and non-technical losses (approximately 42% of electricity generated does not make it to the end consumer). Even whilst electricity supply is constrained by system capacity and inefficiency, demand continues to grow unabated (over 7% per year) given the lack of any real price controls or demand side management. In addition, weak institutions, poor collection rates, and high levels of theft also contribute to increasing fiscal pressure on Iraq's public resources, and reduce the MoE's ability to meet electricity demand and customer satisfaction.

Prior to the ISIS crisis, the MoE developed investment plans totaling around USD 21 billion between 2011 and 2020 in response to an urgent need for investment in Iraq's transmission and distribution sub-sectors, supported by a comprehensive master plan developed by Parsons Brinkerhoff in 2010. The MoE has also requested the Bank's support in developing a roadmap for reform of the electricity sector and preparing a [USD500] million IBRD financing – the Electricity Distribution Reform and Investment Project (EDRIP - P150933, planned for FY2017). This project aims to finance distribution infrastructure that will reduce losses, and increase levels and reliability of electricity supply in the central and south regions of Iraq. In addition, it will also support the reform of Iraq's electricity sector institutions and operations to improve the sector's overall performance. This Project incorporates very basic, scalable design, and could also be scaled up to include more comprehensive infrastructure rehabilitation in the areas under consideration by the emergency project.

This Project would assist with the emergency supply of equipment and reconstruction of transmission and distribution infrastructure in the targeted municipal areas. Electricity supply to the seven municipalities' pre-ISIS conflict was on par with that to the rest of Iraq and reports would indicate that, although poorly maintained, was in service during the ISIS occupation. Technical Assistance will be provided for the supervision of electricity sub-projects implementation.

## **COMPONENT 2: Restoring Solid Waste, Water and Sanitation Services**

Iraq is estimated to produce 31,000 tons of solid waste every day with per capita waste generation exceeding 1.4 kg per person per day. Rapid increase in waste generation production is putting tremendous strain on Iraqi waste handling infrastructure which have significantly deteriorated after decades of conflict and mismanagement. In the absence of modern and efficient waste handling and disposal infrastructure, most waste is disposed in unregulated landfills across Iraq, with little or no concern for both human health and environment. Iraqi landfills are characterized by spontaneous fires, groundwater contamination, surface water pollution and large-scale greenhouse gas emissions. Additionally, the management of rubble and debris resulting from armed conflict and acts of war needs

attention as part of the reconstruction efforts. Special attention also needs to be given to contamination by hazardous substances that could result from war-related damages such as petroleum products and a spectrum of chemicals from small industries and storage facilities which could affect soils, rubble/debris, as well as water and groundwater in conflict-affected areas.

A National Solid Waste Management Plan (NSWMP) for Iraq was developed in 2007 and contains recommendations to build 33 environmentally engineered landfills with the capacity of 600 million cubic meters serving all of the 18 governorates in Iraq by 2027. In addition to constructing landfills the plan also focuses on the collection and transportation, and on developing systems to maximize recycling and reuse. Broad education measures would complement investments in waste management infrastructure supporting the understanding of and participation in waste management in the identified municipal areas of both communities and individuals.

In Iraq access to improved water supply and sanitation is relatively high, but the quality of that access is often low. In 2012, 94 percent of the population had access to safe sanitation. In the same year, 87 percent of the population had access to piped water supply in their houses. The quality of services provided, however, is perceived to be low. Many households experienced regular and lengthy service interruptions in 2012 and beyond due to the lack of maintenance and interruptions in water supply. Apart from the lack of reliable water supply, the water quality provided through the public network is also poor. Further, while almost all households have universal access to sanitation facilities, collection of wastewater is not equally developed with only 28 percent of the population having access to a sanitation facility connected to a piped sewerage network. Conflict related damage to water and sanitation services has further adversely impacted service delivery.

The objective of the municipal waste, water and sewer component is to restore water, wastewater and solid waste services through the repair and rehabilitation of damaged infrastructure in selected municipalities. The repair, rehabilitation, and reconstruction of damaged infrastructure would help to reduce public health risks while generating local employment opportunities. The work will include (i) repair, reconstruct and rehabilitate existing water, wastewater, storm water and solid waste infrastructure (such as water intake, transmission lines, treatment plants, pumping stations, storage tanks, distribution networks, house connections, sewers and trunk lines, wastewater treatment plants, storm water drains) through: (i) carrying out of a water and sanitation damage and needs assessment and identification of Water and Sanitation Subprojects; (ii) preparation of detailed plans and designs for Water and Sanitation Subprojects; and (iii) provision of technical assistance for the supervision and implementation of Water and Sanitation Subprojects.

### **COMPONENT 3: Restoring Transport Infrastructure and Developing a Housing Reconstruction Subsidy Scheme**

Successive years of conflict have limited Gol's ability to promote an enabling environment for the provision of affordable housing by the private sector and for a greater role for financial services in the construction sector. Iraq suffered from a chronic housing shortage coupled with low quality housing stock even before the latest ISIS conflict. Recent estimates indicate that almost 30%-40% of the population lives in very poor housing conditions and that at least 10% of the nation's total dwellings are overcrowded. Further, the absence of a market-based housing finance system makes it difficult for most Iraqis to afford adequate housing with housing much less affordable for Iraqis than elsewhere in the Middle East. Against such a background, the latest conflict has severely compounded the housing crisis where a large number of housing units have been destroyed or damaged.

This component will support the Gol in designing of a Housing Reconstruction Subsidy Scheme. Such a subsidy scheme will be based on past Government practices in similar situations and could be adopted by the Government for all the liberated areas in Iraq. The scheme will be enhanced taking into account efficiency and effectiveness in addressing the needs of tenants, informal settlers and mortgaged assets.

Transport infrastructure (for all modes, including roads, railways, ports and airports) is key to the economic development of Iraq. However, most transport infrastructure in the affected region suffered destruction and damage as a result of recent military operations, sabotage and vandalism during the current crisis. As a result of the full or partial destruction of structures, road sections and airports, the impact to transport operations has been significant. This has led to the continued closure of a number of road and rail section for normal traffic, except for the purposes of military operations. While international transportation has been limited due to ongoing conflict, economic sanctions and safety issues, domestic air transportation has also been limited to a few routes. Negligence and lack of maintenance has further deteriorated the infrastructure. Continued use of the transport network by the military and for refugee transportation continues to negatively impact on the transport infrastructure. Additionally, much of this infrastructure suffered extensive damage and destruction during the previous conflict. Some were in the process of rehabilitation but the current situation exacerbated the challenge. The lack of a sectoral strategy, chronic underfunding, lack of institutional capacity, and a complex conflict-affected environment compound the problem. At this juncture, the country faces enormous challenges in reconstructing its transportation networks and facilities, as well as re-establishing key transport services.

The objective of the transport component is to improve the condition of road assets by repair and rehabilitation of highly damaged segments of the primary road network and currently used detour routes in and around selected municipalities, re-establishing critical bridge crossings and functioning of major culverts. The project will also help restore the functional capacity of these road assets, i.e. to restore normal and safe traffic operations. In addition, the proposed civil works on roads and bridges would generate local employment opportunities. The work will be conducted in coordination with rubble removal and will include road structure repairs (mainly pavement, bridge decks, abutments and poles), but also shoulder stabilization, approaches to bridges, road safety signalization and equipment,

and drainage repairs. The project will also support the formulation of key transformational area-based projects, including Regional Development Framework and Decentralization Plans.

#### **COMPONENT 4: Restoring Health Services**

Due to the prolonged conflict, Iraq's health sector is under strain. In the last few decades, Iraq's health care capacity has been severely undermined by the effects of different wars, international sanctions, sectarian violence and political instability. Furthermore, the growing inflow of Syrian refugees and internally displaced Iraqis in the 2012-2014 period has challenged the ability of the Government to respond to the growing health needs of the population. Once considered the best in the region, Iraq's health indicators have been deteriorating and according to World Bank 2013 data, maternal mortality in Iraq is among the highest in the region at 67/1,000 live births. Similarly, Iraq is above the regional rates for under five mortality (34/1,000 compared to 26/1000) and infant mortality (28/1,000 compared to 21/1,000). Immunization rates for Measles (63 percent), Polio (70 percent), and DPT (68 percent) are also below the regional averages at 88 percent, 90 percent, and 89 percent respectively.

The large influx of internally displaced persons (IDPs) led to a significant increase in demand for health services and a rise in communicable diseases. According to WHO latest data, acute respiratory infection (ARI), skin disease, and acute diarrhea (AD) remain the leading causes of morbidity reported from all camps. Other assessments indicate that basic laboratory services in health facilities in IDP camps are either nonexistent or insufficiently equipped to handle the growing demand for services. Communicable diseases, particularly water-borne infectious diseases is also affecting the Iraqi population, Cholera is endemic, with major outbreaks in many parts of the country. Hepatitis E is also reportedly endemic, with an approximately 20.3 percent prevalence rate. (WHO, 2013a).

The Ministry of Health (MoH) capacity to manage the provision of basic services has been jeopardized. The health system's physical infrastructure is suffering from severe deterioration due to destruction, neglect over time and consequences from the war, whereby most of the health infrastructure is in poor condition and is critically lacking human resources and essential equipment. Given this situation, there is an urgent need to address the resource shortages and build the resilience of the Iraqi health system to alleviate the currently declining health situation in the country.

The objective of the health component is to improve the delivery of essential healthcare services in selected municipalities to serve the urgent health needs of the Iraqi population. As such, this component will adopt a two-pronged approach: (i) responding to the most urgent health needs through the acquisition of mobile hospitals, mobile clinics and ambulances and (ii) technical assistance to assess and plan for mid to long-term reconstruction/rehabilitation of the health care services.

## **COMPONENT 5: Technical Assistance**

**Sectoral development:** This activity will constitute a platform for the identification and [partial] preparation of a range of potential sector investment projects which would be based on a continuous strategic, medium to longer term needs assessment carried out between the Bank and the Iraqi government over the project implementation period. This needs assessment would go well beyond the project's lifetime and the scope of emergency reconstruction and restoration, and identify opportunities to build on the momentum, delivery mechanisms and implementation arrangements set up under Emergency Operation for Development Project (EODP). Likely sectors for medium to longer term development approaches could include transport (both urban and inter-urban including railways lead by the Ministry of Construction and Housing (MoCH), housing (MoCH) and water and waste management (Ministry of Municipalities and Public Works - MoMPW). Some of the outputs of the TAs would be in the form of urban development master-plans, integrated solid waste management plans and designs, and railway infrastructure rehabilitation and safety improvement plans and designs. This TA will also support the carrying out of a health sector needs assessment and development of a mid- to long term health care services master plan.

**Technical assistance:** TA will provide analytical and advisory services to sectoral components on a demand driven basis with likely two broad topics. The first would fall under the theme of state/citizen trust-building and promoting reconciliation in the wider project context, with likely topics being: (i) inclusive participation by local communities (ii) transparency of resource allocation, (iii) enacting measures to promote tolerance through community-led projects across different social groups, (iv) using targeted media, social media and communications campaigns to disseminate information about the project, and promote trust and solidarity, and (v) addressing local grievances through an effective redress mechanism. The second would relate to a broader assistance strategy for the reconstruction and sustainable management of physical cultural resources. This activity could include a systematic and detailed damage assessment of damaged Physical Cultural Resources (PCR), a prioritized list of required interventions, a reconstruction and restoration strategy including standards, guidelines, knowledge and technical resources, and design codes, and the identification of financing sources and setup of a pooled multi-donor fund.

## **COMPONENT 6: Project Management, Sensitization and Monitoring and Evaluation**

This component will cover costs associated with the management and coordination of the Project, including the creation and maintenance of a monitoring and evaluation (M&E) system. This will also include communication at the national and local (seven cities) levels with beneficiaries and all other stakeholders involved in the Project including line ministries, international agencies/missions, civil society and faith based organizations. It is expected that complementary, specialized, technical inputs and their logistical support will be required to execute individual project activities and provide adequate technical guidance to the project implementing partners. This component will also cover the



cost of travel, accommodation and per diem for the Project Coordination Unit (PCU) and Project Management Teams (PMTs) participating in Bank conducted supervision missions outside Iraq structures detailed in Section II below). Sensitization and communication work will aim at raising the transmission of clear and consistent messages to support the effective implementation of the project by informing, guiding, proactively managing expectations of its beneficiaries and communities about project, promoting understanding and buy-into the process, as well as generating and sustaining broad stakeholder interest and buy-in. These activities will be initiated at the start of the project and will continue throughout the project life cycle.

### **3. Rationale for Resettlement Policy Framework**

The project will unlikely involve in land acquisition as it will only finance repair and reconstruction of damaged infrastructure. However, it is uncertain in term of permanent and temporary land taking during project implementation. Several issues may increase the complexity of land acquisition - the lack of reliable land record systems, and the inability of people losing land to either document ownership or be physically present to make their claims for eligibility. However, the need for involuntary resettlement or land acquisition in specific subproject areas will only be known during project implementation, when site-specific plans are available. Therefore, this Resettlement Policy Framework (RPF) is prepared based on the requirements of World Bank Policy on Involuntary Resettlement OP 4.12 and relevant Iraqi laws and regulations as a guideline for resettlement planning and implementation, if there is any.

## **2. OBJECTIVES AND KEY PRINCIPLES**

### **2.1 Objective of the Framework**

The purpose of the RPF is to set down the principles for resettlement impact mitigation, as well as to clarify the organizational arrangements that may be needed during project preparation and implementation phases. This includes compensating all project affected persons (PAPs) for the loss of lands, properties, and livelihoods resulting from displacement and resettlement, as well as assisting these people in relocation and rehabilitation. The RPF may be triggered whenever any of the project's activities entail the acquisition of land and / or the displacement of people, causing the loss of land, property, assets, access (to land, property, and assets), income, or sources of livelihood.

This framework shall cover 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 legal title to the land. Since resettlement often affects the most vulnerable and marginalized groups (economically, politically, and socially), the RPF shall be particularly sensitive to the affects which

displacement may have on these groups, including the poor, landless, elderly, women, children, ethnic minorities, or persons with specific mental or physical disabilities.

Every effort will be made to avoid or minimize the need for land acquisition and resettlement for any components. In the unlikely and exceptional event that any of the components under the project require additional land, houses and other assets becomes unavoidable; the projects shall adopt this RPF.

## **2.2 Key Principles**

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

1. Acquisition of land and other assets, and resettlement of people will be minimized as much as possible. Where land acquisition is unavoidable, the project will be designed to minimize adverse impact on the PAPs, especially the vulnerable groups;
2. 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;
3. All PAPs residing in, or cultivating land, or having rights over resources within the subprojects areas 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;
4. The rehabilitation measures to be provided are (i) compensation at full replacement cost for houses and other structures; (ii) compensation for land acquisition; (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;
5. 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 subproject area; (ii) PAP willingly accept cash compensation for land and all assets on it; 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-subprojects levels;
6. Resettlement plans will be implemented following consultations with the PAPs, and will have the endorsement of the PAPs;

7. 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.

## **1. LEGAL FRAMEWORKS**

Resettlement and land acquisition issues under the proposed Project will be addressed through relevant laws and regulation of Government of Iraq and the World Bank's Operational Policy on Involuntary Resettlement OP 4.12. 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. The Reconstruction Fund for Areas Effected by Terroristic Operation shall be committed to complying with the national laws and WB policies and to any future amendments to them as long as they don't conflict with the Iraqi laws.

### **1. National Legal Framework**

There are three main forms of land ownership in Iraq:

1. Public or government owned land;
2. Private land which may be alienated/transferred freely; and
3. Leased land. The land is owned by the government but leased to individual which is in most cases the agricultural land and the Ministry of Agriculture is the government agency in charge of the management of the leased land.

The national law governs land acquisition is Land Acquisition Law No. 12 issued in 1981 and was updated in 1998. It specifies that the State has the right to remove encroachers' state-owned lands without compensation. Below are the relevant provisions:

**Article 4.** Directorates and social and joint sectors which have the right to possess property can agree with the property owner or the land owner to possess the property by agreement either in kind or in cash depending on the price estimated by the commission established according to this law. If the property is a public property, all partners shall approve this.

**Article 9.** In order to implement their projects and achieve their goals, government departments and social and common sectors which have the right to legally possess a property can request to possess any property, part of it, or its relevant original property rights, according to the rules of this law.

**Article 22.** If the property or the real estate right requested for acquisition is owned by government departments or the social or common sectors, the property shall be possessed administratively and the compensation is determined by the parties' agreement.

**Article 29.** i) If the property requested for acquisition is land or an orchard, the holder can, in consultation with the Ministry of Finance or the Ministry of Agriculture & Agriculture Reform, 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. With property owner agreement, the holder can compensate him/her with land or orchard outside the Administrative Unit boundaries. ii) If the property requested for acquisition is not land or an orchard, the holder can, by agreement with the property owner, offer him/her a property or other real estate as compensation for the property requested for acquisition.

**Article 31.** Compensation to farm lands.

First: The value of the land is estimated by durum (unit of measurement) and with the prices of 1973 by referring to the selling procedures of the Land Registry Office as a basis to fairly compensate as follows:

1. 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. The compensation should not exceed the prevailing price. And part of the year considered as a year, if it is more than six months.
2. 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) / First and the prevailing price during the inspection and estimation.

Second: In order to define the prevailing price during inspection and estimation, it shall refer to the land production, its location, its distance from markets, its 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 is covered by rules of this law if it is used for planting or could be used for planting based on its status during acquisition request regardless of the area, its location and its type mentioned in the property record. This rule applies for planted lands which do not match the orchards conditions mentioned in the Agricultural Reform Law.

#### **Article 32.**Compensating Orchards & Planted

First: The value of trees planted on the land is estimated in the same way mentioned in Article 31 of this law as it is considered an orchard. The utilities are estimated according to the rules mentioned in Article 33 of this law.

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

#### **Article 33.** Property Compensation

The values of residential, industrial, commercial properties and land for constructing buildings are estimated according to the prevailing prices during inspection and estimation regardless of their value after implementing the project according to the following rules:

First: Taking into account the location of the property, its level of construction, area, assets, type of construction materials and its income are considered when estimating the compensation.

Second: The property value estimated by the Land Registry Office and the values of neighbouring or equivalent properties, or their selling prices, or their annual lease whether actual lease, or property tax estimated lease could be referred to when estimating.

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

Fourth: The estimation is by the cubic meter or by the standard measurement unit. The Estimation Commission can estimate by a previous decision the compensation as a whole or by any other normally accepted method as an estimate to get the fair compensation.

#### **Article 49.** Property Owner Loss due to Acquisition

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 Estimation Commission verifies the lack of benefit.

**Article 50.** If the partial acquisition leads to damages to the remaining portion of the property, the property owner is entitled to receive compensation for said damages.

#### **Article 51.** Loss due to Acquisition

If implementing the project results in damage to the property which has not been taken, the property owner may request compensation for said damage.

In addition, this law does not require consideration of alternatives to relocation foreffected people who are encroaching on state lands (squatters).

## **Iraqi civil law No. 40 of 1951**

**Article 192.** It is required to return the money (assets) to the plundered itself and handed over to its owner in place irregularity if it's exists, or if the usurper has the money elsewhere with him if he(the plundered) wishes he can take his the money (assets) there. And request a throwback to the place irregularity will pay for transportation and pantry response to a usurper and this without prejudice Compensation for other damage. This law also recognizes the entitlement of the squatters.

### **1. World Bank Policy**

The World Bank's Policy applicable to this project is: The Operational Policy on Involuntary Resettlement Policy OP 4.12.

The objectives of the Bank's OP 4.12 are to:

1. Avoid or minimize involuntary resettlement where feasible, exploring all viable alternative project designs
2. Assist displaced persons in improving their former living standards, income earning capacity, and production levels, or at least restore them
3. Encourage community participation in planning and implementing resettlement
4. Provide assistance to affected people regardless of the legality of land tenure.

The World Bank's policy requires that a Resettlement Plan be prepared whenever private property must be acquired, or its use modified, for a project, and the acquisition or modification of privately owned lands results in the loss of income, residence or access to resources, either permanent or temporary and whether the occupation is legal or illegal. Any livelihoods impacts or impacts on private lands (temporary and/or permanent acquisition) will be addressed through this RAP in accordance with the provisions of the World Bank's Operational Policy (O.P 4.12). The World Bank's OP 4.12 has precedence in terms of identification of adversely affected PAPs and provision of mitigation and compensation measures.

### **3.3 Gaps between Iraqi Law and the Bank Policy**

In some cases the rules of Iraqi law may differ from World Bank Policy requirements. This may be the case with regard to the extent of stakeholder consultation/participation in the resettlement process, payment of compensation, grievance redress mechanisms, squatters and encroachers. In all these cases the requirements of the World Bank Policy on Involuntary Resettlement OP 4.12, as outlined in the following sections, will take precedence over the Iraqi regulations. National laws also do not require consideration of alternatives to displacement of PAPs located on State land. The table below summarizes the gaps between the World Bank Policy and Government Law.

Table 3-1 Comparison of Iraq Law and the Bank Policy

Key Issue	WB	Iraqi Laws
Policy of avoidance or minimization of displacement of persons	Avoid or minimize by exploring all viable alternatives; If resettlement required – execute as sustainable Program.	Not specified (but common practice by the Government has been to minimize this to the extent possible)
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
Requirement for Resettlement  Action Plan (RAP)/ Resettlement  Policy Framework (RPF)	Full RAP required for 200+ adversely affected people.  Abbreviated RAP for less than 200 adversely affected people	Law provides for identification through land title registration and a compensation committee is formed to verify adversely affected persons The law provides for cash compensation for one year of crops lost for the entire packet of land Leased/owned by the PAP.  Council of Minister’s Decision No. 360 of 2008 identifies compensation amounts 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 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; PAP’s will be meaningfully Consulted	The only consultation requirement is the negotiation procedure between affected parties with the compensation committee



Impact on Informal Settlers	Included, but only entitled to resettlement assistance for structure other assets lost (not land), and livelihood losses during resettlement.	Law does not provide for resettlement assistance or mitigation for informal/illegal settlers.
Law does not provide for resettlement assistance or mitigation for informal/illegal settlers. However, in practice mitigation (cash) is often provided	Replacement houses or full replacement costs	Not available.
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 (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 (BP 4.12); "Land" also includes anything growing or permanently affixed to land – including crops (OP 4.12).	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, sometime in agricultural areas and sometimes in Urban areas.
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.

Given the differences between GOI laws, regulations and instructions and OP 4.12, the GOI treated that through looking in an exceptional mod to the international agreements to reach the Bank's OP 4.12 will supersede national laws where there gaps are evident as long as they don't conflict with the Iraqi laws. Thus the principles of OP 4.12 will apply (if possible) to all

project activities and guide the land acquisition and resettlement planning and implementation involved in the proposed project.

The proposed project will follow the Bank’s disclosure guideline consistent with its safeguards operational policies to include proper in-country disclosure of documents in a form and manner appropriate to, and accessible to the local population. The intent is to make safeguards documents available to all project stakeholders in their local languages, but especially directly impacted populations.

## IV. ELIGIBILITY CRITERIA FOR AFFECTED PERSONS

### 4.1 Defining Affected Persons

Project affected persons (PAPs) are defined in this policy framework as individuals who may be subjected to adverse economic, social, or cultural impacts by the WB’s assisted projects. These impacts may constitute anything from the loss of physical assets such as land, farm lands, crops, commercial properties, homes, personal belongings, sources of income, and cultural / historical / religious sites, to nonphysical assets such as social capital and cultural networks and activities. Moreover, adverse impacts also include the loss of access to the physical and non-physical assets and the involuntary restriction of access to legally designated parks and protected areas. Table 4-1 highlights some of the key losses that may arise from land acquisition.

Table 4-1 Main Categories of Potential Impacts

Land	1. Agricultural land (rented or owned)
	2. Access to land
Structures	1. Houses or living quarters (rented or owned)
	2. Other physical structures (rented or owned)
Income	1. Income from crops
	2. Income from wage earnings
	3. Income from fishing areas
	4. Income from affected business
	5. Access to formal employment opportunities

Communal <sup>1</sup>	<ol style="list-style-type: none"> <li>1. Public Schools</li> <li>2. Public Hospitals</li> <li>3. Markets</li> <li>4. Community centers</li> <li>5. Cemeteries</li> <li>6. Social capital: networks, activities, relationships</li> </ol>
Religious and Cultural <sup>2</sup>	<ol style="list-style-type: none"> <li>1. Religious shrines</li> <li>2. Worship areas (mosque, church, synagogue)</li> <li>3. Cultural, historical, sites</li> </ol>
Environmental	<ol style="list-style-type: none"> <li>1. Access to natural resources</li> <li>2. Negative environmental impacts resulting from land acquisition or from the project itself</li> </ol>

## 4.2 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 4-2.

Table 4-2 Eligibility and Entitlement

Displacement Category	Entitlement
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<sup>1</sup>The sub-projects should not be permitted to infringe on or damage in any way public cemeteries or private graveyards or graves physical assets. If extremely necessary, such cases shall be subject to the laws of the Government of Iraq to this regard.

<sup>2</sup> The sub-projects should not be permitted to infringe on or damage in any way religious or cultural physical assets. If extremely necessary, such cases shall be subject to the laws of the Government of Iraq to this regard.

Individuals who have formal legal rights to land (including customary and traditional rights recognized under the laws of Iraq)	1. Compensation for loss in land and assets at full replacement cost. 2. 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. 3. Support after displacement, until livelihoods and standards of living are restored to pre-displacement levels. 4. 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)	5. Compensation for loss in land and assets at full replacement cost. 6. 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. 7. Support after displacement, until livelihoods and standards of living are restored to pre-displacement levels. 8. Development assistance in addition to compensation measures (i.e. land preparation, credit facilities, training, job opportunities).
PAPs who have no recognizable legal right or claim to the land they are occupying	9. Resettlement assistance (such as cash, employment, other assets and land) in lieu of compensation for land 10. Other assistance necessary for achieving the objectives of the World Bank Policy OP 4.12

#### 4.3 Estimated potential resettlement impacts

The potential resettlement impacts will possibly be the permanent and temporary land acquisition and damages of crops and trees likely involved in reconstruction or repair of infrastructure. Since the construction activities will be on existing foot print, it is hard to estimate the magnitude of the impacts at this stage.

## V. METHODS OF VALUATION AND COMPENSATION

### 5.1 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. 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, the valuation of crops will be mainly relied upon the price lists developed by the Agriculture directorate and revisited annually. Replacement cost will differ depending on the type of asset, as illustrated in Table 5-1.

Table 5-1 Replacement Cost of Assets

Asset	Replacement Cost
Agricultural Land and leased agricultural lands	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. (for leased lands the responsible Ministry will buy the land from the Ministry of Agriculture and the Ministry of Agriculture will 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
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 the cost of any registration and transfer taxes.
Crops and trees	Trees and crops will be compensated based on the market value. The market value will be determined a committee of experts.

## 5.2 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 projects. 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 assistance.

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 subproject to pre-project levels shall

also be part of the compensation component of any resettlement plan (i.e. short-term jobs, subsistence support, moving allowance, salary maintenance, food assistance, etc.).

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 the project's implementation.

## **VI. INSTITUTIONAL ARRANGEMENTS FOR RESETTLEMENT PLANNING AND IMPLEMENTATION**

The overall responsibility for Project coordination lies with the Project Coordination Unit (PCU) under the Reconstruction Fund for Areas Affected by Terroristic Operations correlated the Council of Ministers. Project Management Teams (PMTs) will be established within counterpart Ministries to be responsible for sectoral (energy, transport, water and sanitation, municipal solid waste management, housing) project implementation. At each of the municipalities (project sites), the PMTs will be supported by Technical staff from the Ministries' regional offices.

The overall responsibility for preparation of the RAP will rest with the PMT of line ministries. The PMT within the ministry will: a) be responsible for the routine management of the consultant's recruitment to prepare the RAPs; b) assign expert from the Ministries' environmental, social and legal specialists to support this work, and c) 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.

### **6.1 Procedures for delivery of Entitlements**

#### **6.1.1 Project Social Screening**

Once 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 whether or not the subprojects will result in any resettlement impact and accordingly PMT will decide the need for the preparation of a resettlement action plan or an abbreviated Resettlement Action Plan.

#### **6.1.2 Preparation of Socio-Economic and Inventory Survey**

Based on the findings and results of the project screening, PMT and the consultants will carry out a socio-economic study and census survey, in which baseline data within the project sites 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 put in writing and shall be used in determining the appropriate compensation and assistance for each affected individual / household.

The objective of conducting this socio-economic survey is to:

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

#### 6.1.3 Preparation of Resettlement Action Plans

Any subproject 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 depending on the number of people affected or the significance of the resettlement impacts. The specific next steps for proceeding with RAP preparation are as follows:

1. Obtain detailed data on land use/land titling information from the land registration department and from Google Earth maps, and demographic and socio-economic and socio-cultural information, to identify who the affected people are under the project are as per OP 4.12.
2. The Project Management Team (PMT) will commission field surveys together with local project managers who are responsible for the rehabilitation of distribution substations of each Directorate, Land Registration Department, and from the Agricultural Department to identify and confirm information on the affected plots and assets.
3. Information will also be gathered on other livelihoods losses such as relocation of vendors encroaching on the project site.
4. Carry out broader socio-economic surveys to define broader social impacts, if any.

5. Define who are the implementation stakeholders; carry out detailed asset valuation; conduct public consultations on the project and proposed mitigations for adversely affected PAPs, develop grievance redress mechanisms; and detail project monitoring systems.

The RAP should assess the number of PAPs, propose alternative locations for the sub-projects if possible, identify the eligibility criteria, include provisions for compensation and assistance, and address the means by which the sub-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.

More specifically, the RAP should include:

1. A description of the sub-project
2. Identification of potential impacts
3. Objectives of RAP
4. Relevant findings of the socio-economic study
5. Legal framework
6. Institutional framework
7. Eligibility criteria and eligible PAPs
8. Valuation and compensation for losses
9. Resettlement measures
10. Site selection, site preparation, and relocation
11. Housing, infrastructure, and social services
12. Environmental protection and management
13. Community participation
14. Integration with host populations
15. Grievance procedures
16. Organizational responsibilities
17. Implementation schedule
18. Costs and budget



## 19. Monitoring and evaluation

If fewer than 200 PAPs are affected, 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:

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

### 6.2 RAP Review and Approval

The RAP, 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.

### 6.3 RAP Implementation

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

## VII. STAKEHOLDER CONSULTATIONS

### 7.1 Consultation for RPF preparation

Stakeholder consultations were carried out as part of the RPF preparation process and also the environment assessment framework development process. The purpose of the consultations sessions was to present the overall project design; explain its broader benefits at the national level; and begin to outline some of the anticipated adverse environmental and social impacts expected to result from project activities, and to enable the stakeholders to understand the project and its activities, as well as to ensure that their concerns and issues are considered during all phases of the project, including at the planning phase. Specifically, the objectives of the consultations sessions were to:

1. Informing the stakeholders and the public about the project.
2. Identify the main project stakeholders and their concerns.
3. Provide the opportunity for identified stakeholders to participate in the process of scoping significant environmental and social impacts.
4. Identify those environmental impacts/concerns which are considered to be of key relevance and importance for the RPF.
5. Ensuring that appropriate approach and adequate focus are adopted during the RPF.

(Stakeholder consultations have been carried out in Sept. 22, 2015 in Reconstruction Fund Headquarters). See annex 1.

## **7.2 Public Consultation in Resettlement Planning and Implementation**

Public consultation will be an on-going activity taking place throughout the entire project cycle. Thus, public consultation shall take place during the:

1. Project inception and planning,
2. Screening process,
3. Feasibility study,
4. Preparation of project designs,
5. Resettlement and compensation planning,
6. Drafting and reading/signing of the compensation contracts,
7. Payment of compensations,
8. Resettlement activities and,
9. Post compensation monitoring and as relevant community support activities.

The public consultation and participation must take place through local meetings, radio and television, requests for written proposals/comments, completion of questionnaires/application forms, public consultations and explanations of the Bank financed project ideas and requirements. The public consultation must take into account low literacy levels prevalent in rural communities

For the RAP preparation, consultations with the affected population, once identified through a census will be carried out on the specifics of resettlement impacts; resettlement options; and on the development of a grievance redressal mechanism suitable for the local context. The details on the census (who is affected); and on impacts (how are populations impacted) will determine the nature of the consultations and outreach methods including for instance, the tools that are best used to dissemination information about the project; elicit stakeholder participation and also provide data on the

nature of consultations to be conducted and how (i.e, informal, small group settings, the use of proxies; specific outreach methods for more vulnerable populations; Outreach methods for women, among other such issues). These will be developed once clarity on the detailed impacts is available.

### **VIII. GRIEVANCE REDRESS MECHANISM**

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. This 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 do not satisfy the court decision. The second court decision will be the final.

In addition to the official channel, it is encouraged to establish a Grievance Redress Mechanism at the project level to ensure any grievance can be addressed in an amicable manner. Resolving complaints at community level is always encouraged as it could address the problem of distance and cost the PAP may have to face in pursuing grievance redress.

While the details of the project grievance redressed system will be developed during the course of RAP preparation, and also in consultation with communities, its broad steps to be refined based on further consultations might include the following for written complaints:

10. First, the affected person sends his/her grievance in writing to the communities/community leaders. The grievance note should be signed and dated by the aggrieved person. Where the affected person is unable to write, s/he should obtain assistance from the community to write the note and mark the letter with his/her thumbprint. The community should respond within 14 days.
11. Second, if the aggrieved person does not receive a response or is not satisfied with the solution provided by the community, s/he lodges her or his grievance to PMT which should respond within 14 days.
12. Third, if the aggrieved person does not satisfied with the solution of PMT, s/he can go to the court.

In any case, the PMT must maintain records of grievances and complaints, including minutes of discussions, recommendations and resolutions made.

### **IX. MONITORING AND EVALUATION**

## 9.1 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.

## 9.2 External monitoring

External Monitoring might be required to ensure that the overall objective of the resettlement plan is achieved in an equitable and transparent manner and 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.

## 9.3 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 10-1 Monitoring and Evaluation Indicators

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 restore sources of income
Public information dissemination and consultation procedures	Timeliness, quality, and effectiveness of consultation and information disclosure



## **ANNEX 1 PUBLIC CONSULTATION**

The Emergency Operation for Development Project (EODP) is classified as Category B according to the WB OP 4.01. Consequently, the preparation of the ESMP for the Subproject requires at least one public consultation meeting. The objectives of consultation and participation process are to inform, consult and engage the local community and other local stakeholders about the Subproject.

Stakeholder consultations have been carried out in Sept 22, 2015 in Baghdad, Reconstruction Fund's Headquarters (The line ministries), the local officials had attended all previous meetings. The purpose of the consultations sessions is to present the overall project design; explain its broader benefits at the national level; and outline key anticipated adverse environmental and social impacts expected to result from project activities so that the stakeholders gain better understanding of the project, its activities and potential impacts. Specific objectives of the consultations sessions were to:

- Inform the stakeholders and the public about the Project.
- Identify the main project stakeholders and their concerns.
- Provide the opportunity for the identified stakeholders to participate in the process of scoping significant environmental and social impacts.
- Identify and comment on the key environmental impacts/concerns.
- Ensuring that appropriate approach and adequate focus are adopted during the ESMP.

There was a General acceptance from people to the project and they all agreed that the sub-project will give the city a great benefit besides these people needs to return to their houses and their lives and they can't do it unless they have the main services such as a reliable electricity and drinking water, health services, roads and bridges to activate the economy in the liberated areas.

Consultations found general acceptance by the citizens. Most of the participants stressed the importance of the project for the city and the benefit that will be provided to them

In addition, this project will provide job opportunities for local citizens as the business implementation needs to a local staff of various certificates and even stateless certificate workers and at the same time, citizens expressed fears of extending the time period for the implementation of the project because of the urgent need to it at the moment and the possibility of covering other additional necessary opportunities during the implementation.

## 1. Public consultation: Minutes of Public Consultation between the stake holders

### محضر اجتماع

تم عقد اجتماع صباح يوم الثلاثاء المصادف ٢٠١٥/٩/٢٢ في مقر صندوق اعادة الاعمار بحضور ممثلي وزارة الكهرباء ووزارة الاعمار والاسكان والبلديات والاشغال العامة ووزارة الصحة والبيئة لبحث خطة العمل البيئية والاجتماعية وسياسة اعادة التوطين التي ستقدم الى البنك الدولي لإعادة الاعمار والتنمية المتعلقة بمشروع العمليات الطارئة للتنمية حيث تمت مناقشة تفاصيل هذه الخطة وجرى التأكيد على ان تقوم الوزارات ذات الصلة باعداد تقارير عن الاثر البيئي لمشاريع اعادة الاعمار التي يراد انجازها وترفع للجهات البيئية المعنية لغرض ابداء الرأي بشأنها والمصادقة عليها.

وتم التأكيد على عدم وجود اي عارض قانوني فيما يخص استملاك الاراضي التي سوف يتم تنفيذ مشاريع اعادة الاعمار عليها، وفي حالة استملاك اي اراضي تعود للمواطنين يتم تعويضهم وفقا للقوانين العراقية النافذة ولم يكن لدى ممثلي الوزارات المعنية اي اعتراض على خطة العمل البيئية والاجتماعية وسياسة اعادة التوطين، وبهذا ختم المحضر.

  
عصام سمير رمضان

ممثل وزارة الاعمار والاسكان

البلديات والاشغال العامة/ طرق وجسور

  
ريام امير علي

ممثل وزارة الاعمار والاسكان

البلديات والاشغال العامة/ طرق وجسور

  
تغريد احمد صالح  
٩/٢٢

ممثل البيئة

  
قصي الحافظ

ممثل وزارة الاعمار والاسكان

والبلديات والاشغال العامة/ البلديات


  
رياض علي محمد

ممثل وزارة الاعمار والاسكان

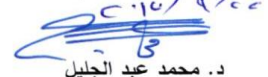
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اسيل مارب خليل


ممثل الكهرباء

  
م. ق. مازن كامل علوان  
٩/٢٢


منسق وزارة الصحة


  
د. محمد عبد الجليل  
٩/٢٢

منسق وزارة البلديات

  
د. راند محمد علي  
٩/٢٢

منسق وزارة البيئة


  
سرى خالد محمد  
مسؤول المتابعة

  
د. حيدر صباح  
٩/٢٢

منسق وزارة الاعمار

  
م. ف. آراز صباح  
٩/٢٢

منسق وزارة الكهرباء

  
غيداء عبد القادر  
مساعد تنفيذي

## 2. Photographic evidences of consultation meeting in Reconstruction Fund Headquarters



















