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Gaza Solid Waste Management Project

Abbreviated Resettlement Action Plan (ARAP)

Landowners of El-Fukhary Landfill

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List of Acronyms

| | |
|-------|--|
| AFD | Agence Française de Développement |
| ARAP | Abbreviated Resettlement Action Plan |
| ESIA | Environmental and Social Impact Assessment |
| FS | Feasibility Study |
| GSWMP | Gaza Solid Waste Management Program |
| JSC | Joint Service Council |
| LAL | Land Acquisition Law |
| MDLF | Municipal Development and Lending Fund |
| MoF | Ministry of Finance |
| MoLG | Ministry of Local Government |
| NGO | Non-Governmental Organization |
| OP | Operational Policy |
| PAP | Project Affected Persons |
| PLA | Palestinian Land Authority |
| PNA | Palestinian National Authority |
| RAP | Resettlement Action Plan |
| SDO | Social Development Officer |
| ToRs | Terms of Reference |
| WB | World Bank |

1. Introduction

The Palestinian National Authority (PNA), through the Ministry of Local Government (MoLG) and the Municipal Development and Lending Fund (MDLF), have prepared the Terms of Reference (ToRs) for preparing an independent Environmental and Social Impact Assessment (ESIA), subject of this report, for the Gaza Solid Waste Management Program (GSWMP). The ESIA assignment funded by the Agence Française de Développement (AFD) was announced as a competitive bid in May 2011 and was awarded to the Joint Venture of EcoConServ Environmental Solutions, Egypt, and Universal Group, Palestine.

This report is a core deliverable for the ESIA consultancy service which involves the preparation of an independent ESIA and a Resettlement Action Plan (RAP)/Abbreviated Resettlement Action Plan (ARAP) for the proposed GSWMP.

2. About the Abbreviated Resettlement Action Plan (ARAP)

The Gaza Solid Waste Management Project includes the development and construction of a regional landfill site in El-Fukhary and a composting facility.

In compliance with the Bank's Operational Policy 4.12, the following Abbreviated Resettlement Plan (ARAP) will be implemented to ensure that affected people are consulted with and compensated according to the Bank's policy provisions. This ARAP concerns landowners whose properties will be acquired for the proposed construction of the Sanitary Landfill at El-Fukhary (Sofa).

This Abbreviated Resettlement Plan covers the following elements:

- Census survey of displaced persons and valuation of assets;
- Description of compensation and other resettlement assistance to be provided;
- Institutional arrangements and consultations with affected people about acceptable alternatives;
- Existing legal and policy framework for land acquisition;
- Institutional responsibility for implementation and procedures for grievance redress;
- Arrangements for monitoring and implementation; and
- Timetable and budget.

3. ARAP Preparation

Several steps have been made to study and follow up on the issues of the affected people resulting from implementing the ARAP. This process was launched by a wide public consultation process that involved a series of participatory activities, including surveys and other structured qualitative consultation tools targeting the project stakeholders and project potentially affected persons (PAPs).

The study team has worked at several levels to obtain the needed data on the land owners and the estimation of land value. The following is a brief description of the implemented activities as part of the ARAP preparation:

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1. The team has conducted a scoping session and invited all stakeholders including the Municipality of Rafah to investigate all the related issues. Dr. Ali Barhoom, General Director of Rafah Municipality, highlighted the importance of land acquisition in view of the important role he had in coordinating with land owners and arranging meetings with them. He also described the steps needed to complete the compensation procedures.
2. The Land Authority was contacted to identify the land owners in the area surrounding the current location of El-Fukhary_(Sofa) landfill. It has been established that land ownership is established via the following sets of documentation: land registration proof with the Ministry of Finance; documentation from the Israelis prior to 1982; or paperwork from the Property Tax Department (Ministry of Finance). Most all of the Project Affected People have documentation from the Property Tax Department. Thus the main source of information on the matter is the Ministry of Finance (MoF) which collects the land taxation from the people who control and use the land. In consultations with PAPs, it was conclusively stated that proving land ownership was not an issue.
3. Mr. Haseeb El Rae'y, Director of Assets Taxation Department at the MoF, provided the team with a list of people who control, use the land, and pay its annual taxation.
4. All PAPs (people on the list affected under the project) attended meetings facilitated by the General Director of the Rafah Municipality to introduce the concept of the project, its intended benefits, impacts (positive and adverse) that were expected to arise; and also how adverse impacts would be addressed under the project. Individual meetings with each land user were also held to discuss the project and to also fill out the tailored questionnaire. The latter was designed to collect information on the land area, available ownership documentation, willingness of land users to give their land, and the types and value of compensation.

Annex 1 includes a complete list of all land owners affected under the project and the size of their lands; and Annex 2 gives the names of the land owners' representatives who attended the meeting and filled out the questionnaire. Annex 4 includes the format of the questionnaire used and Annex 5 gives a tabulation of the questionnaire results and Annex 6 presents the registration form of the land owners who participated in the consultation meeting.

4. Census Survey , Valuation of Assets, and Resettlement Assistance

According to census results, a total of 70 landowners are expected to be impacted under this project. The current landfill area is approx. 26.64dunum. The existing landfill area is owned by the municipality of Rafah and was purchased from Abu Senima family to be used as landfill. The municipality had purchased the land in 1997 for a price of around 10,000US\$ per dunum according to the attached contract (Appendix 3). In addition to the overall solid waste disposal problem in Gaza strip, studied through a Feasibility Study (FS) implemented by consultants, DHV and Infra, the existing landfill is overloaded and needs to be extended. Upon assessing several potential

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locations for the construction of a central landfill catering to the entire Gaza strip, the FS recommended the existing El-Fukhary_(Sofa) landfill as the optimal location.

The FS recommended an extension of 472 dunums to the existing landfill. The land is needed to construct the main landfill station, a reception and recycling unit, and 5 cells for future extension of the landfill. The following table shows the size of land needed for each component.

Table 1: Size of land needed for the proposed landfill and composting unit in El-Fukhary

| Component | Area of land needed (dunums ¹) |
|------------------------------|--|
| Main landfill station | 51 |
| Reception and recycling unit | 40 |
| Cell 1 | 34 |
| Cell 2 | 41 |
| Cell 3 | 50 |
| Cell 4 | 125 |
| Cell 5 | 131 |
| Total area of land | 472 |

Although the total land needed is ca. 472 dunum, Cell 4 and 5 will not be implemented before year 2027. This indicates that land acquisition for the first stage of implementation will only require ca. 215 dunum as compared to ca.441 in the possession of land owners in the area of the Project. Thus this ARAP is concerned provisions for the 215 dunums.

Site visits were carried out to lands that will be acquired under the project. Field site observations indicated that some rain-fed agricultural activity takes place on the lands (mainly wheat and some olive trees). The rain-fed agricultural activities take place for around 4-5 months of the year. These are low revenue generating agriculture; also because the proposed landfill area is located near the Israeli border, it is identified by farmers and others as hazardous, and as such not suitable for intensive agricultural activities and for major investments. It was noted that since the last Israeli invasion of Gaza all existing houses and farm assets in these areas were totally destroyed. Israel has set a 500 meter wide “no man” security buffer zone along the border where all human activity is restricted, and any suspicious movement is at risk to severe physical damage.

The resettlement assistance offered to each PAP will consist of land purchase which is calculated on the basis of full replacement cost at open market value. Discussions with PAPs indicated that land values are well established and commonly known. For the few PAPs with smaller landholdings, the ARAP will provide for a land for land swap acceptable to PAPs.

¹ One dunum is equivalent to 1000 square meters

5. Land use issues

The land parcels for the landfill expansion have been surveyed by land surveyors engaged in producing parcelation maps. The parcelation maps (produced by the surveyors) are used to confirm the data provided by land owners regarding their exact boundaries of ownership. It was confirmed by the Rafah Municipality that in 1997, there was no discrepancy between parcelation map findings with that of land owner records. One issue identified is that in some cases, should only a portion of lands be required from a farmer's parcel, it is recommended that the entire parcel be purchased so as to increase the financial advantages to landowners in recognition that residual plots of lands would not be of much, if any use, for them. It is also expected that any remaining lands would dramatically decrease in value given its proximity to the landfill. This issue was discussed at length with landowners and the finding indicated was preference for entire parcels to be purchased. This issue is still undergoing discussion since total lands owned by farmers is around 441 dunum – an area exceeding the needs of the first phase (215 dunum). This also indicates that only part of their land is located in the proposed landfill site while the remaining part is located outside the boundaries of the landfill. It is to be noted that the landowners expect the project to compensate them for the whole land as the remaining land will not be suitable for any type of land use. This wish is also endorsed by Article 13 of Law No.2/1958 on Expropriation (discussed in this report under Section

The ESIA strongly recommends that extra land is secured to mitigate environmental impacts, most importantly securing space for the storage of soil excavated during the construction of the landfill cells. Purchasing extra land is considered to be a favorable option from the social prospective in view of the reasons mentioned above. This was reflected in the property survey work as all land owners representatives rejected to give up only part of the land and keep the rest. They stated that the remaining parts of their lands should also be purchased by the project or exchanged with other lands elsewhere.

The land for the intended landfill belongs to seven families, namely: Al Shae'er, Abu Reda, Al Fara, Abu Senima, Alolahy, Alghalban, and Abu Anza. None of these families live in the area where the lands will be purchased. Moreover, limited number of farmer who are renting land and are practicing limited farming activities was found during the field survey as indicted in more details below under section 7 of the ARAP.

Annex 1 shows the names of the land owners for the Land needed for construction of the first phase of the project (excluding the names of the major owners of cell 4 and 5 which will not be implemented before 2027).

6. Existing Palestinian Legal and Policy Framework for Land Acquisition

6.1 Introduction

This ARAP will *follow the Bank policy requirements of OP 4.12 in dealing with affected peoples* under the Gaza Solid Waste Management Project. The differences between the provisions of the Palestinian Law with OP 4.12 are noted below.

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According to Law No. 2/1958 on “Land Expropriation for Public Projects” and its articles (3) and (21), the Government can seize up to 25% of any privately-owned land for public interest reasons - without compensating the owners. Exceptions are made to owners who prove to be largely damaged by this land expropriation. However, owners are entitled to compensation for investments such as trees, buildings and fixed structures located on the expropriated 25% area of the property.

In case the Government needs the whole plot of land, negotiations are made to reach an agreement with owners.

In case of pressing time demands to expropriate land to a specific project serving public interest, the Government is entitled to seize the land immediately and then to initiate compensation negotiations with owners/users (Law 2/1958, Article (12)).

ARAP Section 6.2 outlines the existing legal and policy framework on expropriation of private land. Section 6.3 presents the official procedure and responsibilities in the acquisition of private land for a public interest. Section 6.4 explains the guidelines for reaching a compromise between the owner and the expropriating body. Section 6.5 identifies the differences between local policies and legislation in Palestine and the World Bank Group policies and presents project-specific mechanisms to address these differences. The actual implementation structure in relation to the SWMP is described later in Section 10.

6.2 Legal provisions for expropriation of private land and property

Legal instrument: Land acquisition is regulated by Law No. 2 issued in the year 1953 on Expropriation and its amendments issued in 2011.

Condemner: Article (2) of Law 2/1958 specifies that the condemner of the property is the Governmental organization, any municipal or local council, or any private body such as a company, organization, society or individual implementing a project, and the government if acting as one of the previously mentioned entities.

Land Owner: Articles (5) through (11) and Article (14) states that the owner/s of the property is the person in whose name the property is registered at the Land Registry Office. This stipulation does not preclude anyone else from claiming ownership through the courts. The entitlements of legally-established renters are also confirmed. Nonetheless, all owners (shareholders) will be entitled to property compensation according to their shares, and payments will be made directly to each individual landowner.

6.3 Procedures and mechanisms for land expropriation

The LAL lays down the following procedure for the acquisition of land.

Table 2 Key Steps for Land Expropriation

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| MDLF & Municipalities ² | Rafah JSC with support of Palestinian Land Authority (PLA) as Agent of Proponent | Other Government Agency | Project Affected Persons |
|---|--|--|---|
| <p>Step 1: MDLF and the concerned Municipalities provide PLA with detailed information on the land and properties to be expropriated</p> | <p>Step 2: The Director of PLA announces in 2 daily newspapers the government's intent to expropriate the specified land and provides full details.</p> | | <p>Any objection on principle to the acquisition must be lodged within 30 days of publication of the intent to acquire.</p> |
| | | <p>Step 3: 30 to 90 days later, the case is presented to the Prime Ministry for ratification, which must take place within 6 months (starting 30 days after the announcement of intent to expropriate).</p> | |
| | <p>Step 4: The ratified decision is published in the official newspaper</p> | | |
| <p>Step 5: MDLF and Municipalities will conduct inventory survey to state things as they are.</p> | <p>Step 6: PLA and JSC for Deir Al-Balah and Rafah form a committee of five officials to provide a compensation estimate³. Evaluations are based on current land values and prices to land of similar quality.</p> | | |

² The agency concerned in this case is the Municipality of Rafah that is supported by the Municipal Development and Lending Fund (MDLF).

³The officials are the regional directors of the four ministries: Public Works; Finance; and Agriculture together with a representative of the PLA and the Audit Bureau. Although the composition is official, the law specifically empowers the Director of PLA to call upon any advice in a review of compensation if necessary.

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| MDLF & Municipalities ² | Rafah JSC with support of Palestinian Land Authority (PLA) as Agent of Proponent | Other Government Agency | Project Affected Persons |
|------------------------------------|--|---|--|
| | Step 7: Details of all land units included in the Prime Ministerial decree are announced, including names of owners and the number and description of the units. | | Step 8: Affected persons have 30 days to discuss compensation with concerned authorities. Owners have the right to object to the offered compensation and may request mediation. |
| | Step 9: Municipality/PLA may form a second committee to conduct a second evaluation | | |
| | | Step 10: The level of compensation is finalised upon ratification by the Ministry of Finance. | Step 11: If no agreement is reached, owners have recourse to Courts. |
| | | Step 12: Judicial involvement when no agreement is reached. | |

6.4 Guidelines for court mediation in case of compensation disputes

If the compensation negotiations are unsuccessful and the condemner and owner fail to reach an agreement, court mediation can be requested by one or both parties. In order to reach a compromise, the court must take into consideration the following guidelines:

1. The fact that the property was seized without the owner/user's consent should not influence the court in estimating the value of the compensation.
2. Take into consideration the value of the land parcels adjacent to the condemned land that are of the same land quality regardless of the differences in land utilization.
3. Fair compensation is to be achieved through assessing the current market value of the property at the day the government published its intention to expropriate the property in two national newspapers, and to disregard any improvements or developments made after that date.
4. When estimating the leasing fees to be paid to the landowner, the Court appraises the yearly rental fees reflective of the value at the date of the official notification.

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5. When assessing the losses due to damage, the Court estimates the compensation based on the amount of decrease in the property's value as in the previous points.
6. Reduction in the value of the portion of the property not expropriated must be compensated for. The related compensation estimate should not exceed half of the compensation originally entitled to the landowner for the expropriated section.
7. Take into consideration the harm done to the owner as a result of portioning the land property or as a result of the practices delegated by this Law.
8. The accrued amount is not to be paid to those concerned before the Registrar of Titles issues a certificate that states that the property is not subject to any mortgage payments. In that case, the amount must be deposited in the State Treasury.
9. If the amount is deposited in the State Treasury - since the owner did not present official documents or for any other reason - it must be kept for one year from the date of the final verdict. Exceptions are made if the Court decides that the amount can be disbursed before the one year deadline, i.e., in cases where the compensated person was bale to present an official document from the Land Registration Department stating the ownership of the land or infrastructure proving the entitlement to compensation.
10. The compensation or leasing fees paid to the State Treasury or the entitled person(s) frees the condemner from any claims related to the land.

Finally, and after the compensation has been paid to the land owners by the State Treasury – or temporarily deposited in the State Treasury, the title to the land in question is transferred to the Condemner.

6.5 Gaps between active legislation in Palestine and the World Bank OP 4.12

Many of the key tenets of the WB's OP 4.12 are covered in full or in part by current Palestinian legislation. This includes:

- The requirement to pay compensation where land is compulsorily acquired
- The need to compensate for the acquired property based on full market value of the property at the data of the verdict;
- The requirement to compensate for losses, whether temporary or permanent in production or damage to productive assets and crops; and
- The provision for pre-judicial avenues for resolution of disputes and rights of appeal.

There are, however, six broad areas where provisions required under OP 4.12 extend beyond those required under Palestinian legislation. These are as follows:

- Resettlement planning and procedural requirements

There is presently no requirement to prepare a formal Resettlement Action Plan (RAP) under Palestinian law, nor to undertake any of the component activities of a resettlement action plan such as, a 'census', socio-economic survey, consultation with project affected people, monitoring or reporting. There are no specific references in the legislation to 'involuntary resettlement'. Also, there is no explicit consultation requirement in Palestinian law.

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Measure for bridging this gap:

Under projects implemented by international funding agencies as the case in GSAMP, the preparation of RAPs is a standard requirement to ensure that the compensation schemes is designed and implemented in a transparent manner that consider the interests of the PAPs. The preparation and implementation of RAPs involve engagement from local stakeholders as the case in the municipalities and the JSC. This ensures transferring knowledge and familiarity with the process and the international agencies' requirements. However, unless the RAP is introduced officially within the national legal framework, there will be limited guarantee that it will be locally considered.

- Compensation eligibility in Palestine

The categories of people who must be compensated under Palestinian legislation are narrower than those defined under OP 4.12. Under the legislation, the only people and entities entitled for compensation are those with registered property rights, for example, registered landowners, leaseholders, users and those with registered third party rights or those who have legally obtained the right to register their title but whom, for some reason, have not completed registration. This potentially precludes many categories of affected people that would be entitled to compensation under the OP 4.12.

Measure for bridging this gap:

The Prepared RAP is integrating these categories of PAPs that are not protected with national law like the waste pickers. Generally speaking, within the Palestinian community, a strong network of development oriented and all aid oriented agencies will be willing to accommodate these groups within their programmes.

- Provisions for illegal land use in Palestine

Palestinian law does not make provision for people with no legal title, although there have been some cases where practice on the ground has differed from the legislation. This practice on the ground does adhere to the World Bank OP 4.12; but as it is not in law, it is conducted on a discretionary case-by-case basis and is not systematically monitored.

Measure for bridging this gap:

The measure to bridge this gap under this project is the inclusion of those groups within the RAP. However, the inclusion of wider groups of PAPs with no legal titles in a systematic and legal manner will require introducing changes to national laws.

- Extent of Compensation and Resettlement Assistance

Under the current legislation in Palestine, compensation is payable for loss of land, buildings, crops, profit and other damages arising from the acquisition of land for a project. However, moving cost or rehabilitation support to restore the previous level of livelihood is not recognized under the Palestinian law as a responsibility of the government, and no government agency is charged to carry out such a responsibility.

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Measure for bridging this gap:

The tasks related to mitigating the resettlement negative impacts under this project has considered the point above, in particular in the ARAPs of the waste pickers under GSWMP. Rehabilitation assistance including the measure related to training and capacity building was considered and budgeted for under the ARAP. Addressing this gap will remain subjected to the efforts of networking with other agencies that may provide these kind of assistance since it is not guarded under national legal and institutional set-up.

- Property measurement

Under the WB safeguard policies, compensation for lost properties will be calculated based on full replacement cost, in other words, compensation should be equal to what enables the Project Affected People (PAP) to restore their livelihood at the level prior to the resettlement. Under the Palestinian law, compensation is equal to the market value of lost properties, but there is no explicit reference to depreciation.

Measure for bridging this gap:

Same as the bridging measure above

- Income restoration

Under the OP 4.12, lost income resulting directly from project implementation should be compensated. Palestinian law, however, does not recognize compensation for such lost income.

Under GSWMP, the groups of waste pickers will be affected economically from the implementation of the project. ARPAs were prepared to set measures for mitigating the negative impacts on these groups and help them to restore their income.

Measure for bridging this gap:

Same as the bridging measure above

6.6 Policy compliance issues

There are issues that might arise where the detailed provisions of the Bank policy on Resettlement might not be fully satisfied by the provisions of Palestinian law or practice. Some of these issues apply to the SWMP. **Where issues might arise, special project specific arrangements are indicated in order to ensure full compliance with OP4.12.**

In SWMP the expropriating body is the Joint Service Council for the project service area and the implementing bodies are municipalities rather than a central government ministry. The municipalities are elective, responsive to local public opinion and dependent on the goodwill of their citizens and inhabitants, while qualified and experienced JSC/MDLF project staff will provide

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technical assistance and monitor these cases to ensure that they fully meet the requirements of compliance.

The Palestinian LAL process is not inherently consultative, providing for administrative and legal processes of notification, objection, assessment, negotiation and complaint resolution. The Bank's policy places more emphasis on introducing a consultative element.

In SWMP the small and highly localized scale of the expropriations supports an approach of small group negotiations with those families and small businesses directly affected, led by the municipalities with technical assistance from JSC.

Less affluent, less influential or less educated people may be at a disadvantage in a system where the process of estimation of compensation is dominated by official representation; where there are no clear guidelines, procedures or timetable for negotiations particularly in light of the threat of demolition; and a time-consuming and expensive judicial process is only really available to those who can afford it.

One particular category of affected persons could be at risk:

Women: The data collected from project area regarding property ownership indicated that no plots were registered in the name of women, but a few females have land shares with others as heirs. However, there are mechanisms under the law that provides absolute security of rights to any female PAP to any compensation due under the project. Therefore, female owners are entitled to property compensation according to their shares. This suggests that women will receive the compensation according to their share in the land and based on the provided documents that prove their ownership. In this respect, it is supposed that there will be no gender basis of any kind in handling land ownership and compensation issues. However, measures should be taken in order to ensure that women are fairly compensated and are benefiting directly from their entitlements before the project execution. The role of the PMU including the Social Officer is crucial to ensure the application of a gender-sensitive approach during the resettlement process.

7. Consultations with affected people about acceptable alternatives

As indicated above, a number of public consultation sessions and field visits were carried out to ensure that comprehensive information was available to the affected people and their interests in the intended Project. During these meetings the representatives of land owners (See Annex 2) have indicated a willingness to sell or exchange the land needed for the intended Project. The consultation process with PAPs indicated that land ownership is clear; there is a market driven demand for land which determines pricing; a variety on the extent of land holdings exists (some farmers own 120 dunums, others own 12) and this then impacts their views on whether a land sale is preferable or a land swap. The PAPs also reflected on the types of grievance redressal mechanisms most suitable for them to access in the context of this project. The consultation process also included a site visit to the current new landfill site in El-Fukhary and investigating market price for the land.

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A smaller, core group of land owner representatives has been formed to represent all the land owners and have been authorized to negotiate the land acquisition contracts with the representatives of the competent authority.

Table 3 Entitlements for PAPs

| Type of Losses | Category of PAP | Proposed Entitlement | Remarks |
|----------------|----------------------------|---|--|
| Loss of land | Legal owners (land owners) | Compensation on the basis of land exchange that considers the land values | The current land area needed is 216 dunum for landfill, recycling station and 3 cells. The owned land is 442 dunums. |

It worth mentioning that apart from the land-owners and land users of Al Fukhari site, the only potential group that will be economically affected is the waste pickers groups. ARAP has been preparing to tackle for negative impacts on this group. Apart from these groups, no other groups will likely be affected as a result of the project implementation.

Other land users

In consulting with the Municipality of Rafah, the Consultant learnt that certain areas of lands hired to farmers based on various tenanting systems. The Municipality has provided the name and contact of one of the land tenants and the Consultant has approached these farmers who helped in facilitating interviews with the rest of the farmers' group. Table 4 below presents the information obtained during the meeting.

Table 4: Findings from Interviews with Tenant Farmers

| Name | Size of land in Dunum | Stated Production type | Estimated farm income according to the figures proposed by the farmers | Expected compensation |
|--------------------------------------|-----------------------|------------------------|--|-----------------------|
| Ayman Radi Abu Rayida | 30 | Irrigated vegetables | 30,000 | Fixed term job |
| Suliaman Radi Abu Rayida | 18 | Wheat | 30,000 | Fixed term job |
| Adnan Shaban Salem Abu Rayida | 20 | Irrigated vegetables | 70,000 | Fixed term job |
| Ahmed Shaban Salem Abu Rayida | 25 | Irrigated vegetables | 90,000 | Fixed term job |
| Musaab Ahmed Shaban Salem Abu Rayida | 18 | Irrigated vegetables | 70,000 | Fixed term job |

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Key findings from the interview:

The interviews showed that out of the five interviewed tenants, two are sons of one of the owners (Ayman and Suleiman are sons of Mr. Radi Sulieman Abu Rayda, the second name in the owners list). The other three are cousins of the owners and from the same family. Two of them are son and father. In that sense, the Consultant believes that the type of contractual arrangement tends to be done within familial arrangements rather than proper legal contractual procedures.

The interviewed farmers stated that they expect fixed term job as substitution of the lost income. They tended to overestimate the revenues of agricultural activities. This was clear from checking the mentioned figures against the Consultant knowledge related to the market prices. (e.g. one of the land owners sons stated that he cultivate 18 dunums wheat and earn 30,000 USD per year. The knowledge from the local market suggests that the total revenue can not exceed 2000 USD per year. This amount is usually divided into two thirds to the owners and one third to the farmer. This means that the maximum revenue for the tenanat can not by any means exceed 700 USD per year).

Although farmers stated that they cultivate irrigated vegetables, there is uncertainty about this statement for the following reasons:

- No irrigated vegetables were observed in the field
- There is no source of water in the area. The only possible agricultural activities are rain fed crops which generate very low revenues.
- The average estimation of the rain fed activities based on the market price ranges from 100-120 USD per year per dunum. This amount is distributed between the farmers who obtain one third and the owner who obtain the remaining two thirds.
- This suggests that farmers can only generate maximum of 40 USD per year per dunum. This low income is very unlikely to be the only source of income for the family. The share of dependency of a family of 6 members on such income can not exceed 10-15 % in case that the space of the rented land is 25 dunums.

The above interviews and analysis could be wrapped in the following conclusions:

- Only three of the interviewed and consulted cases could be regarded as tenants while the other two are land owners.
- The impact on these three cases is considerably a minor impact due to the limited productivity of the land and the limited generated revenue. It is expected that the size of loss can never exceed 15% of their family income.
- Due to the willingness of these affected three cases to accept a more fixed employment term, the inclusion of these three cases in the interventions designed for waste pickers could provide a reasonable fixed term job alternative for them.

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8. Institutional responsibility for implementation and procedures for grievance redress

The following scheme provides an overview of the institutional responsibilities for implementation the Resettlement Action Plan.

Table 5: Institutional Responsibility for ARAP Implementation

| Implementation Stages | Agency | Responsibilities |
|-----------------------|---|--|
| Project Preparation | Municipal Development and Lending Fund (MDLF) | <ol style="list-style-type: none"> 1. Consultations with Project Affected People on project, adverse impacts and compensation among other issues 2. Preparation of the ARAP (with monitoring, grievance redressal mechanisms and other issues) based on a census and also based on consultations 3. Assist in securing the necessary financial resources for compensation or land area for exchanging land 4. Translation and availability of draft and final ARAPs to communities in a form and manner that is accessible to them |
| | JSC-Rafah | <ol style="list-style-type: none"> 1. Final definition of lands and conditions for acquisition 2. Formation of the Land Acquisition Committee (with membership from PAPs) 3. Formation of the Social Committee |
| | Palestinian Land Authority | Final confirmation of land ownerships of the land to be acquired in consultation with PAPs |
| | Municipality | <ol style="list-style-type: none"> 1. Identification all affected persons, consultations, advising them of their rights, 2. Disclose locally the ARAP to affected persons, 3. Follow-up all matters of public and NGO concern with regard to any complaints that may arise during the implementation process. 4. Direct contacts with affected persons either individually or in groups. |
| | Ministry of Finance | Allocate budget for compensation ⁴ |
| Negotiations | Municipalities and JSC | <ol style="list-style-type: none"> 1. TORs for Land Acquisition Committee, Social Committee and NGO livelihood support package 2. Conduct consultation meetings with the project affected people at the new and old land fill sites, inform them about the ARAPs and their right to obtain compensations, and explore their priorities and preferences |
| | Municipality /JSC | Implement ARAP |
| | Municipality/JSC | Undertake community liaison (day to day operation) |
| | Land Acquisition | 1. Establish values for compensation |

⁴ The allocation of budget for compensation and purchasing land might also involve other donor funding parties (e.g there has been discussions on the role of the Islamic Development Bank in purchasing land in Johr al Deek)

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| Implementation Stages | Agency | Responsibilities |
|--------------------------|---------------------|--|
| | Committee of Rafah | 2. Adjudicate on grievances 3. Plan negotiation and establish final offer 4. Recommend acceptance of compensation- package to Ministry of Finance or land authority 5. Adjudicate on appeal against land acquisition values to courts |
| Property Title & Payment | Ministry of Finance | Certify compensation agreements and transfer funds to PAPs |
| | Land Authority | Certify the compensation agreement and provide the exchanged land |
| | Courts | Final say in disputes regarding ownership rights and compensation that cannot be solved amicably. |
| | External Monitoring | Ensure compliance with funding agreements |

9. Grievance

The issue of grievance redressal mechanisms, its purpose and how best to establish such systems was discussed with PAPs, and other relevant stakeholders including members of the Municipality and the JSC.

There are formal and informal channels of seeking grievance redressal. According to interviews with PAPs, they indicated that several steps of increasing formality is followed towards grievance redressal. The first step is to use the Tribal Elders which is an internal, but yet a recognized and respected body for putting forth community grievances. Community members often seek redress informally and at local levels, in part dependent on how complex the matter is. Following upon such informal mechanisms (which PAPs agree is available to them), more formal mechanisms such as what is described below has been established:

- The JSC of Deir Al-Balah and Rafah has established an independent **Social Committee** (which includes some PAPs) to redress and handle project level grievances. The committee includes several actors from the local community that represent landowners and leaders of the local community. This Social Committee will monitor the RAP implementation process and to guarantee that all PAPs are well represented and are accorded all the benefits entitled to them. In the event that correct processes were not followed; this Social Committee will ensure the correct outreach to authorities tasked with RAP implementation. It will be made clear to all PAPs, that this committee exists, and the availability for redress (including a limited number of days by which the Bank has to respond) will be noted. The social committee is expected to set in close contact with all parties to reflect the progress and quality of compensation process and report any problems or constraints to the WB.
- *Appeal Against the Intent to Expropriate.* Since compensations will be made to land owners and to ensure that the process was known to all and as a condition for licensing, an announcement in two Arabic newspapers, Al Quds and Falasteen, Up to 15 days after publication of the intent to implement the project in the newspapers, written appeals against the project may be lodged with

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Municipality of Rafah. All appeals will be acknowledged in writing and considered by the JSC. The appeals that may be accommodated through design modification will be taken into account.

- *Appeals on the Ground of Disputed Ownership.* Disputes may arise over who is entitled to compensation. Lack of formal documentation over the status of a piece of land or tenancy agreement may lead to such disputes, affecting ARAP implementation. Such situations can become one of the main obstacles in the intended project as land property is not registered in the land authority. The land ownership here is described as Habal El Sabaa which is not registered in the land authority registration office.

Additionally, in the event that owners die and their land is passed on with conflict on land property, a process is in place where by further verification of status by the Palestinian Land Authority, Ministry of Finance and the Municipality will be necessary. This may include a variety of documentation:

- Copies of land titles, mortgage deeds, revenue receipts or other legal tender showing ownership of tenancy;
- In the case of renter farmed or rented land, documentary evidence of the understanding between the landowner and the renter; and
- For proof of residence, voters list or any other official record.

The municipality will attempt to facilitate an agreement with representatives of the landowners within the project framework, and if failing the case will be referred to the Court for resolution. Individual landowners or tenants have the right and may wish to appeal through Court proceedings. The judgment of Court about disputed titles, tenure agreements or ownership will be binding for all parties.

Appeal against the Compensation Valuation. The Court will hear appeals against assessed levels of compensation put by a group or individual landowners. The Court will review each case put to it and reach one of three recommendations:

- Confirm the original offer;
- Propose a revised offer at the hearing; and,
- Establish new guidelines for the development of a revised offer to be developed under negotiation.

If agreement is still not reached under revised guidelines, the Municipality will confirm the details of the last offer in writing to the persons concerned or their legitimized representatives and refer the matter back to the court. The judgment of Court will be binding for all parties. The acquisition process will proceed on the basis of the changes in the compensations that the Court orders.

10. Arrangements for monitoring and implementation

Four forms of ARAP monitoring are foreseen:

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- The **Social Committee** will monitor the ARAP process during all its phases. The social committee will be responsible for ensuring efficient consultation with all land owners, their representatives, fairness of the agreement, proper implantation of the compensation process and its effects on the RAPs socioeconomic status. To ensure efficient implementation of ARAP, considering the gap between World Bank regulations and the local authorities' regulations, Consultants suggest the direct reporting to the World Bank on regular basis. Reporting is supposed to be sustained till agreements are made and implemented. World Bank is to sustain the relationship with the social committee and consider their reports before proceeding in project implementation.
- ***Internal Monitoring:*** The JSC-Deir Al-Balah and Rafah in full coordination with the MDLF-PDSU will undertake internal monitoring of ARAP implementation. They will monitor the progress of ARAP implementation against predetermined performance targets, and facilitate the work of the external and independent monitors through effective record keeping and the preparation of periodic Project Progress Reports. The Municipalities will provide early warning of ARAP-related project difficulties and concerns and will ensure that PAPs concerns are adequately addressed by the project. They will jointly ensure that compensations are made to the correct individuals in accordance with the compensation agreements.

To enable the JSC to play their role in internal monitoring, the SDO who will be appointed within the PMU that will be established for managing the southern part of the project is expected to play a very important role in supervising and overseeing the resettlement issues and ensuring the various measure of the WB are taken into consideration. The role of the SDO will also involve the provision of day to day support to the JSC.

- ***External Consultancy:*** A consulting firm will be contracted by the MDLF-PDSU to support the detailed design and implementation of the various proposed schemes and measures mentioned above or any additional acceptable schemes that would ensure proper treatment of the PAPs. The consulting firm will also be responsible for periodical reporting on progress and challenges facing implementation. The team should include social as well as legal experts who can understand the differences between the local authorities regulations and the bank ones. Major task of the external monitor is to ensure the satisfaction of the PAPs according to the Bank regulations.
- ***Bank monitoring:*** Bank supervision missions will regularly and systematically review the progress of ARAP implementation and reference their findings in aide-memoirs. Bank is to consider the reports of social committee and external monitor to ensure the proper implementation of ARAP.
- ***Independent mid-Term/End of Project Evaluation:*** An independent review of implementation progress and any problems will be commissioned prior to mid-term review and discussed at it. This review will undertake field visits and will hold consultations with PAPs in order to determine their experiences, document problems, solutions and any unresolved issues, with recommendations. Action taken on this review shall constitute a

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component of the project Implementation Completion Report, as required by Bank procedures. The Bank does not consider a project fully complete until satisfactory ARAP outcomes are registered.

11. ARAP Budget and Timetable

The expenses involved in this ARAP are the costs that the project has to cover for compensation of land acquisition to landowners. The ARAP presented the principles on which the costs have been estimated.

The budget related to this ARAP can be summarized as follows (in US\$):

Table 6: ARAP Budget

| Compensation Parameter | El-Fukhary central SW landfill Budget ⁵ (USD) |
|---|---|
| Land Acquisition for the first phase (216 dunums @US\$12,000-20,000 per dunum*) | 4,320,000 |
| Land Acquisition for the second phase(256 @ US\$12,000-20,000/dunum) | 5,120,000 |
| Land Acquisition for the first phase in case of compensating the whole owned land not the intended location only.** | 8,826,500 |
| External M&E consultation costs | 50,000 |
| Total | 8,876,500 |

*The ARAP is exposed to several factors that might influence its effectiveness to reduce the social risks that are connected with the implementation of the proposed project. These risks are related to influential stakeholders at local and supra-local level who try to racket the compensation schemes or that the particular concerns and interests of vulnerable groups are poorly articulated and represented in the dialogue platforms. The ARAP has presented the policies and objectives designed to safeguard the interests of PAPs that might be negatively affected by the project so that the social risks are minimized and regional and local support for the project is strengthened.

**The FS described the area needed for extending the existing final disposal site, recycling station, and the 6 cells for future. It however, did not include any additional area that must be allocated for the other services attached to the work of the landfill such as spaces to park and clean the cars. This indicates potentialities to exchange the whole land owned by owners and solve the expected

⁵ The budget is for purpose of funding and it is based on the high range of the possible negotiable land value; the low range budget would be about 60% lower

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problem which will emerge when the owners refuse to give part of their land for the project and to keep the rest.

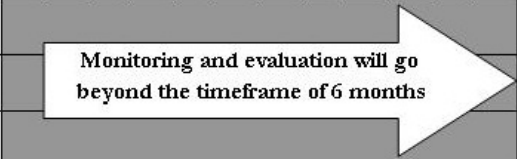
As explained above, the Municipality of Rafah is challenged by a lack of financial resources that restricts its ability to cover such high cost. The situation is no better in the Ministry of Finance as the current political situation causes significant shortage of the financial resources. The intention was to exchange the expropriated land with other governmental land with equivalent size, value and level of productivity in Gaza Strip. During the first cycle of consultations as part of the ARAP preparation, The Municipality stated that this process is to be coordinated with the Palestinian Land Authority and through the Ministry of Local Governance. The land for compensation was planned to be offered by the PLA according to land availability and land values. The concept was initially accepted by the land owners who showed willingness to accept as long as fair measures will be taken. No differences in perceptions have been observed among land owners of the landfill site. The main common concern was the fairness of the compensation.

During the second round of consultation, land swap approach was discussed again with the Municipality. The idea was less accepted than it used to be and it was stated that the Islamic Development Bank has provided a grant for purchasing the land or parts of the land. Until the production of this final ARAP, the details of this grant were not publicly shared.

It is suggested that the implementation of the ARAP will take a duration of six months while the monitoring process of the ARAP activities is recommended to go beyond this time line and last along the project duration. Figure 1 below indicates the key activities along the ARAP cycle and the main parities in charge of implementation.

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Figure 1: ARAP implementation time

| Phase | Agency | Responsibilities | Months | | | | | | | |
|--|---|---|--|---|---|---|---|---|---|--|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | | |
| Project Preparation and negotiation | Municipal Development and Lending Fund (MDLF) | 1. Consultations with Project Affected People on project, adverse impacts and compensation among other issues | █ | | | | | | | |
| | | 2. Preparation of the ARAP (with monitoring, grievance redressal mechanisms and other issues) based on a census and also based on consultations | | █ | █ | | | | | |
| | | 3. Assist in securing the necessary financial resources for compensation or land area for exchanging land | █ | █ | | | | | | |
| | | 4. Translation and availability of draft and final ARAPs to communities in a form and manner that is accessible to them | | | █ | | | | | |
| | Rafah Municipality | 1. Final definition of lands and conditions for acquisition | | | █ | | | | | |
| | | 2. Formation of the Land Acquisition Committee (with membership from PAPs) | | | █ | | | | | |
| | | 3. Formation of the Social Committee | | | █ | | | | | |
| | Palestinian Land Authority | Final confirmation of land ownerships of the land to be acquired in consultation with PAPs | | | | █ | | | | |
| | Municipality | 1. Identification all affected persons, consultations, advising them of their rights, | | | | █ | | | | |
| | | 2. Disclose locally the ARAP to affected persons, | | | | █ | | | | |
| 3. Follow-up all matters of public and NGO concern with regard to any complaints that may arise during the implementation process. | | █ | █ | █ | █ | █ | █ | █ | █ | |
| 4. Direct contacts with affected persons either individually or in groups. | | | | | █ | | | | | |
| Ministry of Finance | Allocate budget for compensation | | | | | █ | █ | | | |
| M&E | WB | |  | | | | | | | |
| | Municipality | | | | | | | | | |
| | External M&E | | | | | | | | | |

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Annex 1: List of landowners

| No | Land Owner Name | Land area (Dunum) |
|--|---|-------------------|
| 1 | Hisham Abdel Rahman Al Farra | 25 |
| 2 | Radi Suliman Abu Rayida | 120 |
| The Heirs of Saeed Mohamed Al Shaer | | |
| 3 | Amnah Al Malahi Al AlShaer (Wife) | 8.125 |
| 4 | Kamal Saeed Al Shaer (Dead) & have sons in KSA | 4.55 |
| 5 | Mohamed Saeed Al Shaer | 4.55 |
| 6 | Hydar Saeed Al Shaer | 4.55 |
| 7 | Reyad Saeed Al Shaer (Dead) & have sons in KSA | 4.55 |
| 8 | Maher Saeed Al Shaer | 4.55 |
| 9 | Mahmoud Saeed Al Shaer | 4.55 |
| 10 | Khaled Saeed Al Shaer | 4.55 |
| 11 | Jamal Saeed Al Shaer | 4.55 |
| 12 | Anwar Saeed Al Shaer | 4.55 |
| 13 | Naeema Saeed Al Shaer | 2.275 |
| 14 | Ensaf Saeed Al Shaer | 2.275 |
| 15 | Rawyar Saeed Al Shaer | 2.275 |
| 16 | Fatma Saeed Al Shaer | 2.275 |
| 17 | Jameela Saeed Al Shaer | 2.275 |
| 18 | Abdalah Saeed Al Shaer | 2.275 |
| 19 | Ayidah Saeed Al Shaer | 2.275 |
| The Heirs of Abdel Kareem Al Shaer | | |
| 20 | Meyassar Eid Barbakh(Wife) | 8.125 |
| 21 | Adnan Abdel Kareem Al Shaer | 7.583 |
| 22 | Ziyad Abdel Kareem Al Shaer | 7.583 |
| 23 | Hisham Abdel Kareem Al Shaer | 7.583 |
| 24 | Esam Abdel Kareem Al Shaer | 7.583 |
| 25 | Emad Abdel Kareem Al Shaer | 7.583 |
| 26 | Etaf Abdel Kareem Al Shaer | 3.791 |
| 27 | Nabila Abdel Kareem Al Shaer | 3.791 |
| 28 | Halah Abdel Kareem Al Shaer | 3.791 |
| 29 | Maha Abdel Kareem Al Shaer | 3.791 |
| 30 | Tahanee Abdel Kareem Al Shaer | 3.791 |
| The Heirs of Abdallah Al Shaer | | |

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| | | |
|--|-----------------------------------|--------|
| 31 | Marzouqa Qeshtaa (Wife) | 8.125 |
| 32 | Mohamed Abddallah Al Shaer (Dead) | 6.691 |
| 33 | Ahmad Abddallah Al Shaer | 6.691 |
| 34 | Mahmoud Abddallah Al Shaer | 6.691 |
| 35 | Jihad Abddallah Al Shaer | 6.691 |
| 36 | Waleed Abddallah Al Shaer | 6.691 |
| 37 | Muneer Abddallah Al Shaer | 6.691 |
| 38 | Fatamah Abddallah Al Shaer | 3.345 |
| 39 | Maryam Abddallah Al Shaer | 3.345 |
| 40 | Layla Abddallah Al Shaer (Dead) | 3.345 |
| 41 | Wafa Abddallah Al Shaer | 3.345 |
| 42 | Amnah Abddallah Al Shaer | 3.345 |
| 43 | Raed MousaJommah Abu Senaima | 12 |
| The Heirs of Abdel Rahman Abu Senaima | | |
| 44 | Naser Abdel Rahman Abu Senaima | 10 |
| 45 | Ghada Abdel Rahman Abu Senaima | 5 |
| 46 | Haniyaa Abdel Rahman Abu Senaima | 5 |
| 47 | Sulaiman Selmi Al Loulahi | 6.25 |
| 48 | Ramadan Ahmad Al Ghalban | 12.728 |
| 49 | Mousa Atwa Oueed Abu Senaima | 6.5 |
| 50 | Fawazi Mousa Abu Senaima | 8 |
| 51 | Ahmad Faraj Abu Senaima | 8 |
| 52 | Osama Ibrahim Abu Anza | 6.2 |
| The Heirs of Ismael Abu Senaima | | |
| 53 | Salma Atawi Abu Senaima (Wife) | 1.4375 |
| 54 | Nour Al Adeen Ismael Abu Senaima | 1.677 |
| 55 | Kamal Al Adeen Ismael Abu Senaima | 1.677 |
| 56 | Mohamad Ismael Abu Senaima | 1.677 |
| 57 | Saad Al Deen Ismael Abu Senaima | 1.677 |
| 58 | Zaynab Ismael Abu Senaima | 0.8385 |
| 59 | Basma Ismael Abu Senaima | 0.8385 |
| 60 | Wafaa Ismael Abu Senaima | 0.8385 |
| The Heirs of Rezeq Salem Hasan Al Attar | | |
| 61 | Nassra (Wife) | 0.4375 |
| 62 | Khadraa (Wife) | 0.4375 |
| 63 | Salman Rezeq Salem Hasan Al Attar | 1.02 |
| 64 | Mohamad RezeqSalemHasan Al Attar | 1.02 |
| 65 | Ahmad Rezeq SalemHasan Al Attar | 1.02 |
| 66 | Fareed Rezeq Salem Hasan Al Attar | 1.02 |

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| | | |
|----------------------------|-------------------------------------|----------------|
| 67 | Abdallah Rezeq Salem Hasan Al Attar | 1.02 |
| 68 | Hamdah Rezeq Salem Hasan Al Attar | 0.51 |
| 69 | Basmah Rezeq Salem Hasan Al Attar | 0.51 |
| | | |
| 70 | Salman Rezeq Salem Al Attar | 4 |
| Total Areas (Dunum) | | 441.325 |

Annex 2: List of the representatives committee of the landowners

| No | Land Owner Name |
|----|-----------------------------------|
| 1 | Hisham Abdel Rahman Al Farra |
| 2 | Radi Suliman Abu Rayida |
| 3 | Hydar Saeed Al Shaer |
| 4 | Ziyad Abdel Kareem Al Shaer |
| 5 | Muneer Abdallah Al Shaer |
| 6 | Raed Musa Abu Snaima |
| 7 | Sulaiman Selmi Al Loulahi |
| 8 | Ramadan Ahmad Al Ghalban |
| 9 | Mousa Atwa Oueed Abu Senaima |
| 10 | Fawazi Mousa Abu Senaima |
| 11 | Ahmad Faraj Abu Senaima |
| 12 | Osama Ibrahim Abu Anza |
| 13 | Saad Al Deen Ismael Abu Senaima |
| 14 | Salman Rezeq Salem Hasan Al Attar |

**Annex 3: Land Acquisition documentation for the existing final disposal site in
El- Fukhary**

بسم الله الرحمن الرحيم

﴿ محضر إستلام قطعة أرض لمجمع النفايات برفح ﴾

أنه فى الساعة العاشرة من صباح يوم الأربعاء الموافق ١٥ / ١ / ١٩٩٧م وبناءً على توجيهات رئيس البلدية والمجلس البلدى توجهت لجنة من البلدية لإستلام موقع الأرض المقترحة لإقامة مكب للنفايات عليها وكانت اللجنة مكونة من :

- ١- عبد الحميد الشاعر عضو مجلس بلدى وعضو لجنة شراء الأرض المعاينة
- ٢- م. إبراهيم النحال مدير دائرة المشاريع والتطوير بالبلدية
- ٣- د. على برهوم مدير دائرة الصحة والبيئة بالبلدية
- ٤- محمد أبو صيام رئيس الرقابة العامة
- ٥- محمود يوسف سكرتير البلدية

وقد وصلت اللجنة إلى قطعة الأرض المقترحة والتي تقع فى قرية الصوفى من أراضي السبع فى القسيمة رقم ٢ من القطعة رقم ٤ والبالغ مساحتها الإجمالية ٢٦٦٤٠ متراً مربعاً (ست وعشرون دونماً وستمئة وأربعون متراً مربعاً) .

وقد تم معاينة الأرض التى تبين أنها أرض فضاء مزروعة بمحصول شتوى هو القمح وبها غرفة من حجر البلوك معروشة بالزينكو والأرض عبارة عن قطعتين متلاصقتين ، القطعة الأولى يبلغ طولها من الشرق ٢١٢,٨٠ م ويحدها أرض الفرا ومن الغرب ٢٠٩ م ويحدها محمد أبو سنيمة ومن الجنوب ١٠٣,٨٠ م ويحدها شارع ترابى بعرض ٤ أمتار ومن الشمال ١٠٤,٠ متر ويحدها عطوة أبو سنيمة .

والقطعة الثانية الملاصقة للقطعة الأولى يبلغ طولها من الشرق ٦٤ م ويحدها القطعة الأولى ومن الغرب ٦٤ م ويحدها عبد الرحمن أبو سنيمة ومن الجنوب ٧٤,٤٠ م ويحدها محمد أبو سنيمة ومن الشمال ٧٤,٤٠ م ويحدها عطوة أبو سنيمة .

وبعد الإطلاع على أوراق الأرض المقدمة وهى :

١- إيصال رقم ٤٦٠٩٠ من دائرة الضريبة والدخل والأملاك بإسم / إسماعيل وأخيه إبراهيم أبو سنيمة بتاريخ ٢٦ / ١٠ / ١٩٩٦ م .

٢- عقد قسمة رضائية ونهائية بين إبراهيم أبو سنيمة وورثة أخيه إسماعيل جمعة أبو سنيمة مصدق من المحامى عزام عبد الله الأسطل والمحامى لباد طالب الكمالات ولجنة إصلاح منطقة القرارة والأطراف المعنية والشهود بتاريخ ٢١ / ١٠ / ١٩٩٥ م .



الفرز الاول (الباقي)
رجاء محمد عبد القادر

٣- وكالة خاصة من إبراهيم جمعة أبو سنيمة إلى رجاء ممدوح النصاصرة صادرة من سفارة دولة فلسطين في الأردن (عمان) رقم ٤٦ / ٩٦ بتاريخ ٣٠ / ١٢ / ١٩٩٦ م مصدقة من وزارة العدل في السلطة الوطنية الفلسطينية بتاريخ ٢ / ١ / ١٩٩٧ م .

٤- ومرفق صورة من الموقع العام والخاص ومبين عليها الحدود والأبعاد بمعرفة المهندس ومساح مرخص / مصطفى شحدة زعرب بتاريخ ١٩ / ١٢ / ١٩٩٦ م .

وحيث أن المجلس البلدى أقر فى جلسته العادية رقم ٢٩ بتاريخ ١٥ / ١٢ / ١٩٩٦ م فى القرار رقم ٦٤ / ٩٦ شراء قطعة الأرض المذكورة والميينة أعلاه بسعر ٦,٧ دينار أردنى للمتر المربع الواحد وبسعر إجمالى قدره ١٧٨٤٨٨ دينار أردنى وذلك حسب تقرير اللجنة المشكلة بقرار مجلس بلدى ٤٤ / ٩٦ .

وعلى هذا تم الإستلام والتسلم والله على ما نقول شهيد .

وذلك بحضور وكيل البائع رجاء ممدوح عيد النصاصرة ، الموقع أدناه .

تواقيع لجنة الإستلام :

عبد الحميد الشاعر إبراهيم النحال د. على برهوم محمد أبو صيام محمود يوسف

١٥.١.٩٦



توقيع البائع
رجاء ممدوح عيد النصاصرة

شاهد
عبد القدير المحضر أمان
المستأجر - السيد
بجدي جمانه العنزي
المعتمدين

شاهد
السيد أبو عرار

شاهد
السيد أحمد العنزي



القانون

محضر اجتماع لجنة شراير أرفح
مكتب الدراسات في النطفة الشرقية

تم الاضطلاع اجتمع يوم ١٤/١١/١٩٩٧ في حضور السادة التاليين بناء على قرار المجلس البلدي
البلدية تشكيل لجنة هذه اللجنة وكان اعضاءها -

- ١- رئيس البلدية - عبد صغبر زعرب
- ٢- عضو مجلس - عزات ابو الكبر
- ٣- عضو مجلس - فؤاد حارس
- ٤- عضو مجلس - كبة الكيد الشار
- ٥- عضو لجنة - محمد راجوم

وتم حضور المهندس ديب عواد واليه تم التنازل كواد
وقم مناقشة - عن الارض والادارة القانونية واستلام الارض
وتم الاتفاق على التالي -

- ١) يتم استكمال اجراءات الشراير كالتالي - العرا كبر
وهو ٦٧٧ للزر الربع ويتم لها ما يلي كالتالي الاساس
- ٢) لا يتم دفع أية مبالغ قبل اتمام عملية الشراير القانونية وصادقة
وزارة الحكم المحلي واستكمال الاجراءات القانونية
- ٣) يتم دفع ١٠٠٠٠٠ دينار (مليون الف دينار) دفعة اول بعد استكمال
الاولمراق القانوني والتسجيل
- ٤) يتم تقبل باقي المبلغ كل ٣ دفعات متتالية وتدفق ٣٣٣٣
بأقساط متتالية وتبدأ من الشهر التالي للشراير للقسط الاول

تم اعضاء اللجنة من هذا الاتفاق
عبد صغبر زعرب - عزات ابو الكبر - فؤاد حارس - كبة الكيد الشار - محمد راجوم

١٤/١١/٩٧

عبد صغبر زعرب
عزات ابو الكبر
فؤاد حارس
كبة الكيد الشار
محمد راجوم

عقد إتفاق على بيع قطعة أرض

الطرف الأول : ابراهيم جمعة امراحييل ابوسنيمية من مواليد بئر السبع ويحمل جواز سفر أردني رقمه (٧٣٠٤٣٧) وينوب عنه وكيه السيد / رجاء ممدوح عيد النصاصرة من سكان مدينة رفح ويحمل هوية رقم (٩٢٩٧٩٤٤٥١) بتوكيل صادر من سفارة فلسطين بعمان والذي يحمل رقم ٤٦ صفحة ٩٦/٧٢ بتاريخ ١٩٩٦/١٢/٣٠ والمصدق من وزارة العدل للسلطة الفلسطينية بتاريخ ١٩٩٧/١/٢ بصفته بائعا

الطرف الثاني : بلدية رفح ويمثلها المهندس / سعيد فتحي زعرب بصفته رئيس البلدية

جهة الإتفاق : أقر الطرفان انهما أهل للتعاقد والقيام بجميع التصرفات القانونية وإتفا على ما يلي :-

أولاً : يملك الطرف الأول ويتصرف في قطعة الأرض رقم (٤) قسيمة رقم (٢) وتبلغ مساحتها (٢٦٦٤٠) م^٢ سنة وعشرون ألف وستمائة وأربعون متر مربع وهي من أرض عشيرة الصوفي ويحدها من الشرق آل القرا ومن الغرب محمد وعبدالرحمن أبوسنيميه ومن الشمال عطوه أبوسنيميه ومن الجنوب شارع بعرض أربعة أمتار .

ثانياً : يقر الطرف الأول بأن ملكية قطعة الأرض المذكورة في البند الأول آلت إلي موكله عن طريق الميراث والمسجله في المالية بإسم الطرف الأول .

ثالثاً : اتفق الطرفان الأول بصفته بائعاً والثاني بصفته مشترياً على البيع والشراء لمساحة الأرض المذكورة في البند الأول وذلك بثمن وقدره (١٧٨٤٨٨) دينار أردني { مائة وثمانية وسبعون ألف واربعمائة وثمانية وثمانون دينار أردني } إستلمها الطرف الأول من الطرف الثاني كاملة بشيكات عند التوقيع على العقد ويعتبر هذا التوقيع بمثابة مخالصة نهائية عن كامل ثمن الأرض .

رابعاً : تم بيع قطعة الأرض البالغ مساحتها (٢٦٦٤٠) متراً مربعاً بواسطة وكيل الطرف الأول رجاء ممدوح النصاصرة بتوكيل رقم سجل (٤٦) صفحة ٩٦/٧٢ بتاريخ ١٩٩٦/١٢/٣٠ والصادر من سفارة دولة فلسطين بعمان والمصدق من وزارة العدل للسلطة الفلسطينية بتاريخ ١٩٩٧/١/٢ وهذا التوكيل يبيح التصرف في الأرض والبيع .

خامساً : يلتزم الطرف الأول بتسليم قطعة الأرض المذكورة عاليه إلى الطرف الثاني خالية من كافة الحقوق العينية أيا كان نوعها كالرهن أو الحجز والإختصاص والوقف والحكر وحقوق الإنتفاع والإرتفاق ظاهرة أو خفية لأي شخص كان أو أي جهة رسمية كانت .

سادساً : يلتزم الطرف الأول بعدم التعرض والإستحقاق على ملكية قطعة الأرض المذكورة في البند الأول إلي الطرف الثاني سواء من قبل نفسه أو من قبل الغير وفي حالة التعرض والإستحقاق على ملكية قطعة الأرض من قبل الطرف الأول أو من قبل الغير يتكفل الطرف الأول بإزالة هذا التعرض والإستحقاق على نفقته الخاصة .

سابعاً : يعتبر هذا العقد خاضعاً للتنفيذ العيني ويحق للطرف الثاني تنفيذه تنفيذاً عينياً .

ثامناً : يلتزم الطرف الأول بالإقرار والإعتراف ببيع قطعة الأرض المذكورة للطرف الثاني وذلك أمام أي جهة رسمية وأمام أي مختص ومستول .

تاسعاً : يلتزم الطرف الأول بأن يأذن للطرف الثاني بالتصرف في قطعة الأرض المذكورة تصرفاً مطلقاً كالبيع والتأجير وبالإنتشاء والتعمير والتغيير والتبديل والغرس كيفما يشاء والتصرف تصرف المالكين بملكهم .

عاشراً : يعتبر هذا البيع باتاً ولا يجوز الرجوع أو نكوله أو فسخه من أحد الطرفين .

حادي عشراً : حرر هذا العقد من ثلاث نسخ لكل طرف نسخة ويحفظ الأصل لدى المستشار القانوني لبلدية رفح .

تحريراً في ١٥ / ١ / ١٩٩٧ م .

الطرف الأول (البائع) رجاء ممدوح عيد النصاصرة

ابراهيم جمعة امراحييل ابوسنيميه وينوب عنه

بالوكالة رجاء ممدوح عيد النصاصرة



الطرف الثاني (المشتري)

بلدية رفح ويمثلها المهندس

سعيد فتحي زعرب بصفته رئيس البلدية

شاهد

د. عاي رهوم

شاهد

سعيد فتحي زعرب

شاهد

رجاء ممدوح

Annex 4: The questionnaire to representatives of land owners

Land Owners Census Survey Questionnaire for the proposed landfills sites in El-Fukhary and Johr al Deek

As part of the preparation of the ARAP Preparation

Name ID Number

1. Location of the land and coordinates

.....

2. Neighboring land

.....

3. Name of the land owner

.....

4. Main economic occupation of the landowner

.....

5. Does the land owner have other economic occupation? Please specify

.....

6. Contacts information of the landowner (address- mobile- phone number and email if applicable)

.....

7. The availability of land ownership documents

Yes () No ()

8. What are the type of these documents

.....

9. The legality of these documents

.....

Abbreviated Resettlement Action Plan (ARAP)
Landowners, El-Fukhary Landfill

10. In case of squatting (with no legal entitlement) date of starting squatting should be specified

.....

11. Profile of the PAP family (family or other members living with the PAP)

| Name | Gender | Age | Work /does not work | Relation to the PAP |
|------|--------|-----|---------------------|---------------------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

12. Current purpose for using the land

a) Rented (investigate the name of the tenant and the purpose of renting the land, the revenue and the regularity in receiving the rental value)

.....

b) Farming activities (kind of crops, annual revenues and the existence of other sources of income for the family)

.....

c) Herding (is it practiced by the land owners or external individuals)

.....

d) Other purposes (to be specified)

.....

13. Agreeing – in principle – on land acquisition for the project interest:

Yes () No ()

14. Reasons for refusing:

.....

15. Compensation proposed by the PAP for letting the land

a) In kind (with description)

Abbreviated Resettlement Action Plan (ARAP)
Landowners, El-Fukhary Landfill

b) Cash (specify the amount)

Surveyors observations

.....

.....

.....

.....

.....

Market Price

.....

.....

.....

.....

Annex 5: Tabulation of questionnaire results

Annex 6: Registration form for land owners who attended consultation meeting

Project: Environmental and Social Impact Assessment for Gaza Solid Waste Management Project

كشف حضور متصرفي الأراضي المنوي إقامة مكب النفايات الصلبة " صوفا " - رفح

التاريخ:

| التوقيع | المساحة المملوكة | رقم الجوال أو الهاتف | رقم الهوية | الاسم | ر.م |
|--------------|------------------|----------------------|------------|--------------------------------------|-----|
| هنا عبد الله | 50 دونم | 9416222 | 9160255131 | هنا عبد الله | 1 |
| | سور (دونم) | 9416222 | 700096621 | الهنا محمد بن عبد الله ابو عيسى | 2 |
| | 120 دونم | 9416222 | 4634910 | الهنا محمد بن عبد الله ابو عيسى | 3 |
| | اندونان | 09990146A | 200803768 | الهنا محمد بن عبد الله ابو عيسى | 4 |
| | 7 دونم | 099913491 | 91888057 | محمد بن عبد الله بن محمد بن عبد الله | 5 |
| | 70 دونم | 099988877 | 9080577499 | مينا عبد الله بن عبد الله | 6 |
| | 10000 | 0999101044 | 9080577499 | مينا عبد الله بن عبد الله | 7 |
| | 700 | 09995556787 | 91888057 | محمد بن عبد الله بن محمد بن عبد الله | 8 |
| | 11-12 دونم | 0999370-77 | 901697896 | محمد بن عبد الله بن محمد بن عبد الله | 9 |
| | 7,0 دونم | 0999540079 | 91888057 | محمد بن عبد الله بن محمد بن عبد الله | 10 |
| | 8 | 0999-04001 | 80037048 | أحمد بن عبد الله بن محمد بن عبد الله | 11 |
| | 8 | 099917480 | 970740005 | عيسى بن عبد الله بن محمد بن عبد الله | 12 |
| | 70 | 0999880565 | | عيسى بن عبد الله بن محمد بن عبد الله | 13 |
| | 70 | 099954888 | | عيسى بن عبد الله بن محمد بن عبد الله | 14 |

