

SFG3343

**HASHEMITE KINGDOM OF JORDAN**

**MUNICIPAL SERVICES AND SOCIAL RESILIENCE  
PROJECT  
(MSSRP)**

**RESETTLEMENT POLICY FRAMEWORK  
(RPF)  
March 2017**

## **LIST OF ACRONYMS**

ARP	Abbreviated Resettlement Plan
BP	Bank Procedures
CVDB	Cities and Village Development Bank
ESMF	Environmental and Social Management Framework
GRM	Grievance Redress Mechanism
IR/LA	Involuntary Resettlement / Land Acquisition
LAL	Land acquisition Law
MOMA	Ministry of Municipal Affairs
OP	Operational Policy
PAPs	Project Affected Persons
PMU	Project Management Unit
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
ToR	Terms of Reference

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## EXECUTIVE SUMMARY

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The proposed project will improve living conditions in select Jordanian cities and towns highly affected by Syrian refugee inflows and promote broader crisis resilience through three elements: Improving access to and quality of service delivery in host communities while providing opportunities for employment; improving the governance of municipal services; and providing opportunities for active and institutionalized community engagement at the local decision making level. The participating municipalities will receive multipronged support based on the extent of refugees accommodated. The project will be implemented over a period of 38 months. It will comprise two components: (i) Municipal Grants and (ii) Institutional Development and Project Management. Eligible activities at the subproject level are not anticipated to trigger World Bank Operational Policy OP 4.12, which covers impacts mainly related to the relocation of households or communities; acquisition of private owned lands (temporarily or otherwise); adverse impacts on livelihoods including those that may occur through restriction of access to resources. It is anticipated that that sub-project level activities will largely be carried out on public/state owned lands. However, this Resettlement Policy Framework (RPF) is being prepared to support the project meet the Bank's OP 4.12 requirements should any adverse temporary and/or permanent land or livelihoods related impacts occur.

This Resettlement Policy Framework (RPF) outlines overall resettlement objectives and principles as well as funding mechanisms and organizational arrangements for any resettlement operation. As the project will be funded by the World Bank, this Resettlement Policy Framework (RPF) has been prepared in accordance with Operational Policy (OP) 4.12.

The guidelines laid out in this RPF are fully applicable to displaced populations and will be monitored by the World Bank.

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## RESETTLEMENT POLICY FRAMEWORK(RPF)

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A Resettlement Policy Framework is being prepared mainly as a precautionary measure in the unlikely situation that squatters and/or encumbrances are found on government land used for the project or project circumstances result in unanticipated land take or livelihoods impacts. In such an event, Resettlement Action Plans (RAPs) or Abbreviated Resettlement Action Plans (ARAPs) will be prepared to address any adverse impacts that may arise as per OP 4.12. The RAPs and/or ARAPs will be disclosed in-country and in the World Bank Infoshop after consultation with the project affected persons and communities.

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### BACKGROUND OF THE PROJECT

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The proposed project will improve living conditions in select Jordanian cities and towns significantly affected by Syrian refugee inflows and promote broader crisis resilience through three elements: Improving access to and quality of service delivery in host communities while providing opportunities for employment; improving the governance of municipal services; and providing opportunities for active and institutionalized community engagement at the local decision making level. The MSSRP will also expand its coverage to include additional municipalities that were not targeted under the parent ESSRP, but currently face considerable pressure on their services due to increase in the percentage of Syrian Refugees as per the recent census data. Expanding the scope to include new municipalities will also serve to further institutionalize the Project's model of multi-year predictable financing to a larger number of municipalities. Finally, it will allow for financing investments that generate employment opportunities for, both, Jordanians and Syrians. The Project will target 21 municipalities: 14 participating municipalities (PMs) that are already part of ESSRP and an additional 7 municipalities covering the following governorates: Irbid, Mafraq, Ajloun, Balqa, Madaba, Amman, Zarqa, Ma'an, Karak, and Tafleh. The majority of these governorates are characterized with high rates of poverty and unemployment. Therefore, it is expected that the total number of beneficiaries will reach around 3 million including more than 500,000 Syrians who represent more than 70 per cent of Syrians living, in host communities other than in the Greater Amman Municipality (or 44% of Syrians living across the country). The latest Jordan census records of 2016 indicate that Jordan is currently hosting nearly 1.3 million Syrian refugees, 80 percent of whom live in host communities. This number represents about 13 percent of Jordan's population. The objective of the MSSRP will be to Support Jordanian municipalities affected by the influx of Syrian refugees in delivering services and employment opportunities for Jordanians and Syrians and will be implemented over a period of 38 months. . The MSSRP closing date will be December 31, 2021 with an estimated total financing of USD 60million. . It will comprise two components: (i) Municipal Grants; and (ii) Institutional Development and Project Management.

#### ***Component 1: Municipal Grants***

Municipal grants will be provided annually for a total of 21 municipalities. While the focus under the (ESSRP) was on the provision of timely delivery of services as an emergency response, the proposed project will place higher emphasis on sustainability, responsiveness, and efficiency of

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services in a way that promotes longer-term resilience and mitigates risks to social cohesion at local levels. This will be achieved by: i) focusing on more inclusive community consultations to ensure that investments better reflect community needs and priorities; ii) emphasizing that investments made through sub-projects are aligned with municipality's strategic planning over the medium-term; iii) ensuring predictability of funding to allow for better planning that takes into account the cost of operating and maintaining procured assets; and, iv) encouraging municipalities to use labor-intensive techniques for public works to support the generation of jobs for Syrian refugees and Jordanians. See Table (1) for a List of Eligible Expenditures, to be reviewed over the lifespan of project implementation.

Given the amount of funding that the 14 PMs under ESSRP have already received over the past three years, their allocations under MSSRP, will be set at a reduced per capita amount and the focus will be on maintaining viable levels of service delivery and adequate operation and maintenance of capital investments financed under the ESSRP. The reduced allocation will be calculated based on a base allocation of US\$ 250,000 and a per capita amount of US\$ 19 per Syrian for a total allocation of US\$ 12 million for the first year of the MSSRP.<sup>1</sup> The allocations will be further reduced in subsequent years with a view to gradually reduce external assistance and have municipalities better manage their own resources over the course of the project. To maximize the efficiency of investments amongst municipalities that have benefited from the ESSRP, the renewal of their eligibility for second and third year grants would be conditioned upon achieving a certain minimum percentage of commitments.

For newly included municipalities (7), it is proposed that the Project will allocate in the first year a total of US\$ 4 million to be distributed based on a base allocation of US\$ 250,000 and a per capita allocation of US\$ 47 per Syrian. The new municipalities will receive higher per capita municipal grants commensurate with their needs to rapidly improve their highly stressed local services. In the same vein, new municipalities would benefit from more flexibility in prioritizing their investments.

Municipal investments plans will be presented to the communities during community consultations and the proposed interventions will be prioritized with the communities. The emphasis will be on inclusive community consultations, where women, youth, refugees and other marginalized groups are well represented and their voices are heard. The project will also encourage and implement tools for citizen engagement and beneficiary feedback in selected municipalities. The municipalities will be encouraged to include management plans to ensure quality and monitoring of service delivery as well as operating and maintenance plans to ensure sustainability of investments. In addition, municipalities will be encouraged to apply labor intensive techniques in the proposed activities and investments. The process for selection of municipal investments to be financed by the Project, including guidelines on the consultation process and appraisal criteria, will be detailed in the Project Operational Manual.

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<sup>1</sup> This per capita amount is considerably lower than the ESSRP US 65 average given the inclusion in the Census data of all Syrians, , irrespective of their refugee status, and the reduction in the overall funding envelope to municipalities who have already benefited from ESSRP grants.

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## ***An Innovation Fund (IF) will be introduced under Component 1.***

The IF will finance demand-driven projects that may be multi-year and involve inter-municipality collaboration. IF projects shall adhere to the following set of principles: (i) *robust and inclusive participatory consultations and planning*, (ii) provide *innovative solutions to local challenges* faced by communities, and (iii) *contribute directly to the Project's outcomes*. The IF will also encourage municipalities to (iv) *leverage resources and expertise by partnering with CBOs, NGOs, and private sector* in promoting improved services and employment opportunities for Syrians and Jordanians. Municipalities will furthermore be encouraged to consider project ideas that have surfaced through other donor-financed engagements including the USAID-funded CITIES Project and other similar consultative planning initiatives supported by the EU and International NGOs.

## ***Component 2 – Institutional Support and Project***

Activities under this component will include: i) institutional strengthening with experts' support ii) capacity building and trainings iii) technical assistance. Under institutional strengthening, local experts will be hired, to support and strengthen the oversight and monitoring capacity of the PMU and CVDB while providing implementation support to PMs. PMs will also benefit from customized technical assistance and training to improve the quality and efficiency of their services, focusing on the following key aspects: i) improved strategic and financial planning, ii) improved accountability vis-à-vis the communities through the use of citizen outreach and engagement tools, iii) targeting youth and women through inclusive practices and projects in order to strengthen social cohesion between Syrians and Jordanians. Finally, this Component will finance contracts with other organizations for supporting implementation, including contracts with experts in labor-based works investments and youth and third party monitoring.

Project management support helps MOMA, the Community and Villages Development Bank (CVDB), and other relevant national and sub-national agencies, including governorates, coordinate, manage and oversee Project implementation. It finances *inter alia* implementation support, fiduciary and safeguards oversight and management, preparation and dissemination of the Project OM, Project related communication activities, workshops, trainings, and various studies and surveys related to project monitoring and evaluation.

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## **OBJECTIVES OF THE PROJECT**

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The project development objective is to support Jordanian municipalities affected by the influxes of Syrian refugees in delivering services and employment opportunities for Jordanians and Syrians.

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## **RATIONALE FOR LAND ACQUISITION AND IMPACTS**

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As indicated above, no adverse impacts such as loss of assets such as land, crops, housing or other structures; relocation of households; adverse impacts on incomes/livelihoods/businesses; or any restriction of access to natural resources are anticipated under this project. Land requirements, if any, are expected to be small scale in nature and subproject investments will be carried out primarily on municipally owned land (or other government owned land). While permanent or temporary land acquisition using the principle of eminent domain is not expected under this project, a *Resettlement Policy Framework* is being nonetheless prepared, as a precautionary measure to address unanticipated impacts as per the principles of the Bank's policy on OP 4.12. In such an event, *Resettlement Action Plans* will be prepared to address any adverse impacts that may arise as per OP 4.12.

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### **OP 4.12 Objectives and Triggers**

The objectives of the Operational Policy on Involuntary Resettlement (O.P. 4.12) are to:

- ❑ Avoid or minimize involuntary resettlement and associated disruptions.
- ❑ Treat resettlements as sustainable development programs.
- ❑ Assist project affected persons (PAPs) to improve their livelihoods and standards of living or at least to restore them to pre-displacement levels.
- ❑ Provide project affected persons (PAPs) with opportunities to participate in the planning and implementation of resettlement programs.

O.P. 4.12 is triggered when project activities result in:

- ❑ Loss of land or other assets which have as effect:
  - Relocation or loss of shelter.
  - Loss of assets or access to assets.
  - Loss of income sources or means of livelihood (whether or not the affected persons must move to another location).
- ❑ Restriction of access to legally designated parks and protected areas that result in adverse impacts on the livelihoods of affected persons.

The resettlement policy applies to all components of Bank-financed projects, whether or not they are directly and fully-funded by the Bank. This generic RPF will also apply to projects associated with the Bank-financed project, whether or not funding is received from the World Bank.

The policy applies to all PAPs regardless of the total number affected, the severity of the impact and the legal title to the land. Particular attention will be paid to the needs of vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly, women and children, indigenous groups and ethnic minorities, orphans, or any other affected persons who may not be protected through national land compensation legislation.

Project Affected Persons (PAPs) are people who are directly affected socially and economically by Bank-financed projects. The direct social and economic impacts include but are not limited to: a) relocation or loss of shelter, b) loss of assets or access to assets, c) loss of income sources or means of livelihood, whether or not the affected persons must move to another location, and d) the involuntary restriction or access to legally designated parks and protected areas that results in adverse impacts on the livelihood of the affected displaced persons and communities.

Resettlement Action Plans (RAPs) are prerequisites for implementation of subproject activities causing resettlement, such as land acquisition. They ensure that displacement or restriction to access does not happen before necessary measures for resettlement and compensation are completed. These measures include provision of compensation and other assistance required for relocation - prior to displacement as well as preparation and provision of resettlement sites with adequate facilities. Taking of land and related assets or denial of access to assets (e.g., resettlement sites, new homes, related infrastructure, public services, and moving allowances) may take place only after compensation has been paid to Project Affected Persons (PAPs).

If relocation or loss of shelter occurs, the policy further requires that PAPs be involved in resettlement planning and be meaningfully consulted to ensure a fair and transparent process.

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## **1. PRINCIPLES AND OBJECTIVES OF THE RPF**

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A Resettlement Policy Framework (RPF) is being prepared which outlines overall resettlement objectives and principles as well as funding mechanisms and organizational arrangements for any resettlement operation. As the project will be funded by the World Bank, this Resettlement Policy Framework (RPF) has been prepared in accordance with Operational Policy (OP) 4.12. It is important to note that Jordanian law has the authority to expropriate land for public benefit on the understanding that it provides fair and just compensation. Any potential land acquisition must be undertaken in accordance with Decree (12) of 1987, commonly referred to as the Land Acquisition Law (LAL) and its amendments. The LAL applies in all cases of land acquisition in the Kingdom.

## **2. PROCESS OF RAP PREPARATION AND APPROVAL**

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When land will be acquired and people will be affected during this project, OP4.12 calls for the preparation of an Abbreviated RAP (ARAP) or Resettlement Action Plan (RAP) that must be consistent with this RPF. To address the impacts stated under this policy, the ARAP or RAP must include measures to ensure that displaced persons are:

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

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

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

This section sets out a step-by-step process to determine whether a subproject will result in physical or economic displacement and whether a RAP is required, and if so, how to prepare and implement sound resettlement and compensation plans.

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## **PROJECT AND SUB-PROJECT SCREENING**

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Project and subproject screening intends to identify and address resettlement issues as early as possible. Thus, project and subprojects screening is used to identify the types and the nature of potential impacts related to the activities proposed and to provide adequate measures to address their impacts.

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For the JESSRP, a sub-project level screening tool is being prepared to help make quick assessment of the types of social impacts vis-à-vis the *Bank's Involuntary Land Acquisition and Resettlement Policy*. For example, a positive list and eligibility criteria will be integrated with a set of specific questions related to safeguards. The main categories covered under the screening include, but is not restricted, to the following:

- Will sub-project investments require the acquisition of private land either temporarily or permanently?
- Will sub-project investments result in the involuntary relocation of individuals, families, or businesses?
- Will sub-project investments result in the temporary or permanent loss of economic activities such as crops, fruit trees, businesses, household infrastructure (such as granaries, outside toilets and kitchens, etc.)?
- Will restriction of access to natural resources (e.g. grazing land, fishing locations, and forests) impact households and communities as a result of sub-project level investments?
- Will sub-project investments result in adverse impacts on individuals or entities encroaching on state lands?

There will be an initial safeguards screening form for all proposed subproject level activities to assess for, among other things, the application of OP 4.12. Initial sub-project screening will be conducted by Governorate and Municipality supervisory engineers. These sub-project screening forms will be forwarded for review by the safeguards consultant. While the project is expected to use only state lands, the screening will assist in risk management, especially risks related to squatters or other encumbrances on state lands to be used for sub-project investments.

This initial screening form will also identify whether the sub-project relates to water supply and water sewerage (which the Ministry of Water and Irrigation (MWI) through the Yarmouk Water Company (YWC) is implementing) or to other municipal services (which the Ministry of Municipal Affairs (MoMA) is implementing, as well as whether the subproject is exclusively goods provisioning or entails minor civil works.

The Ministry of Municipal Affairs (MOMA) will be staffed with a social staff from the Cities and Villages Development Bank (CVDB) who is trained and familiar with Bank safeguard issues and OP 4.12 who will be accountable for ensuring that this screening mechanism is fully functional, implemented and reported back to the Bank on a regular basis. The details of this arrangement are elaborated in the Operations Manual.

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### **SCREENING CHECKLIST**

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

The outcome of the consultative process for a sub-project (or site) would then, be sent to the appropriate authority, MOMA, who will have support from CVDB, who is mandated to confirm, to

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approve, to disapprove, to refer for further consultation, and/or to make a final decision on the proposed sub-project site. Such a thorough and transparent screening allows all stakeholders to build confidence in the process.

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

- ❑ A socio-economic study which will include determination of impacts
- ❑ Preparation of resettlement Action plans as appropriate.

### **Willing-Seller, Willing-Buyer**

For Land Purchase through willing seller willing buyer approach, land acquisition must occur by mutual agreement in exchange for a notarized purchase contract based on the market price at the date of acquisition.

Prior to land purchase process, (1) the municipalities shall take official council decision in the municipalities intention to purchase certain land after checking allocation in the budget abundance; (2) Then municipalities should establish a valuation committee with a member from district office and whom they see relevant to evaluate the land market value. The committee shall represent MOMA MOF, municipality, and the Land Authority among others; (3) After that, the municipality take steps necessary to negotiate with the owner till reaching agreement; (4) The municipality then continues with the legal procedures of buying, and registering the land with Land Authority.

### **Volunatry Land Donation**

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

- The act of donation is undertaken without coercion, manipulation, or any form of pressure on the part of public or traditional authorities;
- The potential donor is aware that refusal or to say no is an option without any consequences, and that right of refusal is specified in the donation document the donor will sign;
- Land to be donated must be identified by the municipalities or local branch of the Department of Land and Survey (DLS) in coordination with the community for the project that have been selected; the impacts of proposed activities on donated land must be fully explained to the donor;
- The donor may negotiate compensation (in full or in part) or alternative forms of benefits as a condition for donation
- Donation of land cannot occur if it requires any household relocation;

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- For community or collective land, donation can only occur with the consent of the individuals owners of the land;
- Verification must be obtained from each person donating land (either through proper documentation or through confirmation by at least two witnesses);
- The implementing agency establishes that the land to be donated is free of encumbrances or encroachment and registers the donated land in an official land registry;
- Voluntary land donation will not be permitted in cases of site-specific infrastructure as community pressure could be too onerous for a person to refuse, thus removing the power of choice.<sup>1</sup>;
- In case that the donated land were not used for it is agreed purpose then the local DLS needs to have a written agreement from the land donor that they agree to use the land for the new purpose , otherwise the local DLS will return the land to the owner;
- The proportion of land that may be donated cannot exceed the area required to maintain the donor's livelihood or that of his/her household. Documentation for VLD provided below should be sufficient to verify this;
- The infrastructure must not be site specific;
- The project must specify means by which land donors may raise grievances, and measures to ensure consideration of, and timely response to, grievances raised.

In cases of voluntary land donation, MoMA will need to confirm the above criteria is met as well ensure that voluntary land donation was not done through coercion.

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### **PREPARATION OF RAP OR ARAP**

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Any sub-project that shall entail the acquisition of land or may result in the involuntary resettlement of people will require the preparation of a RAP or an ARAP (in case less than 200 people will be displaced). 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 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, according to Annex A of OP 4.12, the sub-project RAP should the following design criteria:

- A description of the sub-project and a discussion of how the displaced will maintain or upgrade their living standards
- Objectives of the RAP or ARAP
- Identification of potential impacts
- Community participation
- Site selection for new settlement together with relocation risks and reconstruction

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- A census survey of displaced persons and valuation of assets
- Relevant findings of the socio-economic study
- Legal framework
- Institutional framework
- Eligibility criteria and eligible PAPs
- Valuation and compensation for losses
- Services offered after relocation (e.g. employment, electricity etc.)
- Resettlement measures
- Site selection, site preparation, housing, and relocation
- Community infrastructure and services (e.g., utilities and social services)
- Integration with host populations
- Grievance procedures
- Environmental protection and management
- Organizational responsibilities and timetable
- Implementation schedule
- Costs and budget
- Monitoring implementation and outcomes
- Evaluation

If fewer than 200 PAPs are significantly affected, or if all the PAPs suffer only minor impacts (i.e., lose less than 10 percent of their income producing assets), then an abbreviated plan (ARAP) should be prepared. An ARAP should include:

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

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### **RAP/ARAP APPRAISAL AND APPROVAL**

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The draft RAP/ARAP needs to be reviewed by an appraisal committee from the project team as well as other relevant local or central authorities and then sent for final approval by the Bank. The RAP/ARP will include the proposed mitigation measures and this will help in making a decision on whether or not the project shall be implemented. The prepared RAP/ARP shall take into consideration the communities concerns and worries raised in the process of putting together the socio-economic survey.

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### **CENSUS AND SOCIO-ECONOMIC SURVEY**

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Fundamental for preparing a RAP is to establish appropriate and accurate baseline socio-economic data and census to identify the persons affected by the subproject. The information collected will determine who is eligible for compensation and assistance and to discourage an inflow of people who are ineligible for benefits. It will also provide the pre-resettlement incomes and living standards to which the post-resettlement incomes and living standards can be compared to determine if the resettlement operation has achieved the overall objective of OP 4.12, to improve or at least restore the incomes and living standards of PAPs. The proposed project will improve living conditions in select Jordanian cities and towns significantly affected by Syrian refugee inflows and promote broader crisis resilience through three elements: Improving access to and quality of service delivery in host communities while providing opportunities for employment; improving the governance of municipal services; and providing opportunities for active and institutionalized community engagement at the local decision making level. Finally, The Project will also finance investments that generate employment opportunities for, both, Jordanians and Syrians. The Project will target **21 municipalities**: 14 participating municipalities (PMs) that are already part of ESSRP and an additional 7 municipalities covering 10 governorates out of 12 in the country: Irbid, Mafraq, Ajloun, Balqa, Madaba, Amman, Zarqa, Ma'an, Karak, and Tafleeh. The majority of these governorates are characterized with high rates of poverty and unemployment. Therefore, it is expected that the total number of beneficiaries will reach around 3 million including more than 500,000 Syrians who represent more than 70 per cent of Syrians living, in host communities other than the Greater Amman Municipality (or 44% of Syrians living across the country).

The census would consolidate information that: (i) provides initial information on the scale of impacts; (ii) gives an indication if further socioeconomic research is needed to quantify losses to be compensated and, if required, to design appropriate development interventions; and (iii) establishes indicators that can/be measured at a later date during monitoring and evaluation.

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### **PUBLIC CONSULTATION MECHANISMS**

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Under the Bank's OP 4.12 Policy, the aim of public consultations are to: (i) encourage community participation, (ii) promote local ownership of project and resettlement activities, (iii) invite contributions and participation on the selection of project sites, and (iv) determine community willingness to contribute in-kind towards implementation and long-term maintenance of project facilities:

Local communities and PAPs must be involved and adequately consulted during screening. The PAPs must be informed about the intention to use specific sites for project activities, facilities, and structures. The affected persons must be made aware of:

- ❑ Their options and rights pertaining to resettlement and compensation
- ❑ Technically and economically feasible options and alternatives for resettlement sites
- ❑ The resettlement and compensation process of and proposed dates
- ❑ The compensation rates that are at full replacement cost for loss of assets and services
- ❑ Other proposed measures and costs to maintain or improve their living standards

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Efforts will be made to make consultations accessible to women, minorities and marginalized groups, ensuring that different outreach forms are used if necessary.

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

- ❑ Project inception and planning,
- ❑ Screening process,
- ❑ Feasibility study,
- ❑ Preparation of project designs,
- ❑ Resettlement and compensation planning,
- ❑ Drafting and reading/signing of the compensation contracts,
- ❑ Payment of compensations,
- ❑ Resettlement activities and,
- ❑ Post compensation monitoring and as relevant community support activities.

After consultation any remedial plans will be made clear to the project affected people together with: a) compensation rates for all categories of affected assets, b) eligibility criteria for all other possible forms of assistance, and c) grievance procedures.

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### **SUMMARY OF PUBLIC CONSULTATIONS CARRIED OUT FOR RPF PREPARATION**

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The ESSRP project team from the Ministry of Municipal Affairs- MoMA and the Cities and Villages Development Bank-CVDB conducted a robust one- day public consultations session on March 9, 2017. The consultations were attended by representatives from the following twenty municipalities to be included under the new Municipal Services and Social Resilience Project- MSSRP project. : Irbid, New Ramtha, Greater Mafraq, Al Sarhan, Sahel Horan, Al Wasateyeh, Greater Ajloun, Ma'an, Za'atari & Mansheyeh, Zarqa, New Hosha, Sabha & Dafyaneh, Sahab, Adhleil, Greater Madaba, Azraq, Um Al Jmal, Al Jneid, West Irbid, and Deir Abi Sa'id. More than 200 participants participated including Mmayors, municipal council members, municipal LDUs (Local Development Units), women, youth, private sector and Syrian refugees. Representatives of the participating donors were also present (Canada, UK, Denmark, Netherlands, and USAID) as well as the International Labor Organization (ILO) to present the concept of labor intensive works method which would be implemented under the new MSSRP.

#### *Objective of Public Consultation Meeting:*

The objective of the consultations was to inform stakeholders of the project's launch and to ensure adequate information was made available to the communities regarding the specifics of the project including the types of activities expected to be financed. These consultations sought to ensure the greatest representation of a wide range of potentially affected stakeholders, including project beneficiaries, thus great attention was given to the mode of advertising these consultations.

#### *Presentations on MSSRP:*

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Several presentations were delivered by the PMU of ESSRP project, participating donors, World Bank, ILO, and the municipality of Sahab. These included:

- The DFID (UK) representative made a brief presentation on behalf of the participating donors in which he reiterated the importance of the support extended by the donors' community to Jordan to help the country face the impact of the Syrian crisis and the influxes of refugees. He also confirmed the commitment from the donor countries to continue assisting Jordanian host communities to enhance their living conditions during the new MSSRP through supporting job creation and income generating projects.
- The PMU (Project Coordinator) presented the achievements of ESSRP to date, the challenges faced during implementation, disbursements and types of interventions carried out. He also presented the new MSSRP project, its objective, its main features and potential challenges for the new phase. The presentation also focused on the importance of compliance with World Bank social and environmental safeguards requirements.
- The World Bank presented some specific issues of importance for strengthening the social cohesion and broader social development aspects such as gender and women empowerment in the scale-up version. In this light, MSSRP would support financing initiatives such as day care centers for children to enable women to work. New types of interventions that would be eligible for financing include school rehabilitation, parks and gardens, and other interventions which are requested by the local communities. Additionally, the relation of MSSRP to the Jordanian Response Plan (JRP) and to the Syrian crisis were reiterated; the need for flexibility during project implementation to maximize the benefits for the concerned host communities; and the importance for the participating municipalities to comply with the project's social and environmental safeguards requirements were stressed.
- The International Labor Organization (ILO) presented their project "Employment through Labor Intensive Infrastructure in Jordan- EIIP" which is funded by the KFW with the objective to enhance employability of young men and women in their localities. The project is being implemented in two Jordanian governorates most affected by the impact of Syrian refugee influxes: Irbid and Mafraq and promotes social cohesion and job creation for Jordanians and Syrians. The second part of presentation focused on explaining the concept of "labor intensive work method" and its different forms.
- Finally, the Mayor of Sahab municipality delivered a speech on behalf of the participating municipalities in which he commended the participatory and effective collaboration between municipalities and the project's management in MoMA and CVDB. He also stated that Sahab is currently hosting around 35,000 Syrian refugees and that several interventions and services have been supported by ESSRP in the municipality which improved level of service delivery and hence the satisfaction of the public about the municipality's performance. He also pointed out that the enhanced level of services contributed to improving trust between the municipality and the community. The mayor expressed his gratitude to the CVDB team who was always present and collaborative and contributed to project's success in his municipality.

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### Open Dialogue:

The attending municipalities were given the opportunity during the second part of the session to provide their feedback on project's design and offer their views on community level concerns and interests. They also presented their lessons learned from ESSRP implementation and recommendations for the future.

The consultations findings were that communities were very satisfied about ESSRP supported interventions and that they are highly supportive of the new MSSRP. They also appreciated the opportunity to present their feedback on the project as well as lessons learned from ESSRP implementation. They expressed the need to continue supporting municipalities to address the negative impacts of the crisis on public services but that the focus should shift now to improving living conditions for the people in host communities through job creation and income generating projects. Syrian refugees invited to the workshop were also given equal opportunity to present their views on the project and their relationship with the municipalities in their localities.

The main topics raised by the participating municipalities and addressed by the project's management:

- Al Wasateyeh (new municipality) recommended that new municipalities should benefit from the experience of old municipalities included under ESSRP and lessons learned from the implementation period. The ESSRP management replied that Knowledge transfer sessions were organized during ESSRP implementation and would also be organized after the kick-off of MSSRP project;
- More developmental and income generating projects: Almost all present municipalities requested that the new phase focus on developmental and income generating projects to create jobs and improve people's livelihood. The ESSRP project manager confirmed that this is the main objective of the MSSRP. Other municipalities expressed other views regarding developmental and investment projects, such as the importance of allocating project funds to cover land acquisition and expropriation if needed, capacity building of municipalities to manage developmental project, and sustainability.
- Several municipalities requested the provision of training programs and the establishment of training centers to provide training for certain audiences: municipal staff, women and youth. Training of youth to enhance their employability was raised by several municipalities' officials;
- Za'atari and other municipalities pointed out the need to allow the purchase of equipment and furniture that is critical for the operation of investments in new service centers such as workshops and knowledge centers. The World Bank representative confirmed that the project could finance equipment and furniture as long as those were being procured to deliver services to communities and as part of the management plans for these facilities. She added that some municipalities noted that the Audit Bureau- AB (the governmental auditing agency) sometimes blocks the purchase of equipment and furniture but things should be improved through dialogue between the AB and municipalities to come up with acceptable solutions for all parties;

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- A couple of municipalities stressed the importance of retaining the selected municipalities for the life of the project. The ESSRP Project Manager confirmed that this issue has been accounted for in project's design and that all participating municipalities will remain in the project for its entire implementation duration;
- One of the old municipalities advised the participating municipalities that they should implement energy efficiency projects especially for street lighting to reduce their energy bill and promote energy saving schemes;
- Some other municipalities requested the enhancement of internal and external physical and technical supervision on projects by the CVDB as the Audit Bureau doesn't conduct physical/technical inspection (only at project commissioning);
- More coordination: as a lesson learned/ challenge faced during ESSRP implementation, the majority of participating municipalities stressed the importance of enhancing coordination and collaboration between the different public institutions (water and electricity); donors; MoMA and UNHCR (requested by the municipality of Azraq especially for job opportunities at the Azraq refugee camp; and MoMA and MoPIC for projects' financing.
- Some municipalities underscored the importance to expedite and streamline approval processes by MOMA's technical committee (reduce bureaucracy);
- An active debate took place between a professor from Yarmouk University (Irbid) and some of the present Mayors as they blamed Jordanian universities of not producing needed studies regarding the impact of the Syrian crisis on the country nor offered solutions on how to deal with its impact.

### **Main topics raised by Syrian refugees' representatives:**

- Syrian refugees who intervened during the consultations session commended the good and collaborative relationship with the municipalities in their localities and appreciated the fact that municipalities also include them in decision- making process for projects' selection as well as for level of offered services;
- They welcomed the support for creation of job opportunities for the refugees through the implementation of developmental projects;
- One of the Syrian refugees (an engineer) made a recommendation that all municipalities have a list of the existing Syrian refugees and their qualifications to better match existing expertise and new job opportunities;
- One Syrian refugee woman demanded training certificates for Syrian refugees to enhance their employability;
- Another Syrian refugee woman demanded micro and small projects for women and recommended that new projects recruit the needed labor from the local area;

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- A Syrian refugee from Ma'an demanded more public spaces such as parks, playgrounds, etc. Parks and public spaces.
- More developmental projects to create jobs

The ESSRP Project Director thanked all present municipalities and confirmed that their feedback will be incorporated into project's design (list of participants in Annex 1, photos are included in Annex 2, , the agenda in Annex 3, and a sample invitation in Annex 4.

### **3. ESTIMATION OF POPULATION DISPLACEMENT AND LIKELY CATEGORIES OF PROJECT AFFECTED PEOPLE**

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#### **Estimation of PAP Population**

As the subproject locations have not yet been determined, it is difficult to estimate the number or likelihood of people to be negatively impacted by the project at this stage of the project. Therefore, the purpose of this RPF is to establish the mechanisms by which the appropriate tools, screening checklists and RAPs, will be implemented to mitigate potential social and economic impacts once subprojects have been identified.

#### **Vulnerable Groups**

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

- ❑ Persons below the poverty line, the landless, and other very poor groups
- ❑ Elderly, women and children, indigenous peoples, ethnic minorities, and so on
- ❑ Project affected persons who may not be protected through national land compensation legislation.

Vulnerable people will be identified at the socio-economic survey stage. Each RAP developed under the project will make precise provisions with respect to identifying and assisting vulnerable groups which include:

- ❑ Identification of vulnerable people and identification of the cause and impacts of their vulnerability, either through direct interviews by the Project social worker or through the community; this step is critical because vulnerable people often do not participate in community meetings, and their disability/vulnerability may remain unknown,
- ❑ Identification of required assistance at the various stages of the process: negotiation, compensation, moving,
- ❑ Implementation of the measures necessary to assist the vulnerable person,
- ❑ Monitoring and evaluating continuation of assistance after resettlement and/or compensation took place.

### **4. ELIGIBILITY CRITERIA FOR PAPS**

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Since project areas and impacts have not yet been determined it is not possible to determine who is qualified or not qualified for compensation benefits. However as planning information becomes available, land ownership and severity of impact must be used to determine eligibility for resettlement entitlements.

Nevertheless, all PAPs who suffer a complete or partial loss of assets or access to assets are 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.

### **Cut-off Date**

The cut-off date is required to prevent opportunistic influx/rush migration into the chosen land areas. Cut-off date refers to the time when the census of affected persons and property is carried out (i.e., time when the project area has been identified and when the socio-economic study is taking place).

The tentative cut-off date is chosen when appropriate authorities or local councils approve a sub-project. The cut-off date must coincide with the date of the initial census and must be communicated to the community through their respective representatives in the Village Council or District Councilors.

The type of ownership or claim, in combination with the severity of impact, determines the relevant resettlement entitlements, which are generally defined in proportion to the impact on PAPs:

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### **LAND OWNERSHIP**

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Consistent with paragraph 16 of OP 4.12, the following categories of persons will be qualified for compensation based on land ownership:

- a) Persons who have formal rights to land (including customary and statutory rights of occupancy recognized under the Law),
- b) Persons who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets provided that such claims are recognized under the Jordanian law or become recognized through a process identified in the resettlement and compensation plan,
- c) Persons who have no claim to land they are occupying or using.

Persons covered under a) and b) above are to be provided compensation foreland they lose, and other assistance in accordance with the policy. Persons covered under c) above are to be provided with resettlement assistance in lieu of compensation for the land they occupy or use, and other assistance, as necessary, to achieve the objectives set out in this policy, if they occupy or use the project area prior to a cut-off date established by the appropriate authorities and acceptable to the Bank. All persons included in a), b) or c) above are to be provided with compensation for loss of assets other than land.

In addition, all individuals in possession of properties (i.e. land, houses, structures) that may be adversely affected by any of the sub-projects' activities (i.e. construction,

## **Resettlement Policy Framework for the Jordan Emergency Services and Social Resilience Project**

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rehabilitation, etc.) are also be eligible for some sort of compensation which is identified in the resettlement plan depending on the type of damage.

The severity of impacts and land ownership must be taken into account when determining eligibility. The cut-off date for conducting the census of persons and their properties in the affected project areas is also fundamental.

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### **SEVERITY OF IMPACT**

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Resettlement entitlements are first commensurate with the severity of impacts. The severity of impact may range from minor to severe. Minor impacts occur when less than 10% of productive assets are lost with no physical relocation required. Severe impact is when more than 10 percent of land or resources are taken and when physical relocation occurs from one's residence or place of business, or people suffer significant loss of livelihood and income. Nonetheless, the following are key points to consider in determining severity of project impact:

- ❑ The effect on economic viability determines severity of impact.
- ❑ The nature of the land tenure system, particularly collective land tenure, can mitigate the severity of impact.
- ❑ Total income (landholdings and income diversification) affects severity of impact.
- ❑ Cash compensation is generally sufficient for PAPs losing less than 20 percent of their landholding.
- ❑ PAPs losing more than 20 percent of their total agricultural land are entitled to a land-replacement option.
- ❑ Residual landholdings that do not remain viable after land acquisition may be acquired, at the option of the PAPs.
- ❑ Landless laborers can be offered reemployment options.
- ❑ The entitlement matrix presents below impacts and the corresponding resettlement measures.

**Table 1: Eligibility matrix based on severity of impact**

Project Activity	Nature of Impact	Resettlement Measure

**Table 2: Severity of Impact of Land: Recommended Entitlement Options**

Severity	Amount Acquired	Options			
		Resettlement and for land	Replacement: Prorated cash	Rehabilitation package	sell residual

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		taken	compensation		land
Residual holdings economically viable	Less than 20%		X		
	More than 20%	X	X	X	
	More than 80%	X	X	X	X
Residual holdings no longer economically viable	Percentage irrelevant	X	X	X	X

### 5. JORDANIAN LEGAL FRAMEWORK FOR RESETTLEMENT AND FIT WITH WORLD BANK OP 4.12 REQUIREMENTS

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This section compares the Jordanian legal framework for land and property expropriation with the World Bank's policy (OP 4.12) for land and property expropriation, analyzes the differences, and defines measures to fill the gaps so that measures under the RAP meet the objectives and policy principles stated in both the Jordanian legislation and OP 4.12.

#### JORDANIAN LEGAL FRAMEWORK

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##### **Land and Property Expropriation**

Land and property expropriation for the public interest projects in Jordan is carried out through established institutional and legal frameworks. This section (a) describes the Jordanian legal and policy framework for land expropriation, (b) discusses the various land and property ownerships and, and (c) maps the procedures for land and property expropriation.

##### **Compensation of Private Land and Properties**

##### **Legal instrument**

Land acquisition is undertaken in accordance with Decree (12) of 1987 referred to as the Land Acquisition Law (LAL) and in accordance to its amendments. The LAL applies in all cases of land acquisition in the Kingdom of Jordan.

##### **Conditions for land acquisitions**

Article 3 and Article 9 of the LAL stated the two main conditions under which land can be expropriated:

- ❑ No land can be taken away unless it is for public benefit and that there is fair and just compensation for any PAPs -Article 3 of the LAL
- ❑ The law requires direct negotiation between the purchasers or public benefit project and land owners until agreement is reached - Article 9 of LAL. In the event that agreement cannot be found between the two parties' cases are referred to the Primary Court that has jurisdiction in this area and to higher courts if necessary.

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### **Compensation for expropriated land**

Article 10 of LAL states compensation should be fair to both PAP owners and tenants. Owners should be compensated for their properties including (e.g., buildings, improvements, trees) at full replacement cost.

### **Compensation Principles**

Articles 11-26 of the LAL lists the following key principles and stages under which compensation shall be processed:

- ❑ Setting the proper amount of compensation for land value is dependent on:
  - a) The amount of land confiscated,
  - b) The purpose of confiscation,
  - c) The percentage of land confiscated and,
  - d) The status and size of the leftover land.
- ❑ The land owner is responsible for paying any previous taxes on the property concerned prior to compensation.
- ❑ Upon final agreement reached on compensation amount, approval and authentication by the Directorate of Land followed by an authentication of the Cabinet is required,
- ❑ The relevant party or the public benefit project is required to pay the compensation to the land owner directly or deposited the full compensation amount in the Treasury under the beneficiary name within three months.
- ❑ Non-payment results in a 9% annual interest being added to the compensation starting the day after the three month period. (As the World Bank required payment prior to acquisition this will be accommodated where possible by the project.)

### **Land and Property Ownership**

#### **Private land**

Article 7 of the LAL specifies that the owner of the property is the person in whose name the property is registered at the Land Registry. If the property is not registered, the person seizing the land on the day of issuance of the Council of Ministers' Resolution to acquire shall, for the purposes of compensation, be considered the owner. This stipulation does not preclude anyone else from claiming ownership through the courts. The entitlements of legally established renters are also confirmed.

The Jordanian LAL in Article 11 does not place limit on what a PAP can be compensated for. However, it permits expropriation without compensation for up to 25% of the area of a plot if the purpose of the expropriation is for:

- ❑ Linear projects, e.g. the construction, or expansion/widening of a road, or
- ❑ The construction of a government housing project

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Article 12 of the LAL stated that, if for the above purposes all the area is expropriated or if what is left is not of use, compensation shall be paid in full for the whole property without any part being acquired for free.

### **Multiple ownerships**

It is the general practice of the government of Jordan to deal with the multiple owners as a body and to ask them to select a representative to act and negotiate on their behalf. Nonetheless, all owners or shareholders will be entitled to property compensation according to their shares.

### **Government lands**

The process of acquisition of government lands and assets will be handled through intra-government discussions and agreements.

### **Tribal lands**

There are no specific provisions in the LAL or other legislation for tribal lands to be acquired or for the loss of traditional use rights. However, all lands affected by the project are registered by the appropriate authority to owners or government departments (or are under dispute).

### **Improvements and water rights**

Compensation for farmlands may include separately itemized compensations for features such as walls, greenhouses, wells, water rights, etc.

Article 10 of LAL clearly stated that compensation should be fair to all PAPs, - both owners and renters. Owners should be compensated for their properties which include not limited to buildings, improvements, trees and, etc at full replacement cost. In principle, any damage or injury caused by the project may be compensated.

Judgments on the LAL in 1996 confirm the above position: “The property appropriated is the land and the buildings, trees and other fixtures on it including the water tank built in the land. Claiming for equitable compensation includes all that is in the property.”(The Land Acquisition and Resettlement Plan Update for the Amman Development Corridor Project, page 5-3, February 2004).

The judgment also suggests that loss of water rights also attracts compensation:

“That the appropriation of the land which includes water spring by the Water Authority does not include the waters of that spring. The owners if the land was irrigated from the spring shall have the right to claim for compensation due to harm accrued to their land as a result of depriving it from the right of irrigation.” (The Land Acquisition and Resettlement Plan Update for the Amman Development Corridor Project, page 5-3, February 2004).

### **Crops and trees**

Under the LAL, tree and annual crops are subject to compensation but no guidelines are defined except that the expropriation shall be in consideration of an equitable compensation.

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### **Renters**

The LAL restricts the awards to renters proportionately as a percentage of the compensation for the plot. The highest amounts payable to renters are:

- (a) 15% of the compensation of the plot, if the payment is to compensate for property occupied for industrial or commercial purposes,
- (b) 5% of the compensation of the plot, if the payment is to compensate for property occupied for any other purpose.

The LAL does not preclude private agreements between renters and owners as settlement without the agreement of the renter is extremely unlikely.

### **Source of funds**

The necessary funds for compensation will be provided by the Government of Jordan as part of its contribution to the project. The total compensation amount allocated shall be kept in a separate budget line item in the Department of Lands and Survey (DLS), a Department of the Ministry of Finance or the appropriate government agency.

### **Procedures and Mechanisms for Expropriation**

Decree 12, 1987 provides all concerned parties involved in land acquisition with a clear summary of the process to be followed and defines the roles of the various parties.

### **Land expropriation approval**

Land expropriation requires the Cabinet's approval. When acquiring land, public benefits projects are required to provide fair compensation and are subjected to provide evidence that they have the needed resources to pay compensations relating to their operations.

Articles 3.9B and 10 of the LAL stated that direct negotiation between land owners and the relevant purchasing party or public benefit project should occur to allow for agreement to be made on a fair and just level of compensation of any confiscated land.

In the cases where the parties reach into negotiated agreement, the project will ensure that compensation for land is directed to the PAPs or placed under bank accounts in their names in accordance with the Land Acquisition Law of 1987, article 16. Grievance procedures are set according to articles 10-14 of the Land Acquisition Law

### **Valuation committee**

Valuation committee will be established and its primary responsibility is to estimate fair compensation for expropriated lands and properties.

According to LAL, valuation methods will include the following steps:

- Demonstration of public benefit from the project concerned.

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- ❑ Assessment of replacement values of confiscated land.
- ❑ Establishment of compensation rates for all assets to be confiscated.

Valuations are based on current land values and prices. While the Valuation Committee essentially governmental in its make-up, the law specifically empowers the Director of Lands and Surveys to call upon any advice in a review of compensation if necessary.

### **Residential building**

Residential buildings acquisition procedures in Jordan are similar to land acquisition procedures charted in Table 3 below, as stated in Land Expropriation Decree 12, 1987, through residential building acquisitions not subject to Prime Ministerial approval, and the process for acquiring residential building is listed below:

- ❑ A committee is formed at the local district or municipality level at the request of the appropriate ministry to value the structures affected. This committee comprises the district representatives of the Ministries represented on the acquisition committee, namely the MPWH, Department of Lands and Survey, Ministry of Finance, Ministry Agriculture; and the Auditing Bureau.
- ❑ This committee evaluates the affected structures and provides a valuation report. The valuation is given on a unit rate per square meter. This valuation is presented to the owner who may object. A period of 30 days is permitted for objection. If they wish the committee may seek additional technical assistance in drawing up their valuation,
- ❑ If no objection is forthcoming the valuation report is sent to the Minister of Finance for approval. If objections are raised the valuation is not forwarded to the Minister and negotiations are entered into. If these are successfully concluded the process is restarted and the agreed valuation passed on to the Minister. If no agreement is reached the issue is referred to the courts.
- ❑ After ministerial approval the valuation report is forwarded to the Director of Lands and Survey for payment. The funds utilized are drawn from specific appropriate agency budget allocations.

**Table 3. Procedure for Land Expropriation: Decree 12 of 1987**

<b>Project Proponent</b>	<b>Other Relevant Agencies</b>	<b>Project Affected Persons</b>
<b>Step 1:</b> The appropriate project proponent provides detailed information on the land and properties to be expropriated.	The relevant agency assists the concerned project proponent to identify and finalize information on the land and properties to be expropriated.	
<b>Step 2:</b> The appropriate project proponent announces in two daily newspapers the municipality intent to expropriate specified land, providing full details.	The relevant agency will help the project proponent to estimate the budget for the proposed expropriation and ensure budget allocations.	Any objection to the acquisition must be lodged within 15 days of publications of the intent to acquire

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<b>Step 3:</b> Establish valuation committee (VC) to estimate compensation (valuations are based on current land values and prices).	Appropriate agencies will monitor the valuation process and make sure total cost within the allocated budget.	
<b>Step 4:</b> Announce the details of land acquisition profile including compensation cost and publish them in the official magazine.		<b>Step 5:</b> Affected persons will have 30 days to discuss the offered compensation with concerned authorities and valuation committee. Owners have the right to object, and appeal against the amount offered to them.
<b>Step 6:</b> Negotiation and establish final offer in full coordination with valuation committee.		<b>Step 7:</b> If no agreement is reached, owners have recourse to the Courts.
<b>Step 8:</b> Approval by appropriate authorities	<b>Step 9:</b> The cost of compensation is finalized on ratification is made by the appropriate authorities.	
<b>Step 10:</b> Disburse funds to PAPs.	The designated authority will follow-up and ensure that PAPs receive their compensation without any delay.	
	<b>Step 11:</b> Judicial involvement when no agreement is reached.	

### Grievance procedures

In the event agreement cannot be found between the two parties articles 10-14 of the Land Acquisition Law make provision for cases to be referred to the Primary Court that has jurisdiction in this area and to higher courts if necessary.

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### COMPARISON BETWEEN JORDANIAN LEGISLATION AND WORLD BANK OP 4.12 REQUIREMENTS

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#### Jordanian Land Acquisition Law compared to World Bank OP 4.12

The subsequent sections of this chapter will provide comparisons between Jordanian Land Acquisition Law (LAL) and the World Bank's OP 4.12. It is hoped that the comparative analysis as well as and the comparison matrix presented at the end of this chapter, will lead Bank team and government of Jordan officials to identify the key differences between the two systems. The principal aim of presenting the matrix with the two systems side-by-side is to provide a quick overview of project impact and mitigation measures at the disposal of both Bank staffs and government officials. The matrix is intended to help Bank Task Team and Jordanian government

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officials to pinpoint entitlement shortcoming/gaps ahead of time that will lead both parties to negotiate practical project specific arrangements that will meet the objectives and policy principles stated in both the Jordanian legislation and OP 4.12. This section will suggest actions or steps that might be considered to ensure full compliance with OP 4.12 requirements.

### **Compensation vs. rehabilitation**

While the Bank's policy for involuntary resettlement distinguishes between compensation for expropriated assets and rehabilitation measures to help improve, or at least restore, incomes or standards of living of PAPs and their communities, the Jordanian LAL pays little or no attention to the difference between simple compensation and resettlement for productive purpose. The LAL allows for cash compensation to be paid for the expropriated land but does not require development of alternative livelihood restoration strategies to address PAPs' social and economic well-being and to build their productive capacity.

### **Land-based compensation**

OP 4.12 clearly affirms land-based compensation for households with land-based livelihoods that lose a significant portion of their holdings is the appropriate measure. The additional measures includes such as providing PAPs with land for which a combination of productive potential site advantages is at least equivalent to the advantages of the expropriated land. However, when the Jordanian LAL is reviewed for equivalency with the Bank's provision, it lacks the key policy principles stated in OP 4.12. Compensation measures provided by LAL for land-base losses are inadequate for restoring PAPs livelihoods to the pre-displacement level as required by OP 4.12.

### **Cash vs. in-kind compensation**

OP 4.12 encourages payment of cash compensation where i) livelihoods are land based but the land taken for the project is a small fraction of the affected asset and the residual is economically viable; ii) active markets for land, housing, and labor exist; and ii) livelihoods are not land-based.

If chosen as option, cash compensation levels should be sufficient to replace the lost land and other assets at full replacement cost in local markets. However, farmers do not get compensated in linear projects (e.g., expansion/widening of a road, transmission lines, construction of a government housing project) if they lose 25% or less of their land or other assets.

Thus, when Jordanian LAL provisions are compared with the bank's policy requirement, the compensation amount offered by the LAL appears to be both rigid and insufficient. It is rigid because it places more emphasis on cash compensation with no consideration to other factors such as market for land, housing, and the long term implication of cash compensation on livelihood of the affected person.

### **Intangible assets**

While it is difficult to estimate the value of intangible assets (access to public services, customers and suppliers; or to fishing, grazing, or forest areas), the Bank's resettlement policy advises that measures must be taken to establish access to equivalent and culturally acceptable resources and

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earning opportunities. In this regard, the LAL has not been clear and does not provide adequate guidelines, particularly on the issues of tribal or customary land.

### **Consultation and participation**

According to OP 4.12, PAPs should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs. It further requires that the resettlement process include measures to ensure that the PAPs are consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives. However, review of past practices in Jordan suggests that affected persons are generally not consulted or asked to participate in the planning and implementation of the resettlement program.

### **Loss of income and livelihood**

OP 4.12 makes provisions for loss of income sources or means of livelihood, whether or not the affected persons must move to another location. It requires that PAPs should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher. In this regard the Jordan LAL has not made clear provision for restoring loss of income sources or means of livelihood.

### **Squatters and encroachers**

Squatters and encroachers in occupation or use of land before project initiation are likely to have invested in structures or land improvements that are eligible for compensation. OP 4.12 states that those without legal title to affected land may be compensated for their structures and may qualify for other resettlement and rehabilitation assistance. While the Bank's involuntary resettlement policy is explicit on the compensation entitlement to people without title or use of rights, the Jordanian LAL is far less clear on the issues of compensation payments for illegal occupation or use of registered properties.

### **Renters/Tenants**

The Bank policy encourages that renters/tenants be given assistance to find new housing and to move. They should be provided with some multiple of their monthly rent or lease payments, and provided with assistance to cover the cost of identifying and moving to alternative housing or commercial space. While OP 4.12 qualifies those who have no recognizable legal right or claim to the land they are occupying to be eligible for benefits, the LAL restricts the level of assistance and payments to be made to renters/tenants proportionately to the compensation amount paid for the plot.

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## **MEASURES PROPOSED TO BRIDGE GAPS**

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Gaps have been identified between the Jordanian LAL and the O.P. 4.12 and include:

## **Resettlement Policy Framework for the Jordan Emergency Services and Social Resilience Project**

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- ❑ LAL specifically states that no court case shall impede the appropriation process – a green light/danger signal which may allow for potential civil work to start from the day public notification is issued and prior to compensation payment,
- ❑ The potential social and economic hardships that will potentially affect project affected persons and their communities negatively have yet to be fully addressed by the Jordanian law,
- ❑ LAL could differentiate between simple compensation and resettlement for productive purpose. Compensation offered to PAPs appears to be both rigid and insufficient designed.
- ❑ Land owners do not get compensated and do not receive any compensation if they lose 25% or less of their land or other assets in linear projects (e.g., expansion/widening of a road, transmission lines, construction of a government housing project). Nevertheless, O.P. 4.12 mandates that PAPs be compensated regardless of percentage of total land holdings expropriated.
- ❑ LAL has yet to fully ensure that compensation for restoring project affected persons and their livelihoods to the pre-displacement level.
- ❑ The LAL allows for cash compensation to be paid for the expropriated land without taking into consideration the implication of providing cash to PAPs whose livelihoods are land-based.
- ❑ LAL has yet to fully ensure that disclosure and consultation of PAPs take place during planning and implementation of the resettlement program.
- ❑ Post-project monitoring is less practiced.
- ❑ Coordination between and across different authorities has yet to improve.

**Table 4: Comparison of LAL and OP 4.12 and potential project arrangements:**

<i>Project Impact</i>	<i>Jordanian Law</i>	<i>OP 4.12</i>
Loss of land resulting from permanent land acquisition	<ul style="list-style-type: none"> <li>• Cash compensation is more preferred option,</li> <li>• Permits expropriation without compensation for up to 25% of the area of a plot if the purpose of the expropriation is for: i) the construction, or expansion/widening of a road, or ii) the construction of a government housing project</li> </ul>	<ul style="list-style-type: none"> <li>• Compensation at full replacement cost</li> <li>• Where domestic law does not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures necessary to meet the replacement cost.</li> <li>• Provision of equivalent land nearby (if available).</li> <li>• Cash compensation to village for arable land for (compensation unit prices based on output value of cultivated land, land compensation times and relative land management regulations).</li> </ul> <p><b>Good practice:</b></p> <ul style="list-style-type: none"> <li>• Readjustment of village land within affected villages and host villages where applicable.</li> <li>• Use of cash compensation for farm intensification, crop diversification and other land development and agricultural extension techniques for more efficient use of land.</li> </ul>

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Loss of land from temporary land acquisition	<ul style="list-style-type: none"> <li>No provision – or need further study</li> </ul>	<ul style="list-style-type: none"> <li>Compensation for temporary land acquisition based on the annual output of the leased land plus the costs associated with land preparation and re-cultivation.</li> <li>Return of temporary land to the land user after use in similar to pre-project or better condition</li> </ul>
Loss of Tribal Land	<ul style="list-style-type: none"> <li>There is no specific provision for tribal lands to be acquired or for the loss of traditional use rights. There is therefore no requirement for compensation measures to be developed for the acquisition of tribal lands.</li> </ul>	<ul style="list-style-type: none"> <li>OP 4.12 recognizes...individuals or groups who depends on open access to resources, whose customary right are not legally recognized,</li> <li>Entitled to compensation for crops, moving allowance and transition support.</li> </ul>
Loss of physical resettlement or relocation	<ul style="list-style-type: none"> <li>There is no legislation that applies specifically to the rights of individuals, government and other parties in cases of physical resettlement and relocation.</li> </ul>	<ul style="list-style-type: none"> <li>Compensation for housing including private housing (rural and urban).</li> <li>Replacement land for households to be provided within the original village (internal settlement), if available.</li> <li>If replacement land not available provide alternative household enterprise location as close to the original location as possible (collective resettlement).</li> <li>House-for-house replacement in urban areas.</li> <li>Cash compensation based on original house area to urban resettles.</li> </ul> <p><b>Good practice:</b></p> <ul style="list-style-type: none"> <li>Assistance to be provided to the resettlers in procurement of labor and material for construction of new housing.</li> <li>Provisions to be made for temporary housing and financial assistance accorded where rental support needed for temporary accommodation.</li> <li>Transportation/relocation allowance to be provided to the resettles on household basis.</li> </ul>
Expropriation without compensation	<p>LAL allows up to 25 percent of the area of a plot to be expropriated without compensation:</p> <ul style="list-style-type: none"> <li>The construction, or expansion/widening of a road</li> <li>The construction of a government housing project</li> </ul>	<ul style="list-style-type: none"> <li>PAPs losing more that 20 percent of their total agricultural land are entitled to a land replacement option</li> <li>PAPs losing more that 20 percent of their agricultural land are generally considered severely affected</li> <li>If they chose so, they cash compensation and economic rehabilitation can be given instead of land</li> </ul>
Loss of crops	<ul style="list-style-type: none"> <li>No guidelines are defined except that the expropriation shall be in consideration of an equitable compensation,</li> </ul>	<ul style="list-style-type: none"> <li>Cash compensation to affected farmers based on the average of the previous years production value</li> </ul> <p><b>Good practice:</b></p> <ul style="list-style-type: none"> <li>Crop loss to be minimized to the extent possible by avoiding</li> </ul>

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	<ul style="list-style-type: none"> <li>Under past practice in Jordan, confiscation of tree crops has been compensated on the basis of a flat rate single payment defined according to a schedule developed for this purpose based on the type and age of tree.</li> </ul>	acquisition during harvesting
Squatters and Encroachers	<ul style="list-style-type: none"> <li>The Jordanian LAL is not clear on the issues of compensation payments for squatters or illegal occupation or use of registered properties.</li> </ul>	<ul style="list-style-type: none"> <li>OP 4.12 clearly states that those without legal title to affected land may be compensated for their structures and may qualify for other resettlement and rehabilitation assistance.</li> <li>The Bank's involuntary resettlement policy is explicit on the compensation entitlement to people without title or use of rights.</li> </ul>
Loss of enterprises/ loss of income sources or means of livelihood	<ul style="list-style-type: none"> <li>LAL has not made clear provision for restoring loss of income sources or means of livelihood.</li> </ul>	<ul style="list-style-type: none"> <li>Whether or not the affected persons must move to another location, it requires that PAPs should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher,</li> <li>Compensation for land and reconstruction of enterprises' structure/buildings and facilities.</li> <li>Compensation for loss in production and relocation of enterprises.</li> </ul> <p><b>Good practice:</b></p> <ul style="list-style-type: none"> <li>Provision for continuance of employment of workers affected from enterprise relocation during the transition period through provision of temporary premises, or compensation for lost wages.</li> </ul>
Loss of settlement utilities	<ul style="list-style-type: none"> <li>No mention of how to handle loss of settlement utilities in any of the RPF/RAP revised and need further study</li> </ul>	<ul style="list-style-type: none"> <li>Compensation for reconstruction/ reconnection to water supply/electricity/ sanitation (previous infrastructure).</li> </ul>
Loss of public infrastructure	<ul style="list-style-type: none"> <li>Although LAL stated that owners should be compensated for their properties including (buildings, improvements, trees. etc) at full replacement cost, the application of the law raises some concern and further study and clarification in this area is strongly advised</li> </ul>	<ul style="list-style-type: none"> <li>Compensation to owners/operators for infrastructure replacement.</li> </ul> <p><b>Additional measures:</b></p> <ul style="list-style-type: none"> <li>Prompt allocation of land for reconstruction of public infrastructure including labor and material.</li> </ul>
Impact to vulnerable	<ul style="list-style-type: none"> <li>LAL provides for the</li> </ul>	<ul style="list-style-type: none"> <li>Additional cash allowances provided to vulnerable and</li> </ul>

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groups	<p>protection of vulnerable people</p> <ul style="list-style-type: none"> <li>• However review of the application of the rule indicated that there are vulnerable people who may be at a disadvantage in a system where the process of estimation of compensation is complicated and dominated by official representation and there is a need for paying close attention to this concern</li> </ul>	<p>economically disadvantaged groups</p> <ul style="list-style-type: none"> <li>• Prompt payment to vulnerable and economically disadvantaged groups early in the resettlement process</li> </ul>
Land Tenants	<ul style="list-style-type: none"> <li>• LAL restricts the compensations to renters proportionately as a percentage of the compensation for the plot</li> </ul>	<ul style="list-style-type: none"> <li>• Tenants are entitled to some form of compensation whatever the legal recognition of their occupancy.</li> <li>• Tenants on agricultural land (such as sharecroppers or lessee) are usually entitled to moving costs, transition allowance and crop value for minimum of a year.</li> </ul>
Owner's of non permanent buildings	<ul style="list-style-type: none"> <li>• No mention of how to handle non permanent buildings in any of the RPF/RAP revised and need further study</li> </ul>	<ul style="list-style-type: none"> <li>• Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses, prior to displacement.</li> </ul>
Owner's of permanent buildings	<ul style="list-style-type: none"> <li>• The valuation is given on a unit rate per square meter and the LAL do not provide further details on compensation for buildings</li> </ul>	<ul style="list-style-type: none"> <li>• Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses, prior to displacement. Replacement values will be based on:</li> <li>• Average replacement costs of different types of household buildings and structures based on information on the quantity and type of materials used for construction (e.g. bricks, rafters, bundles of straw, doors etc.),</li> <li>• Prices of these items collected in different local markets and as provided by the Ministry of Public Works and Housing,</li> <li>• Costs for transportation and delivery of these items to acquired/replacement land or building site,</li> <li>• Estimates of construction of new buildings including labor required.</li> </ul>
Timeframe	<ul style="list-style-type: none"> <li>• The law specifically states that no court case shall impede the appropriation process. In effect therefore, the law judges the property and the structure to have been acquired from the moment of notification.</li> </ul>	<ul style="list-style-type: none"> <li>• Compensation payments for acquired land and affected assets and resettlement of households as described above, must be completed as a condition for the taking away of land and before commencement of the civil works under the project.</li> <li>• No civil work shall start unless all resettlement issues are negotiated and are completely handled</li> </ul>
Information and	<ul style="list-style-type: none"> <li>• The Jordanian LAL process is not inherently</li> </ul>	<p>OP 4.12 stated that the affected persons must be made aware</p>

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consultation	consultative. Review of some of Bank financed projects RPF/RAP in Jordan “suggested that most of the time consultation with PAPs has not been taking place”	of: <ul style="list-style-type: none"> <li>• Their options and rights pertaining to resettlement and compensation,</li> <li>• Specific technically and economically feasible options and alternatives for resettlement sites,</li> <li>• Process of and proposed dates for resettlement and compensation,</li> <li>• That compensation rates is at full replacement cost for loss of assets and services,</li> <li>• Proposed measures and costs to maintain or improve their living standards.</li> </ul>
Payment Delay	<ul style="list-style-type: none"> <li>• Non-payment results in a 9% annual interest being added to the compensation starting the day after the three months period.</li> <li>• This provision raises great concern as OP 4.12 required payment prior to acquisition</li> <li>• The provision is contrary to OP 4.12 provision that stated that no civil work shall begin unless all compensations are paid in full.</li> <li>• It is strongly advised that Bank Task Team takes appropriate action to accommodate and address this issue within the context of the project.</li> </ul>	<ul style="list-style-type: none"> <li>• Op 4.12 stated that the resettlement plan provides prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project</li> </ul>
Grievance redress	<ul style="list-style-type: none"> <li>• The law specifically states that no court case shall impede the appropriation process.</li> </ul>	Should grievances remain unresolved at executing agency level, they can be referred to the court of law.

### 6. METHODS OF VALUING AFFECTED ASSETS AND COMPENSATION

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OP 4.12 requires that resettlement and compensation plans provide prompt and effective compensation at full replacement cost for losses of assets attributable directly to a Bank-financed project. Replacement cost is the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. In applying this method of valuation, depreciation of structures and assets should not be taken into account in determining their value.

For losses that cannot easily be valued or compensated for in monetary terms such as access to public services, customers, and suppliers—or to fishing, grazing, or forest areas—the Bank-

## **Resettlement Policy Framework for the Jordan Emergency Services and Social Resilience Project**

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financed project shall provide access to equivalent and culturally acceptable resources and earning opportunities.

Where Jordanian law does not meet the standard of compensation at full replacement cost, compensation under Jordanian law is supplemented by additional measures necessary to meet the replacement cost standard defined in OP 4.12.

Land and assets will be valued and compensated according to the following guidelines and as appropriate for the subproject:

- ❑ The Bank-financed subproject will compensate for assets and investments (including labor, crops, buildings, and other improvements) according to the provisions of the resettlement plan.
- ❑ Eligibility for compensation will not be valid for new persons occupying or using the project sites after the cut-off date.
- ❑ Compensation cost values will be based on full replacement cost, as of the date that the full replacement is to be provided or at the date of project or subproject identification, whichever is higher.
- ❑ Full market prices for cash crops will have to be determined based on the values as determined by the appropriate agency. This is often the Ministry of Agriculture.
- ❑ PAPs that lose farmland allotted by the village under customary tenure will be provided an equivalent plot. However, since O.P. 4.12 on involuntary resettlements makes no distinction between statute and customary rights, a customary land owner or a user of state owned land will be compensated for land, assets and investments including loss of access, at full replacement costs.

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### **VALUATION OF PUBLIC LAND**

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In cases where land is being used by the public (for example for grazing or settling), the valuation committee in consultation with the land administration of the government will identify suitable replacement land for use by the public.

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### **COMPENSATION METHODS**

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Compensation principles will be as follows:

- ❑ Compensation shall be paid prior to displacement / land entry; and
- ❑ Compensation will be at full replacement value prior to displacement.

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### **FORMS AND CALCULATION OF COMPENSATION**

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Although the type of compensation may be an individual's choice, compensation in kind (such as land-for-land) is preferred, if the loss amounts to more than 20% of the total loss of assets. Compensation refers to both compensation for expropriated assets and restoration of income.

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**Table 4. Forms of compensation and calculation methods**

Types of Compensation	Calculation Method
Cash Payments	Compensation will be calculated and paid in local currency. Rates will be adjusted for inflation
In-Kind Compensation	Compensation may include items such as land, houses other buildings, building materials, seedlings, agricultural inputs and financial credits for equipment.
Other Assistance	Assistance may include moving allowance, transportation and labor, title fees, or other related costs.

### **Cash compensation**

Compensation in cash is calculated in the Jordanian currency. Cash payments must include adjustments for inflation. Security, for people who receive cash compensation payments will need to be addressed by the appropriate local authorities/administration. For people used to handling checking accounts, payment via check is preferred as it provides a record of payment, and does not require security as large cash payments may.

### **In-kind compensation**

In-kind compensation includes lands, houses, other buildings, building materials; seedlings, agricultural inputs and financial credits. The time and location of in-kind compensation will have to be decided and agreed upon by each recipient, in consultation with the appropriate Local Government Authorities.

### **Other assistance**

Additional assistance to PAPs includes covering moving allowance, transportation, and labor costs. Assets that can be moved generally are not compensated, but assistance is provided with moving and other costs. The government can provide that transportation or move the assets.

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## **LAND COMPENSATION**

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Compensation for land is aimed at providing for loss of crop and labor used to prepare the land and cultivate the crop. The term "Land" refers to an area or homestead in cultivation, being prepared for cultivation, or cultivated during the last agricultural season. (See Annex 4 for definitions of O.P. 4.12 key terms.)

Land and assets are valued and compensated for according to the following guidelines and as appropriate for sub-project:

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- ❑ Compensation cost values are based on full replacement cost, as of the date that the full replacement is to be provided or at the date of project or subproject identification, whichever is higher,
- ❑ Full market prices for cash crops have to be determined based on their values as determined by the appropriate agency. Often this is the Ministry of Agriculture.
- ❑ PAPs that lose farmland allotted by the village under customary tenure are provided an equivalent plot.

### **Crop Compensation**

Both cash and consumption crops are valued at the market price mid-way between harvest peaks. Prevailing prices for cash crops will have to be determined with the assistance from the appropriate agency. Calculating compensation using one rate guarantees uniformity and allows anyone to measure the area of land for which compensation is due and to multiply the area by the one rate known to all.

### **Labor Compensation**

Labor invested in preparing agricultural land will be compensated for at the average wage in the community for the same period of time. The labor cost for preparing replacement land is based on costs for clearing and framing the land.

Labor costs will be paid in Jordanian currency per the prevailing labor law. The rate used for land compensation is to be updated to reflect values at the time compensation is paid.

Other assistance may also have to be provided to land users. For example, if a farmer is notified that his/her land is needed after the agriculturally critical date when s/he will no longer have enough time to prepare another piece of land, assistance will be provided in form of labor intensive village hire, or mechanized clearing so that replacement land will be ready by the sowing dates. The farmer will still continue to receive his/her cash compensation so that s/he can pay for sowing, weeding and harvesting.

### **Compensation for Buildings and Structures**

Compensation for buildings and structures will be paid by replacing huts, houses, farm outbuildings, latrines, fences and other impacted structures. Any homes lost will be rebuilt on the acquired replacement land. However, cash compensation will be available as a preferred option for structures that are not the house in which someone is living. The applicable replacement costs for construction materials, as well as associated labor costs needed to build replacement structure, will be used to calculate the values. Alternatively, compensation will be paid in-kind for replacement cost without depreciation of the structure. The Bank-financed project will survey and update construction material prices on an ongoing basis and will consult with the Ministry of Public Works and Housing or appropriate authority in updating these prices.

Compensation will be made for structures that are abandoned because of relocation, or because resettlement of an individual or household, or because structures are damaged directly by the construction activities.

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Replacement values will be based on:

- ❑ Drawings of individual's house and all its related structures and support services.
- ❑ Average replacement costs of different types of household buildings and structures based on information on the quantity and type of materials used for construction (e.g. bricks, rafters, bundles of straw, doors etc.).
- ❑ Prices of these items collected in different local markets and as provided by the Ministry of Public Works and Housing.
- ❑ Costs for transportation and delivery of these items to acquire/replace land or building site.
- ❑ Estimates of construction of new buildings including labor required.

### **Compensation for Sacred Sites**

Compensation for sacred sites (e.g., proprietary rights and reconstruction) is determined through negotiation with the appropriate parties. Sacred sites include but are not restricted to: altars, initiation centers, ritual sites, tombs and cemeteries. Sacred sites include such sites or places that are accepted by local laws including customary practice, tradition and culture as sacred.

### **Compensation for Horticultural, Floricultural and Fruit trees**

Fruit crop compensation will be the value of lost production until the replacement seedling comes into production.

Based on the information obtained from the Ministry of Agriculture, the appropriate agency or from the socio-economic surveys, a compensation schedule includes the following criteria:

- ❑ Replace loss of income for subsistence fruit (e.g. coconut, cashew, guava or mango) based on production yields as quickly as possible,
- ❑ Cash payments to farmers will be aimed at replacing income derived from the sale of excess fruit production until replacement trees produce the equivalent (or more) in projected cash income,
- ❑ Provide subsistence farmers with new tree seedlings to replace the affected trees to sustain future source of income and food from the fruits,
- ❑ Provide farmers with the opportunity to derive alternative income from trees bearing more valuable fruits at off-season periods.

### **Other Domestic Fruit and Shade Trees**

Compensation for wild trees "owned" by individuals, who are located in lands as defined in this policy, will be paid. Wild, productive trees belong to the community when they appear in the bush. These trees will be compensated for under the umbrella of the village or community compensation.

## 7. ORGANIZATIONAL PROCEDURES FOR ENTITLEMENTS DELIVERY

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### **Funding Approval Process**

Funding is processed and effected through Ministry of Municipal Affairs (MoMA) and channeled through its appropriate local authorities and governments. Any delivery of entitlements and other financial arrangements must be agreed upon at project appraisal stage.

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

### **Public participation**

Local communities will initiate the compensation process as part of an ongoing process that starts at the land selection/screening stage and at the time the socio-economic study is being carried out. Public consultation ensures that affected individual/household is “notified” a head of time. This process seeks involvement and promotes participation of communities from day one.

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### NOTIFICATION PROCEDURE

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The appropriate municipal authorities involved in identifying the land will notify the municipal and village inhabitants. Land or property users will be informed through both written and verbal formal notification delivered in the presence of the appropriate village official, community level organizations, or representative. In addition, the Municipalities and individuals who control land will accompany the survey teams to identify sensitive areas.

A public notice must be announced in the media (Daily newspapers, National Television, National Broadcasting Radios). The notice must state:

- a) The Government’s proposal to acquire the land
- b) The public purpose for which the land is needed
- c) That the proposal or plan may be inspected by PMU/PIU or the offices of the District Administrator in the respective districts, during working hours
- d) That any person affected may, by written notice, object to the transaction giving reasons for doing so, to the Project Team with copies to the Municipality within 14 days of the first public announcement or appearance of the notice. Assurances must be made that affected persons have actually received this information and notification.

### **Documentation**

The appropriate Municipalities must arrange the meetings with the PAPs and/or their households to discuss the compensation process. For each individual or household affected, the Municipalities completes a compensation dossier containing necessary personal information on the affected party and those that s/he claims as household members, dependents, total landholdings, inventory of assets affected, and information for monitoring their future situation. This information is confirmed

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and witnessed by the Municipalities and the project management unit (PMU). Dossiers will be kept current and will include detailed documentation of all assets surrendered and/or impacted. Each individual will be provided a copy of the dossier at the time of negotiations.

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

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

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

A person selecting in-kind compensation has an order form, which is signed and witnessed. The compensation contract is read aloud in the presence of the affected party and the respective of appropriate organizations' representative, village officials and, other village leaders prior to signing.

### **Compensation payments**

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

## **8. IMPLEMENTATION PROCESS**

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The executing agency through the PIU and Resettlement Specialist must make sure that appropriate resettlement plan is prepared following the census.

### **Implementation preparation**

The process of preparing the implementation of resettlement action plans will also involve the following:

- ❑ Establishing the cut-out-date and carrying out of a census to identify the PAPs,
- ❑ Conducting census and generating information about the PAPs, their entitlements regarding compensation, resettlement and rehabilitation assistance,
- ❑ Identifying disturbances, especially those affecting income-earning activities, and properly recording compensation or asset replacement,
- ❑ Preparing a time phased action plan with a budget and making provision of compensation, resettlement, and other assistance as required, based on the census and inventory of losses, and in consultation with the PAPs.

The executing agency through the PMU and the Resettlement Specialist shall make sure that following the census, an appropriate resettlement plan is prepared for the Bank-financed project activity that triggers resettlement. The RAP or ARAP can be prepared by a private consulting firm with experience in preparing RAPs.

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The PMU may employ a private consultant to provide valuation services required for the resettlement program. This assignment shall be financed by the Bank financed project.

In case of involuntary resettlement, approval of the new pieces of land to be used for resettlement shall be sought from the Government of Jordan in consultation with local communities and affected individuals.

To ensure transparency of procedures, PAPs shall be informed of the method of valuation used to assess their assets. All payments of compensation, resettlement assistance and rehabilitation assistance, as the case may be, shall be made in the presence of the PAPs in question and the local leaders.

### **Timetable**

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

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

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

For activities involving land acquisition or loss, denial or restriction of access to resources, provisions for compensation and for other assistance required for relocation must be made prior to displacement. Other assistance includes provision and preparation of resettlement sites with adequate facilities.

In addition, land and related assets may be expropriated only after compensation has been paid and resettlement sites and moving allowances have been provided to PAPs. For project activities requiring relocation or resulting in loss of shelter, the resettlement policy requires that measures to assist the PAPs are implemented in accordance with the resettlement program.

Details on resettlement and compensation must be provided in the Implementation Schedule of RAP. The schedule for implementation must be agreed between the PMU/PIU and PAPs and include:

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

When approving recommendations for resettlement during screening, PAPs must confirm that they agree with the RAPs actions.

## 9. GRIEVANCE REDRESS MECHANISMS (GRM)

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

### **Procedures for Handling Complaints**

All objections to land acquisition must be made in writing, in a language that the PAP understands and is familiar with, to the appropriate Governorates or Municipalities. Attempts must be made to settle grievances amicably.

The Municipalities will inform and consult with the appropriate District Administration to determine validity of claims. If considered valid, the Local Leader will notify the complainant and s/he will be assisted. If the complainant's claim is rejected, the matter must be brought before the local government authority for settlement. The complainant may seek redress in the established Jordanian legal system. Copies of the complaint must be sent to PMU/PIU and Resettlement Specialist and the appropriate Minister for administration of land matters within 15 days after the public notice.

Resolving complaints at the Municipality level is aimed at addressing the problem of distance and cost the PAP may have to face in pursuing grievance redress. The GRM unit must maintain records of grievances and complaints, including minutes of discussions, recommendations and resolutions made.

The procedure for handling grievances must be as follows:

- 1) The affected person should file his/her grievance in writing, to the Municipality. 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 to write the note and mark the letter with his/her thumbprint. A sample grievance form is provided in Annex V.
- 2) The Municipality should respond within 14 days during which any meetings and discussions to be held with the aggrieved person should be conducted. If the grievance relates to valuation of assets, experts may need to be requested to revalue the assets, and this may necessitate a longer period of time. In this case, the aggrieved person must be notified by the Local Leader/authorities that his/her complaint is being considered.
- 3) If the aggrieved person does not receive a response or is not satisfied with the outcome within the agreed time s/he lodges her or his grievance to the Municipality.
- 4) The Municipality will then attempt to resolve the problem (through dialogue and negotiation) within 14 days of the complaint being lodged. If no agreement is reached at this stage, then the complaint is taken to the Courts of Law.

Ultimately, the compensation and resettlement plans will be binding under the Jordanian LAL and O.P. 4.12, and will recognize that customary law is the law that governs land administration and

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tenure in the rural/village areas. This is the law that inhabitants living in project affected areas are used to and understands.

### **10. FUNDING ARRANGEMENTS**

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At this stage, where the locations of the project have not yet been determined, and when the number of PAPs cannot be identified, it is not possible to provide an estimated budget for the total costs of resettlement that may be associated with the implementation of the project. Therefore, activities for resettlement plan will be funded like any other project. Funding will be processed and effected through the project's financial processing arrangements.

Funds for implementing inventory assessments and resettlement plans will be provided by the implementing agency. In general, the cost of compensation will be borne by the project.

The resettlement plan for a Bank financed project should include an itemized, indicative budget and the implementing agency will finance this budget through the administrative and financial management rules and manuals like any other activity eligible for payment under the Bank financed project. This budget will be subject to the approval by the implementing agency.

The implementing agency will have to finance the resettlement compensation because they will be impacting on the people's livelihoods. Disbursements based on budgetary requirements, established by the resettlement plan in consultation with PAPs and local leaders, will be made through the relevant District Administration.

### **11. MONITORING AND EVALUATION ARRANGEMENTS**

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

A Municipal Support Team (MST) has been supporting the project since the mid of the second year of implementation in addition to a Monitoring and Evaluation Specialist (M&E) as part of the project's PMU.

In order to enhance the monitoring and evaluation function (MST contract to expire by April 2017), the implementing agencies – MOMA and CVDB, will be strengthened with the following staff:

- Gender/Inclusion Expert
- Community Outreach Experts (2)
- Field Supervision Engineers, (2) and
- Public Awareness and Communication Specialist (1)
- Procurement Experts (2)
- Financial Management Experts (2)

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The implementing agencies, with support from the Resettlement Specialist, M&E specialist, and the above mentioned staff, will institute an administrative reporting system that:

- a) Alerts the project authorities on the necessity and procedures for land acquisition for the project activities and the need to incorporate land acquisition, resettlement, loss of assets and impact on livelihood provisions in design specifications and budgets.
- b) Provides timely information about asset valuation and negotiation process.
- c) Maintains records of any grievances that require resolution.
- d) Documents timely completion of project resettlement obligations (e.g., payment of the agreed-upon sums, construction of new structures) for all permanent and temporary loses, as well as unanticipated, additional construction damage.
- e) Updates database with respect to the changes that occur on the ground as resettlement and compensation activities are being implemented.

Additionally, a “Safeguards Action Plan” has been developed at the end of second year of project implementation and is being followed by CVDB and the MST and updated regularly.

RPFs require that where appropriate and where determined to be cost effective, MOMA should host the monitoring and evaluation of the project. This will take the form of giving the municipalities the mandate to carry out independent monitoring of resettlement and compensation plans at periodic intervals (e.g., quarterly) during the program life as circumstances require.

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

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

### **Indicators**

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

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

**Table 5. Sample indicators**

<b>Monitoring</b>	<b>Evaluation</b>
Public information dissemination and consultation procedures	Timeliness, quality, and effectiveness of consultation and information disclosure
Payment of compensation to PAPs in	Conformance to compensation policies

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various categories	described in the RAP
Completion dates of the RAP activities.	Actual completion of resettlement activities compared with the RAP time schedule
Number of grievances	Timeliness and quality of decisions made on grievances
Grievances recognized as legitimate out of all complaints lodged	All legitimate grievances rectified
Pre- project production and income (year before land used) versus present production and income of PAPs, off farm-income trainees, and users of improved production or agricultural techniques	Affected individuals and/or households compensated or resettled in first year who have maintained their previous standard of living at final evaluation.
Pre- project production versus present production (crop for crop, land for land).	Equal or improved production per household.

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

- a) Land being used compared to before
- b) Standard of house compared to before
- c) Level of participation in project activities compared to before
- d) Number of children attending schools compared to before
- e) Health standards compared to before

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

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

In order to assess whether this goal has been met, indicators capable of measuring the resettlement plan performances will have to be developed. The resettlement and compensation plans will provide measurable parameters to be monitored and provide resources necessary to carry out the monitoring activities. For example the following parameters and verifiable indicators could be used to measure the resettlement and compensation plans performance:

- ❑ Questionnaire data will be entered into a database for comparative analysis at all levels of Local Governments.
- ❑ Each PAP will have a compensation dossier recording his or her initial situation, and compensation agreed upon and received.
- ❑ The Local Governments will maintain a complete database on every individual impacted by the sub-project land use requirements including relocation/resettlement and compensation, land impacts or damages.

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- ❑ Percentage of individuals selecting cash or a combination of cash and in-kind compensation
- ❑ Proposed use of payments
- ❑ The number of grievances and time and quality of resolution
- ❑ Ability of individuals and families to re-establish their pre-displacement activities, land and crops or other sources of income
- ❑ Agricultural productivity of new lands
- ❑ Number of PAPs employed by the civil works contractors

### **Record Keeping**

Financial records will be maintained by CVDB.

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

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

## ANNEXES

### ANNEX 1: LIST OF ATTENDEES TO PUBLIC CONSULTATIONS

الوظيفة	اسم البلدية	الجهة	الاسم	الرقم
رئيس قسم تعيين المجتمع	الزرقاء	بلدية	وصفي محمد المومني	1
مهندس مدني		بنك تنمية المدن والقرى	رندة حمدان	2
مهندس مدني		بنك تنمية المدن والقرى	منار عبيدات	3
استشارات		بنك تنمية المدن والقرى	د. وفاء ابو سمره	4
عضو مجلس بلدي	المفرق	بلدية	محمد عبدالله عوادات	5
عمل	المفرق	بلدية	عوني احمد الخلف	6
			EMMA ZAHA	7
			JEFF TUDOR	8
رجل اعمال	الرمثا	بلدية	نايل عبدالله الزيادات	9

رقم المشاريع	معان	بلدية	م. وجد حسني	10
عضو مجلس بلدي	معان	بلدية	نبيل عبد الرحمن الخورة	11
مدير دائرة الدراسات	معان الكبرى	بلدية	حسن محمد ابو ذراية	12
مدير الاستثمار	معان الكبرى	بلدية	يحي علي	14

الوظيفة	اسم البلدية	الجهة	الاسم	الرقم
رئيس بلدية	سحاب	وئيس بلدية سحاب	عباس محمود	15
	موظف	موظف	رامي ابو زايد	16
			داوود الكور	17
مهندسة	الظليل	بلدية	م. منى جهاد محمود	18
رئيس وحدة التنمية	الظليل	بلدية	فادية محمد	19
رئيس دائرة التمويل		بنك تنمية المدن	م. خليل ابو عيود	20
عضو مجلس شبابي		سوريين	حسن المريري	21
مدير المشاريع	حوشا	بلدية	عبد الكريم الخالدي	22
مدير مجلس	حوشا	بلدية	محمد خلف	23

قطاع النساء	حوشا	بلدية	محمد حسن عوض	24
قطاع الشباب	حوشا	بلدية	احمد حمد الخالدي	25
رئيس البلدية	السرхан	بلدية	علي السرخان	26
نائب بلدية السرخان	السرخان	بلدية	مهدي سايح السرخان	27
ناشطة اجتماعية	الرمثا	بلدية	ديانا الزعبي	28
رئيس وحدة التنمية	السرخان	بلدية	محمد عدنان	29
نادي الوسط	الوسطية	بلدية	منذر العزام	30
الجمعية الهاشمية للمعاقين		الجمعية الهاشمية	ليلي عرسان	31
رئيس وحدة التنمية		بلدية عجلون الكبرى	م. لما عويس	32
منسقة		تشجيع المرأة	كاملة محمد ابو سيله	33
الوظيفة	اسم البلدية	الجهة	الاسم	الرقم
رق اعلام	سحاب	بلدية سحاب	محمد الشوابكه	34
الدير الاداري		بلدية عجلون	حسين مفلح مصطفى	35
	صبعا	بلدية صبعا	زاهي صبحي	36
رئيس وحدة التنمية	الجنيد	بلدية الجنيد	جميل حسام محمد المومني	37

	الجنيد	بلدية الجنيد	جابر خلف	38
مدير عام	السرхан	مركز الدراسات	د. محمد السرخان	39
باحثة اجتماعية	الجنيد	بلدية الجنيد	مجاهدة يوسف سليمان المومني	40
مدخلة بيانات	الجنيد	بلدية الجنيد	عبير محمد سليمان	41
مهندسة	دير ابي سعبد	بلدية دير ابي سعبد	م. رانية العمري	42
عضو بلدية	غرب اربد	بلدية غرب اربد	مهي المرشدة	43
عضو بلدية	الجنيد / عجلون	بلدية الجنيد	هدى سليمان المومني	44
مدير البلدية	الزعتري	بلدية الزعتري	م. شاكر احمد	45
لاجئ سوري	الزعتري	بلدية الزعتري	دارين علي السويدان	46
موظف بلدية	غرب اربد	بلدية غرب اربد	خلدون شبلاوكة	47
رئيس الجمعية	الزعتري	جمعية البادية	دينا محمد الخالدي	48
مساعد رئيس البلدية	بلدية اربد	بلدية اربد	م. محمد زياد التل	49
رئيس نقابة المهندسين اربد	اربد	مقاول	م. عمر محمد مناصرة	50
الوحدة التنموية	مادبا	بلدية مادبا	م. عمر محمد مصطفى	51

الرقم	الاسم	الجهة	اسم البلدية	الوظيفة	المعاينة
52	فراس ضيف الله عوض	بلدية حوشا	المفرق	رئيس شؤون الموظفين	
53	صبحي جلال	بلدية عجلون	عجلون	رجل اعمال	
54	مفلح علي القضاة	بلدية عجلون	عجلون	مهندس	
55	م. منصور الشوري	بلدية الازرق	الازرق	رئيس وحدة التنمية	
56	عمر صالح سلطان	بلدية مادبا	بلدية مادبا	المدير المالي	
57	محمد بطاينة	بلدية اربد	اربد		
58	عطالله	بلدية اربد	اربد		
59	الدكتور بطر احمد الرحامنة	بنك تنمية المدن والقرى			
60	حيدر عبد الكريم فلاح الكلوب	CVDB	بنك تنمية المدن	مهندس مدني	
61	مدمد محي الدين راجح حمدان	CVDB	بنك تنمية المدن	مهندس ميكانيك	
62	سوزان بني هاني	CVDB	بنك تنمية المدن	علاقات عامة	

علاقات عامة	بنك تنمية المدن	CVDB	روان عيروط	63
موظف	بنك تنمية المدن	CVDB	فارس القواسمه	64
ر.د. التمويل والاستثمار	بنك تنمية المدن	CVDB	احمد الرفاعي	65
مهندس مدني	الرمثا الجديدة		اشرف الظهيرات	66
مهندس مدني	الرمثا الجديدة		محمد حسن الحوراني	67
مهندس مدني	مادبا الكبرى		محمد ثابت عبد الرحمن	68
مهندسة معمارية	الرمثا الجديدة		م. رقية العكور	69
مهندسة معمارية	المزار الجديدة		م. فاطمة بني عاد	70
منظمة اهلية	الزرقاء	قطاع الشباب	مريم الغويري	71
الوظيفة	اسم البلدية	الجهة	الاسم	الرقم
ر. ق الدراسات	بنك تنمية المدن	CVDB	امنة مسودة	72
ر. ق القروض	بنك تنمية المدن	CVDB	ملاك شطناوي	73
محاسبة	بنك تنمية المدن	CVDB	اروى برفان	74
	بنك تنمية المدن	CVDB	ممدوح البصال	75
موظف	بنك تنمية المدن	CVDB	منار شعبان	76

	بلدية المفرق		خالد سالم الجرابعة	77
مساعد المدير العام	بنك تنمية المدن	CVDB	م. نضال الحوراني	78
منسق اداري			سحر هارون النعيمات	79
ناشطة سورية	المفرق	بلدية المفرق	وفاء عبد اللطيف اغاتي	80
باحثة اجتماعية	المفرق	بلدية	امل زايد الجرايده	81
رئيس وحدة التنمية	ام الجمال	بلدية ام الجمال	عمر سعدو النسر	82
عضو	ام الجمال	بلدية ام الجمال	فاطمة عودة المساعين	83
موظف	ام الجمال	بلدية ام الجمال	عمر خميس المساعين	84
مدير شركة	الزرقاء	مستثمر قطاع الاسكان	م. نبيل عباس	85
ر. ق التمويل	اربد	بنك تنمية المدن والقرى	م. ايفيت ماجد النمري	86
منسق المشروع		بنك التنمية	ساري العبادي	87
		بنك التنمية	محمد غالب المخالدة	88
رئيس غرفة التجارة		رئيس غرفة التجارة	عبدالله الشديقات	89
قائد مجتمعي		سوري	عبدالله ابراهيم الداوي	90

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الوظيفة	اسم البلدية	الجهة	الاسم	الرقم
مدير فرع	اربد	بنك التنمية	ريم ابو الرب	91
ممثل للاجئين	بلدية الوسطية	سوري	منصور اللبان	92
تجمع لجان المراة	بلدية عجلون	عضو بلدية عدلون	سميرة عواد القضاء	93
محاسبة نفقات	بلدية السرحان		حياه خضر الزيم	94
CTA		ILO	Hutun hlang	95
متطوع	سحاب	بلدية سحاب	محمد فريد رسول تزيل	96
رئيس البلدية	بلدية صبحا	بلدية صبحا والدفيانة	بخيت شامان العيسى	97
وحدة التنمية	بلدية صبحا	بلدية صبحا والدفيانة	فاضل محمد القعان	98
	بلدي صبحا	بلدية صبحا والدفيانة	ياسر محمد النعمة	99
رئيس البلدية	ام الجمال	ام الجمال	حسن محمد الرجوب	100
ناشطة	بلدية اربد	من اجل سوريا	عزة ابراهيم البلنجي	101
	بلدية دير ابي سعيد		م. ميساء محمود بني موسى	102
ناشطة			رولا محمد علي بني موسى	103
رئيس البلدية	غرب اربد	بلدية غرب اربد	عصام محمد الشبول	104

			عماد العزمة	105
		الوسطية	عمر احمد عايش الطواهي	106
المدير التنفيذي	الوسطية	الوسطية	م. اشرف سليمان الطواهي	107
رئيس قسم الدراسات		وزارة البلديات	م. مي صلاح	108
الوظيفة	اسم البلدية	الجهة	الاسم	الرقم
مهندس انشائي / معماري		وزارة البلديات	م. سوسن الجالودي	109
الامين العام		وزارة البلديات	م. وليد العنوم	110
موظف		وزارة البلديات	مالك العبادي	111
بلدية		بلدية سهل حوران	احمد موسى الشبول	112
عضو مجلس بلدي		بلدية سهل حوران	ربي علي الشبول	113
مدير مالي		بلدية السلط	موفق المومني	114
منسق	الزعتري	بلدية الزعتري	عبد الكريم الشرف الخالدي	115
عضو بلدي	بلدية الزعتري	بلدية الزعتري	حسين ستلم الشهود	116
لجنة سورية	الزعتري	بلدية الزعتري	سناء محمد السمور	117
مدير العضو التنموي	بلدية مادبا	بلدية مادبا	م. سميح العريان	118

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120	احمد محمود سالم الخالدي	بلدية حوشا	حوشا	مندوب القطاع الشبابي
121	بهجت ابو لصيف	بلدية الازرق	الاردن	
122	سهى سليمان الشوري	عضو بلدية الازرق	بلدية الازرق	رئيسة جمعية العرفان الخيرية
123	المحامي حمزة محمود الطرمان	بلدية مادبا	مادبا	
124	احمد العريان		الرمثا	
125	هبة قنديل	قطاع المراه	الزرقاء	صاحبة مصنع
126	اسلام قنديل	هيئة كلنا الاردن	المفرق	المساعد اداري

الرقم	الاسم	الجهة	اسم البلدية	الوظيفة
127	غازي محمزد	الصندوق الاردني	معان	مدير
128	احمد عبد الفتاح عبارة	معان	معان	عضو لجنة مجتمعي
129	مز عصام السلايطة	قطاع خاص	مادبا	عضو لجنة مجتمعي
130	نجاح احمد القويدات	جمعية	المفرق	رئيس الجمعية

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موظف اداري	البادية الشمالية	بلدية ام الجمال	ياسين حسين محمد حميدان	131
عضو بلدية	تضليل	بلدية الضليل	ليلى محمد فؤاد ابو شريف	132
رئيس الوحدة	الزرقاء	وحدة التنمية	م. محمد الزواهرة	133
	المفرق		خلدون عبدالله عدنان	134
رجل اعمال	السرхан	بلدية السرخان	د. هائل السرخان	135
عمل عضو	الرمثا	الرمثا	حسين منالصة	136
عضو مجلس	اربد	اربد	هشام مهيدات	137
مدير البلدية	عجلون	عجلون	محمد علي القضاة	138
متطوعة بالهلال	عجلون	بلدية عجلون	حنان عبد الرحيم الزعبي	139
متطوع	سحاب	بلدية سحاب	احمد الشديقات	140
ضابط ارتباط المشروع	الوسطية	بلدية الوسطية	عامر محمد العزام	141
عضو بلدي	عجلون	بنك التنمية	فواز الجمعان	142
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ANNEX 2: PHOTOS OF STAKEHOLDER CONSULTATIONS

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## ANNEX 3: PUBLIC CONSULTATION AGENDA

**وزارة الشؤون البلدية / بنك تنمية المدن و القرى / CVDB**  
**Ministry of Municipal Affairs/ CVDB**  
**مشروع خدمات الطرقة و التكيف الاجتماعي Municipal Services and Social Resilience Project**  
**ورشة المشاورات 2017 Consultation workshop 2017**

Date : Thursday 09/03/2017      اليوم: الخميس 2017/03/09  
Location: landmark Hotel, Amman      المكان: فندق الاند مارك / عمان

الموضوع	Subject	الوقت time
كلمة الافتتاح: معالي وزير البلديات	Opining statement, Minister of Municipal Affairs	10:00 – 10:30
عرض ادارة المشروع	PMU presentation	10:30 – 11:00
كلمة البنك الدولي	Donor Statement	11:00 – 11:30
عرض منظمة العمل الدولية	ILO presentation	11:30 – 12:00
استراحة	Break	12:00 – 12:15
نقاش مفتوح	Open Discussion	12:15 – 02:00
غداء	Lunch	02:00 – 03:00

## ANNEX 4: SAMPLE INVITATION TO PUBLIC CONSULTATION MEETING

  
نهضة

  
وزارة الشؤون البلدية  
7619

الرقم 140/م  
التاريخ 2/م/14  
الموافق 2/م/14

سعادة رئيس بلدية مادبا الكبرى

تحية طيبة وبعد ...

لغايات استكمال اجراءات الاعداد للمشروع الجديد لخدمة البلديات المستضيفة للاجئين السوريين (مشروع خدمات البلدية والتكيف الاجتماعي) وحيث انة وقع الاختيار المبدئي عليكم للمشاركة في المشروع ارجو حضور الورشة التعريفية بالمشروع والتي ستعقد في فندق لاند مارك (Landmark Hotel) في عمان يوم الخميس 2017/03/9 من الساعة 9:30 صباحاً وحتى الساعة 2:00 ظهراً وان يحضر معكم الجهات المبينة ادناه بمعدل شخص واحد من كل جهة وعلى ان تقوم البلدية بتوفير وسيلة النقل للجميع من والى مكان انعقاد الورشة بوسيلة نقل واحدة.

1. المجلس البلدي
2. رئيس وحدة التنمية في البلدية
3. منظمات المراه
4. منظمات الشباب
5. رجال الاعمال من القطاع الخاص
6. اللاجئين السوريين

وتفضلوا بقبول الاحترام

  
وزير الشؤون البلدية  
المهندس وليد محي الدين المصري

نسخة/عطوفة مدير عام بنك تنمية المدن والقرى / لاجراء اللازم

المملكة الأردنية الهاشمية  
عاصفة 97 - 112613282 + فاكس 112613283 + من ب.ب. 1789 عمان 11118 الأردن - الموقع الإلكتروني: www.moma.gov.jo

ANNEX 5: DECREE 12 OF 1987 – THE JORDANIAN LAND ACQUISITION LAW  
(LAL)

1987 العام (12) قانون رقم

قانون الاستملاك

1-المادة

ويعمل به من تاريخ نشره في الجريدة الرسمية (1987 قانون الاستملاك لسنة) يسمى هذا القانون

2-المادة

-: يكون للكلمات والعبارات التالية حيثما وردت في هذا القانون المعاني المخصصة لها أدناه ما لم تدل القرينة على غير ذلك  
قطعة الارض او قطع الاراضي المملوكة لشخص او اكثر وتشمل ما عليها من ابنية واشجار ثابتة اخرى ، كما تشمل هذه الكلمة :العقار  
العقار بالتخصيص والاجارة والتصرف وحق الانتفاع وجميع الحقوق العينية المتعلقة بالعقار  
أي طريق أو شارع أو زقاق أو ممر أو جسر أو درج بما في ذلك الخنادق والمجاري والعبارات والارصفة والدورات التابعة :الطريق  
للطرق وجزر السلامة فيها والجدران الاستنادية لها وتشمل هذه الكلمة حرم الطريق والساحات الملحقة بالطرق  
نزع ملكية عقار من مالكة او حق التصرف او الانتفاع به او الارتفاق عليه بمقتضى أحكام هذا القانون :الاستملاك  
الحكومة والمجالس البلدية والاشخاص الاعتباريون الاخرون :المستملك  
أي مشروع يقرر مجلس الوزراء ان تنفيذه يحقق نفعاً عاماً :المشروع  
الضريبة التي تفرض بمقتضى احكام هذا القانون على العقار الذي ارتفعت قيمته بسبب المشروع :ضريبة التحسين  
اي بلدية مشكلة وفق احكام قانون البلديات :البلدية  
المحكمة البدائية التي يقع العقار المستملك ضمن دائرة اختصاصها :المحكمة

3-المادة

. لا يستملك أي عقار الا لمشروع يحقق نفعاً عاماً ولقاء تعويض عادل

4-المادة

على المستملك أن ينشر اعلانا في صحيفتين يوميتين على الاقل يعلن فيه عزمه على التقدم الى مجلس الوزراء بعد مرور خمسة عشر -أ  
يوماً من تاريخ نشر الاعلان بطلب اصدار قرارا باستملاك العقار الموصوف في الاعلان وان المشروع الذي سيجري الاستملاك من  
أجله هو للنفع العام  
يترتب على المستملك ان يقدم طلبا لمجلس الوزراء مرفقا بمخطط العقار المطلوب استملاكه وبكشف تقديري اولي لمجموع التعويض -ب  
من هذه (أ) عنه وبما يثبت قدرته المالية عن دفعه وذلك خلال ثلاثة اشهر من تاريخ انتهاء مدة الاعلان المنصوص عليها في الفقرة  
المادة والا اعتبر ذلك الاعلان وكأنه لم يكن  
وحسب) لمجلس الوزراء اذا اقتنع بأن تنفيذ المشروع يحقق نفعاً عاماً وبأن لدى المستملك المقدرة على دفع التعويض ان يقرر -ج  
اما استملاك العقار استملاكاً مطلقاً او استملاك حق التصرف او الانتفاع به لاستعماله لمدة محدودة (مقتضى الحال  
أو فرض اي حق من حقوق الارتفاق عليه أو أي قيد على ممارسة أي من الحقوق المتفرعة عن ملكية العقار ويشترط في ذلك أن يصدر  
. والا اعتبر وكأنه لم يكن(أ) مجلس الوزراء قراره خلال ستة اشهر من تاريخ انتهاء مدة الاعلان المنصوص عليها في الفقرة  
ينشر قرار مجلس الوزراء في الجريدة الرسمية ويعتبر نشره بينة قاطعة على ان المشروع الذي يراد استملاك العقار من اجله مشروع -د  
للنفع العام

5-المادة

لمجلس الوزراء بناء على طلب المستملك اذا كان احدى الوزارات او الدوائر الحكومية او المؤسسات الرسمية العامة التابعة للحكومة او  
البلديات أن يقرر الموافقة على استعمال العقار المستملك في اي وجه آخر من وجوه النفع العام، خلاف النفع العام الذي كان العقار قد  
استملك من اجله، على ان لا يؤثر ذلك التغير على مقدار التعويض الذي يجب دفعه مقابل العقار المستملك او على اي حق آخر من حقوق  
المالك بما في ذلك حقه بالتعويض عما اقتطع مجاناً من عقاره

6-المادة

-:بعد صدور قرار مجلس الوزراء بالاستملاك يترتب على المستملك  
ان يقدم صورة عن القرار ومخطط الاستملاك الى مدير تسجيل الاراضي المختص الذي يترتب عليه وضع اشارة على قيد الجزء -أ  
المستملك من العقار تتضمن انه قد تقرر استملاكه وان يمتنع عن اجراء اي معاملة عليه فيما عدا معاملات الانتقال الا بموافقة المستملك  
ويشترط ان لا تصدر هذه الموافقة الا بعد الفصل قضاءً في مقدار التعويض الواجب دفعه او بالاتفاق عليه واذا كان العقار المستملك غير  
مسجل فيترتب على المستملك ان يقدم الى مدير التسجيل كشفاً باسماء واضعي اليد عليه ومحللات اقامتهم بالإضافة الى قرار الاستملاك  
والمخطط الخاص به  
أن يجري كشفاً على العقار المستملك بواسطة لجنة يؤلفها المستملك تتولى تثبيت الوضع الذي كان عليه العقار عدد صدور قرار -ب  
الاستملاك ويعتبر تقريرها بينة اولية على ذلك الوضع لغايات تقدير التعويض عن العقار، ولها بناء على طلب المستملك ان تضمن

من هذا (10) تقريرها مقدار التعويض الذي تقدره للعقار المستملك مراعية في ذلك اسس وطرق التقدير المنصوص عليها في المادة القانون.

7-المادة

يعتبر مالكا للعقار من كان للعقار مسجلا باسمه في دائرة التسجيل وإذا كان العقار غير مسجل فيعتبر المالك له واضع اليد عليه بتاريخ -أ- نشر قرار مجلس الوزراء بالاستملاك على ان لا يجحف ذلك بحق أي شخص يرغب في اقامة الدعوى فيما بعد مدعياً انه صاحب الحق في التعويض المقرر تفصل المحكمة في الملكية في حالة وجود خلاف بشأنها -ب-

8-المادة

في حالة وجود اشخاص ذوي حق في العقار بسبب اي حق من حقوق الانتفاع او الاجارة فيترتب على مالك العقار ان يخبر المستملك -أ- يوماً من تاريخ نشر قرار الاستملاك كما يجوز لصاحب الحق ان يقوم بذلك خلال المدة المذكورة (30) خطياً باسمائهم وبحقوقهم خلال يكون مالك العقار مسؤولاً عن دفع التعويض الذي يستحقه اي من اصحاب الحقوق المنصوص عليها في هذه المادة في العقار اذا لم -ب- يتم باخبار المستملك باسمائهم وبحقوقهم تلك خلال المدة المنصوص عليها في هذه المادة ويقدر التعويض الذي يستحقونه وفقاً لاحكام البند من هذا القانون (10) من المادة (ب) من الفقرة (3)

9-المادة

يترتب على المستملك ان ينشر اعلاناً في صحيفتين يوميتين على الاقل يتضمن موجزاً عن التفاصيل الواردة في قرار الاستملاك بما -أ- في ذلك وصف العقار المستملك واسماء مالكيه او المتصرفين به أو واضعي اليد عليه واصحاب الحقوق فيه، وان يعرض على المالك في الاعلان مراجعته خلال ثلاثين يوماً من تاريخ النشر للتفاوض بقصد الاتفاق على مقدار التعويض الواجب دفعه له عن عقاره المستملك يتم التفاوض بين المستملك والمالك للاتفاق على التعويض الواجب دفعه عن العقار المستملك ويعتبر الاتفاق ساري المفعول بعد -ب- تصديقه من قبل وزير المالية اذا كان المستملك احدى الوزارات والدوائر والمؤسسات الرسمية العامة ووزير البلديات والبيئة اذا كان المستملك احدى البلديات

10-المادة

إذا لم يتفق المستملك والمالك على مقدار التعويض لاي سبب كان فيجوز لاي منهما ان يقدم طلباً الى المحكمة لتعيين هذا المقدار -أ- تراعى الاسس التالية في تقدير التعويض عن اي عقار يتم استملاكه بمقتضى هذا القانون سواء تم التقدير عن طريق المحكمة او -ب- بالاتفاق

1- أن يعتبر تعويضاً عادلاً عن العقار او عن استعماله او الانتفاع او التصرف به الثمن او بدل الاجارة الذي يمكن الحصول عليه لو بيع -أ- علناً في السوق او جرى تأجيره من الشخص راغب في الشراء او الاستئجار في اليوم الذي تم فيه نشر الاعلان المنصوص عليه في من هذا القانون (4) من المادة (أ) الفقرة

2- أن يعتبر تعويضاً عادلاً عن الضرر الناجم من جراء انشاء أي حق ارتفاق أو فرض قيد على ملكية العقار المبلغ الذي ينقص من سعر -ب- العقار بسبب انشاء ذلك الحق او فرض ذلك القيد

3- أن يعتبر التعويض العادل عن حق الاجارة او الانتفاع الذي يملكه في العقار اي شخص آخر غير مالكة في حالة زوالهما كلياً مبلغاً -أ- من ذلك التعويض اذا كان العقار مشغولاً لغايات (15%) يقطع لمصلحة ذلك الشخص من التعويض المقدر لمالك العقار لا يزيد على اذا كان العقار مشغولاً لغايات اخرى واذا كان زوال المنفعة او الاجارة جزئياً فيقطع عنهما (5%) تجارية أو صناعية، وما لا يزيد على من التعويض بنسبة ما نقص منهما

من هذه المادة ما يلي (ب) يشترط عند اجراء تقدير التعويض المنصوص عليه في الفقرة -ج-

(4) من المادة (أ) ان لا يتم التعويض عن أي تحسينات او اضافات اجريت على العقار بعد نشر الاعلان المنصوص عليه في الفقرة -ب- 1- من هذا القانون

2- أن يؤخذ بعين الاعتبار ثمن العقارات المجاورة -ب-

3- ان لا يؤثر في التقدير ارتفاع او نقصان القيمة الذي نشأ عن الاستملاك -ب-

4- اذا رغب المالك في اخذ كل او بعض ما هو ثابت وملحق بالعقار المستملك كاتفاض البناء والاشجار المقموعة فتتزل قيمتها مستحقة -ب- القلع من التعويض الذي يستحقه المالك ويترتب عليه نقلها من العقار المستملك خلال المدة التي يحددها المستملك والانقلت على نفقته الى اي عقار آخر يعود على المالك أو أي مكان آخر يراه المستملك مناسباً وتنزل نفقات النقل من التعويض المستحق للمالك

5- على الرغم مما ورد في هذا القانون او اي تشريع اخر يقدر التعويض عن اي اضرار نجمت عن الاعمال التي قام بها المستملك قبل -ب- ولحقت بأي عقار بما هو موجود او ثابت فيه خارج نطاق المساحة المستملكه او المراد استملاكها بقرار من مجلس الاستملاك او بعده الوزراء بناء على تنسيب ترفعه اليه لجنة مؤلفة من مدير عام دائرة الاراضي والمساحة رئيساً وعضوية كل من امين عام وزارة المالية وامين عام ديوان المحاسبة على ان تستأنس اللجنة في تقديرها للتعويض برأي لجنة فرعية وتؤلف في كل محافظة من مدير الاشغال العامة ومدير التسجيل ومدير الزراعة ومنسوب عن ديوان المحاسبة فيها

6- وللمتضرر او المستملك ان يقدم طلباً الى المحكمة لتقدير التعويض العادل في كل الاحوال

7- مع مراعاة اسس التقدير الواردة في هذه المادة ، يتبع عند تقدير التعويض طريقة او اكثر من الطرق التالية -ب-

- وتعني مقارنة كلفة انشاء عقار جديد مماثل للعقار المستملك في المواصفات والاستخدام على اساس كلفة الانشاء السائدة حين :التكلفة -1 الاستملاك والتي يتم اعتمادها ونشرها من دائرة الاراضي والمساحة ويسوى الفرق الناتج عن ذلك مع الاخذ بعين الاعتبار عمر البناء وحالته وصلاحيته للاستخدام
- وتعني استنتاج القيمة من تحليل اسعار السوق للعقارات المماثلة للعقار موضوع التقدير وذلك مع تسوية الفروقات بين تقدير :المقارنة-2 العقارات موضوع المقارنة والعقار المستملك
- ويعني رسملة المردود المتوقع او الدخل الصافي من العقار بنسبة الفائدة الآمنة وعلى مدى العمر الانتاجي المتبقي للعقار :الدخل-3 يتم اعداد تقرير التعويض وفق الانموذج المعتمد من دائرة الاراضي والمساحة معززاً بالوثائق والبيانات التي تم اعتمادها لاصدار -1ز-:التقرير على ان تشمل بصورة خاصة ما يلي
- التقرير المفصل الذي يبين اسلوب تحديد مقدار التعويض -
- البيانات الداعمة للتقرير كسند التسجيل ومخطط الاراضي ومخطط الموقع التنظيمي وصور العقار والمعلومات الاحصائية المتعلقة -
- بموضوع التقدير وخالصة الحسابات
- من هذا القانون (6)تقرير اللجنة المنصوص عليها في المادة -
- يتوجب عند اعداد تقرير التعويض بيان اسس ومبررات وطريقة التقدير وكيفية تكوين رأي الخبرة عن الاستخدام الافضل والاعلى -2 للعقار
- لضمان التقدير العادل ، يكون للمحكمة الرقابة على تقرير الخبرة وعليها عند تحديد مقدار التعويض التأكد من تقييد التقرير بأحكام -ح هذه المادة

#### 11-المادة

- من هذه المادة اذا كان الاستملاك لفتح او توسيع طريق او لانشاء مشروع اسكان حكومي (ج)و (ب)مع مراعاة ما ورد في الفقرتين أ- فيقطع مجاناً ما لا يزيد على ربع مساحة الارض اذا كان الاستملاك للطريق وما لا يزيد على ربع مساحة الجزء المستملك من الارض اذا كان الاستملاك لانشاء مشروع الاسكان على ذلك الجزء على ان تخصص المساحة المقطعة مجاناً لغاية انشاء الطرق في مشروع الاسكان ويكون المستملك ملزماً بدفع التعويض عن تلك المساحة في اي وقت بعد انشاء المشروع اذا لم ينفذ تلك الطرق، ويشترط في جميع عمليات الاستملاك أن يدفع التعويض عن كامل ما هو ملحق او ثابت بالجزء المستملك من الارض كالأبنية والشجار وذلك مهما كانت الغاية من الاستملاك
- يدفع المستملك التعويض عن كامل المساحة المستملكة لفتح او توسيع طريق او لانشاء مشروع اسكان حكومي عليها دون اقتطاع أي -ب جزء منها مجاناً اذا شمل الاستملاك العقار بكامله او بقيت منه نغفه او فضله غير صالحة للاعمار او للانتفاع منها واعتبرت مشمولة من هذا القانون (12)بالاستملاك وفقاً للأحكام والشروط المنصوص عليها في المادة
- اذا استملك ربع مساحة الارض مجاناً للطرق فلا يجوز استملاك أي جزء آخر منها بدون تعويض، اما اذا استمكت اي مساحة من -ج الارض لمشروع اسكان حكومي وجري استملاك اي جزء آخر او اكثر من تلك الارض للمشروع نفسه او للطرق فلا يجوز ان يزيد مجموع ما اقتطع من الارض مجاناً في جميع حالات الاستملاك التي تمت فيها عن ربع مساحة القطعة الاصلية ولو انتقلت ملكيتها لا يؤثر في حساب الربع الجائز استملاكه بدون تعويض بمقتضى احكام هذا القانون معاملات التقسيم او التنظيم الخاصة التي يقدمها -د المالكون بعد وضع مخططات الاستملاك أو مخططات التنظيم داخل حدود البلديات والقرى أو خارجها ولو لم يتم تصديق تلك المخططات

#### 12-المادة

- اذا أصبح الجزء المتبقي من العقار بعد الاستملاك غير صالح للاعمار او غير صالح للانتفاع به يعتبر هذا الجزء مشمولاً حكماً بقرار الاستملاك اذا طلب مالكة التعويض عنه، ويدفع تعويضه على هذا الاساس على انه يشترط في ذلك ان لا يكون لمالك العقار عقاراً آخر ملاصق يمكن ضم الجزء المتبقي اليه ليصبح العقاران معا صالحين للاعمار او الانتفاع بهما

#### 13-المادة

- يعتبر استملاكاً فتح أو توسيع أي طريق بموجب مخطط تنظيم أصلي أو تعديلي مكتسب الدرجة القطعية وفق أحكام قانون تنظيم المدن أ- والقرى والأبنية المعمول به وأي قانون آخر يعدله أو يحل محله
- من هذا (6)ترسل نسخة عن مخطط التنظيم الى مدير التسجيل ليضع اشارة على قيد تلك العقارات المستملكة وفق احكام المادة -ب القانون

- تطبق على هذا الاستملاك من حيث الاجراءات وتقدير ودفع التعويض احكام هذا القانون ويعتبر تاريخ التصديق النهائي للمخططات -ج لهذه الغاية بمثابة النشر لاعلان الاستملاك وقرار مجلس الوزراء بالاستملاك

#### 14-المادة

- من هذه المادة وحتى تاريخ دفعه او (ب)منه تحتسب من التاريخ المبين في الفقرة (90%)يضاف للتعويض فائدة سنوية مقدارها أ- ايداعه

- من هذه المادة على مبلغ التعويض المستحق للمالك اذا لم يدفع خلال شهر من تاريخ (أ)تسري الفائدة المنصوص عليها في الفقرة -ب اكتساب قرار المحكمة به الدرجة القطعية او من تاريخ الاتفاق عليه او من تاريخ التصديق على الاتفاق في الحالات التي يجب التصديق

بسبب عدم المطالبة به أو لأي سبب آخر) فيها عليه، على ان يعتبر ايداع مبلغ التعويض خلال تلك المدة لدى مدير التسجيل المختص ابراء لذمة المستملك شريطة ان يعلن عن ذلك الايداع في صحيفة يومية على الاقل اذا تعذر تبليغ المالك بذلك لاي سبب (يتعلق بالمالك من الاسباب

دعاوى الفسخ والاسترداد وسائر الدعاوى العينية لا توقف الاستملاك واجراءاته ولا تؤثر على نتائجه ويكون للمحكوم لهم في تلك -ج- الدعاوى الحق في التعويض المقرر

15-المادة

المعمول به لا يجوز حجز بدل التعويض عن عقار او حق لا يجوز (قانون وضع الاموال غير المنقولة تأميناً للدين) مع مراعاة احكام -أ- حجزه قانونا

اذا كان التعويض عن عقار محجوز أو عن عقار موضوع تأميناً للدين فيودع ما يعادل قيمة الحجز او التأمين من التعويض في -ب- صندوق الخزينة، ولا يدفع لاي جهة أو لأي شخص الا بموجب قرار صادر من مرجع قضائي او اداري مختص

16-المادة

بعد دفع التعويض المستحق لذوي الاستحقاق او ايداعه لدى الخزينة او لدى مدير التسجيل المختص يسجل العقار بأسم المستملك او -أ- ينزل على المخططات حسب مقتضى الحال بأمر من مدير عام دائرة الاراضي والمساحة

لا يسجل العقار الذي يستملك للطرق الا اذا رأى مجلس الوزراء ضرورة لذلك -ب-

اذا تبين لمدير عام دائرة الاراضي والمساحة ان حسابات مخطط الاستملاك او التنظيم لم تكن صحيحة، يصدر امراً بأجراء التصحيح -ج- ويكلف المستملك بدفع التعويض عن المساحات الزائدة وفق التقدير المقرر سابقاً كما يكلف المالك برد ما قبضه زيادة عن استحقاقه في التعويض واذا امتنع عن الدفع فتحصل الزيادة منه بموجب قانون تحصيل الاموال الاميرية

لا يدفع التعويض للمالك ما لم يثبت دفعه بالنسبة للعقار المستملك عوائد التنظيم والضرائب والرسوم والنفقات المستحقة للبلدية المتحققة -د- على ذلك العقار المستملك واذا لم يقدم المستفيد شهادة تثبت براءة ذمته من تلك الاموال والعوائد فيتم حسمها من أصل التعويض بعد التثبت من قيمة تلك العوائد خطياً من الدائرة المختصة

17-المادة

اذا اقتنع مجلس الوزراء بناء على طلب المستملك ان هنالك اسباباً تدعو لان يضع المستملك يده على العقار في الحال فيصدر المجلس -أ- مع قرار الاستملاك او بعده قراراً بحيازة العقار فوراً دون التقيد باجراءات الاستملاك المنصوص عليها في هذه القانون باستثناء من هذا القانون ويكون هذا القرار نهائياً (4) الاجراءات المنصوص عليها في المادة

اذا كان المستملك غير الوزارات والدوائر الحكومية والمؤسسات العامة الرسمية التابعة للحكومة والبلديات فيتوجب على المستملك ان -ب- من هذه المادة (ج) يودع صندوق الخزينة التعويض الذي تقدره اللجنة المنصوص عليها في الفقرة

يتولى مدير عام دائرة الاراضي والمساحة بواسطة من ينتخبهم من الخبراء اجراء الكشف الحسي على العقار المقرر حيازته فوراً -ج- لتقدير التعويض الواجب ايداعه ولاثبات اوصاف العقار بصورة دقيقة ومفصلة للاستئناس بهذا الكشف عند تقدير قيمة التعويض

18-المادة

عند استملاك عقار يملكه قاصر او محجور عليه او فاقد الاهلية القانونية او غائب او كان العقار موقوفاً لا يجوز التفاوض للاتفاق على التعويض عنه الا اذا كانت الحكومة او احدى المؤسسات الرسمية العامة التابعة لها هي المستملك كما لا يجوز للاوصياء او القوام او النظار او متولي الوقف تسلم التعويض الذي يتفق عليه او الذي يصدر به حكم الا بأذن خاص من المحكمة المختصة

19-المادة

من هذه المادة يجوز التخلي كلياً او جزئياً عن اي عقار تم استملاكه بمقتضى هذا القانون بقرار من مجلس (د) مع مراعاة احكام الفقرة -أ- الوزراء بناء على طلب المستملك وينشر في الجريدة الرسمية ولا يبقى للمستملك اي حق في العقار بعد صدور القرار

من هذا القانون او اي جزء (13) يعتبر تخلياً عن الاستملاك اذا جرى تعديل مخطط التنظيم واصبح العقار المستملك بموجب المادة -ب- منه غير داخل في الطريق

لمالك العقار ولجميع الاشخاص الذين يملكون أي حق أو منفعة فيه المطالبة بالتعويض عن الضرر الذي لحق بهم من جراء -ج- الاستملاك وبالمصاريف التي تكبدوها بسببه

لا يجوز التخلي كلياً أو جزئياً عن أي عقار تم استملاكه اذا كان المستملك قد وضع يده عليه وتصرف به بشكل أثر في وضعه أو في -د- وضع الجزء المتخلى عنه وغير من معالمه بصورة جوهرية الا إذا وافق المالك على استرداده بحالته تلك بناء على الشروط التي يتفق عليها لذلك الغرض مع المستملك

20-المادة

يحق لمالك العقار المستملك من غير الحكومة او احدى المؤسسات الرسمية العامة التابعة لها او البلدية استعادته بناء على دعوى يقيمها -أ- لدى المحكمة المختصة اذا لم يباشر المستملك العمل في المشروع الذي استملك العقار من اجله خلال ثلاث سنوات من تاريخ تسجيل

العقار باسمه شريطة ان تكون الاسباب التي ابداهها المستملك لعدم مباشرة العمل في المشروع غير كافية او غير معقولة او كان في مقدور المستملك التغلب عليها

من هذه المادة فتلزمه بناء على طلب المستملك (أ) إذا قررت المحكمة اعادة العقار للمستملك الى مالكة الاصيلي بمقتضى احكام الفقرة -ب- برد التعويض الذي قبضه عن العقار، كما تلزم المستملك بناء على طلب المالك بأن يدفع التعويض الذي تقدره عن الضرر الذي لحق بالمالك من جراء الاستملاك وبالمصاريف التي تكبدها بسببه وبأجر المثل عن العقار عن المدة التي بقي فيها تحت تصرف المستملك او في حوزته

21-المادة

إذا لم يكن المستملك احدى البلديات يقوم مدير عام دائرة الاراضي والمساحة باتخاذ جميع الاجراءات وممارسة جميع الصلاحيات التي يجب على المستملك أو يحق له القيام بها بمقتضى احكام هذا القانون وتكون ملزمة للمستملك وكأنه هو الذي قام بها، ويشترط في ذلك ان تكون صلاحية مدير عام دائرة الاراضي والمساحة في الاتفاق مع المالك على التعويض عن عقاره المستملك مفيدة بالمبلغ الذي حدده المستملك لذلك التعويض

22-المادة

تقام الدعوى لتقدير التعويض من قبل المالك او المستملك -أ-

تعطى قضايا التعويض عن العقارات المستملكة صفة الاستعجال وعلى ان يتم الفصل فيها خلال مدة لا تزيد على سنة من تاريخ -ب- تسجيلها

23-المادة

تصرف مكافآت للقضاة وممثلي النيابة العامة والموظفين الذين يشتركون في الكشوف الحسية التي يجرونها خارج اوقات الدوام -أ- الرسمي على العقارات المستملكة بموجب احكام هذا القانون

تحدد المكافآت وطريقة استيفائها ودفعها والطرف الذي يتحملها بنظام خاص يصدر بمقتضى هذا القانون -ب-

24-المادة

إذا ارتفعت بسبب الاستملاك قيمة عقار واقع ضمن منطقة تنظيم المجلس البلدي أو ضمن منطقة المجلس القروي وذلك لخروجه بنتيجة -أ- الاستملاك الى وجه الطريق او بتوسيع الطريق الذي يقع عليه او بسبب ازدياد مساحة وجه الطريق الذي يقع عليه بأي صورة من الصور يتقاضى المجلس البلدي من مالك ذلك العقار ضريبة تحسين لا تزيد على ربع مقدار ارتفاع قيمته ويشترط في ذلك ما يلي ان يكون المجلس البلدي قد فرض ضريبة التحسين وقام بتبليغها للمالك خلال سنة واحدة من تاريخ انجاز الطريق الذي ارتفعت قيمة -1- العقار بسببه

ان يكون المجلس البلدي مكلفا بدفع التعويض عن كل او بعض العقارات التي استمكنت من اجل الطريق، وان يجري التقاص بين -2- التعويض وضريبة التحسين المستحقة على اي مالك

ان لا يزيد مجموع ما يفرض من أجل ضريبة التحسين على مجموع التعويض المقرر دفعه عن العقارات المستملكة -3-

ان لا تفرض ضريبة تحسين على من استملك ربع مساحة عقاره دون تعويض، اما اذا كان الجزء المستملك اقل من ربع مساحة -4- العقار فلا يجوز ان تتجاوز ضريبة التحسين المستوفاة بموجب هذه الفقرة الفرق بين قيمة مساحة ربع العقار وقيمة الجزء المستملك تدفع ضريبة التحسين على أربعة أقساط متساوية خلال أربع سنوات -ب-

تفصل المحكمة في أي خلاف يقع بشأن ضريبة التحسين -ج-

25-المادة

1976 لسنة (2) تتبّع الاجراءات التالية فيما يتعلق بطلبات التعويض القائمة حالياً بموجب قانون الاستملاك رقم

تحال طلبات التعويض عن العقارات المستملكة والموجودة لدى مديري التسجيل أو لجان التقدير البدائية بتاريخ نفاذ احكام هذا القانون -أ- الى المحكمة التي يقع العقار المستملك ضمن اختصاصها وذلك خلال ثلاثين يوماً من ذلك التاريخ وتسجل تلك الطلبات كدعاوى مقامة لدى المحكمة من قبل المستملك على المالك، وتقوم المحكمة بتبليغ الفراء عن أحوال طلبات التعويض اليها وتسير فيها كدعاوى وحسب احكام القانون ودون استيفاء رسوم اقامة الدعوى

تستأنف قرارات التقدير الصادرة عن لجان التقدير البدائية التي لم تكتسب الدرجة القطعية بتاريخ نفاذ احكام هذا القانون الى محكمة -ب- الاستئناف خلال ثلاثين يوماً من تاريخ ذلك النفاذ او خلال ثلاثين يوماً من تاريخ تبليغها اذا تم بعد نفاذ احكام هذا القانون وتسري على هذا الاستئناف احكام قانون اصول المحاكمات الحقوقية ونظام رسوم المحاكم المعمول بهما

يوماً من تاريخ ذلك النفاذ دون (30) اما طلبات التعويض المستأنفة لدى لجان التقدير الاستئنافية فتحال الى محاكم الاستئناف خلال -ج- استيفاء أية رسوم جديدة، ويسار فيها وفقاً لاحكام قانون اصول المحاكمات الحقوقية

يمثل النائب العام الحكومة في أي اجراءات محالة للمحاكم بموجب هذه المادة ويمثل المؤسسات الرسمية العامة ممثلوها القانونيين -د- بموجب قوانينها الخاصة

26-المادة

لا تطبق احكام هذا القانون على الدعاوى المقامة لدى اية محكمة قبل نفاذه ، ويعتبر قرار المحكمة فيها ساري المفعول على سائر -أ- الشركاء في العقار المملوك لهم على وجه الشبوع كل بحسب حصته وكأنه صادر بحقهم ، ويبلغ القرار لهم على ان لا يدفع التعويض المحكوم به لاي منهم او يسمح له بالطعن فيه لدى المحاكم المختصة الا اذا دفع رسوم المحاكم المترتبة على التعويض المحكوم له به

تعتبر القرارات الصادرة عن أي لجنة بدائية واستئنافية تم تشكيلها قبل نفاذ احكام هذا القانون المعدل ولم يتم تنفيذها كأنها صادرة وفقا -ب  
من هذا القانون (6) لاحكام المادة

27-المادة

وكانها صدرت بمقتضى أحكام هذا 1976لسنة (2)تعتبر الاجراءات والاعلانات التي تمت في ظل احكام قانون الاستملاك رقم -أ  
القانون.

من قبل المحكمة مراعية بذلك أحكام المواد 1976لسنة (2) يتم تقدير التعويض عن العقارات المستملكة بموجب أحكام القانون رقم -ب  
من القانون المذكور 15، 16، 17

28-المادة

والأنظمة الصادرة بمقتضاه 1976لسنة (2)رقم (قانون الاستملاك)يلغي

29-المادة

رئيس الوزراء والوزراء مكلفون بتنفيذ احكام هذا القانون

## ANNEX 6: DEFINITION OF OP 4.12 KEY TERMS

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### DEFINITION OF TERMS

<b>Associated Projects</b>	Means any subprojects or activities which are directly related to the World Bank project.
<b>Census</b>	Means a field survey carried out to identify and determine the number of Project Affected Persons (PAP), their assets, and potential impacts; in accordance with the procedures, satisfactory to the relevant government authorities, and the World Bank Safeguard Policies. The meaning of the word shall also embrace the criteria for eligibility for compensation, resettlement and other measures, emanating from consultations with affected communities and the Local Leaders.
<b>Social Management Environmental Framework</b>	Instrument (document) which establishes a mechanism to determine and assess future potential environmental and social impacts of the project funded activities in the Bank financed project construction program and other activities associated with Bank financed project regardless of funding agency. The framework sets out mitigation, monitoring and institutional measures to be taken during design, implementation and operation of the project activities to eliminate adverse environmental and social impacts, offset them, or reduce them to acceptable levels. This instrument is a separate and stand-alone document to be used in conjunction with this RPF.
<b>Compensation</b>	Means the payment in kind, cash or other assets given in exchange for the taking of land, or loss of other assets, including fixed assets thereon, in part or whole.
<b>Cut-off Date</b>	It is the date at which census of PAPs within the project affected area commences. This is the date on and beyond which any person whose land is occupied for project use, will not be eligible for compensation.
<b>Project Affected Persons (PAPs)</b>	Means persons who, for reasons of the involuntary taking or voluntary contribution of their land and other assets under the project, result in direct economic and or social adverse impacts, regardless of whether or not the project affected persons physically relocated.
<b>Involuntary Displacement</b>	Means the involuntary taking of land resulting in direct or indirect economic and social impacts caused by: a) Loss of benefits from use of such land; b) Relocation or loss of shelter; c) Loss of assets or access to assets; or d) Loss of income sources or means of livelihood, whether or not the project affected person has moved to another location.
<b>Involuntary Land Acquisition</b>	It is the taking of land by government or other government agencies for compensation, for the purposes of a public project against the will of the

landowner. The landowner may be left with the right to negotiate the amount of compensation proposed. This includes land or assets for which the owner enjoys uncontested customary rights.

<b>Land</b>	Refers to agricultural and/or non-agricultural land and any structures thereon whether temporary or permanent and which may be required for the Project.
<b>Land Acquisition</b>	Refers to the taking of or alienation of land, buildings or other assets thereon for purposes of the Project.
<b>Rehabilitation Assistance</b>	Means the provision of development assistance in addition to compensation such as land preparation, credit facilities, training, or job opportunities, needed to enable project affected persons to improve their living standards, income earning capacity and production levels; or at least maintain them at pre-project levels.
<b>Resettlement and Compensation Plan</b>	Also known as a “Resettlement Action Plan (RAP)” or Resettlement Plan” is a resettlement instrument (document) to be prepared when subproject locations are identified and impact is known. In such cases, land acquisition leads to physical displacement of persons, and/or loss of shelter, and /or loss of livelihoods and/or loss, denial or restriction of access to economic resources. RAPs are prepared by the party impacting on the people and their livelihoods. RAPs contain specific and legally binding requirements to be abided by to resettle and compensate the affected party before implementation of the project activities causing adverse impacts.
<b>Replacement Cost</b>	Means replacement of assets with an amount sufficient to cover full replacement cost of lost assets and related transaction costs.
<b>Replacement Cost for Agricultural Land</b>	Means the pre-project or pre-displacement, whichever is higher, value of land of equal productive potential or use located in the vicinity of the affected land, plus the costs of: <ul style="list-style-type: none"><li>• preparing the land to levels similar to those of the affected land;</li><li>• any registration, transfer taxes and other associated fees;</li></ul>
<b>Replacement Cost for Houses and other Structures</b>	Means the prevailing cost of replacing affected structures of the quality similar to or better than that of the affected structures, in an area and. Such costs shall include: <ul style="list-style-type: none"><li>a) Building materials</li><li>b) Transporting building materials to the construction site;</li><li>c) Any labor and contractors’ fees; and</li><li>d) Any registration costs.</li></ul>
<b>Resettlement Assistance:</b>	Means the measures to ensure that project affected persons who may require to be physically relocated are provided with assistance such as moving allowances, residential housing or rentals whichever is feasible and as required, for ease of resettlement during relocation,

**Resettlement Policy**

**Framework (RPF)**

This is an instrument to be used throughout the project implementation. The RPF will be publicly disclosed in impacted areas to set out the resettlement and compensation policy, organizational arrangements and design criteria to be applied to meet the needs of the people who may be affected by the program. The Resettlement Action Plans ("RAPs") for the project will be prepared consistent with the provisions of this RPF.

**Resettlement Action Plan**

Same as Resettlement and Compensation Plan explained above

**Vulnerable Groups**

Refers to o Widows, the disabled, marginalized groups, low income households and informal sector operators;

- Incapacitated households – those no one fit to work and;
- Child-headed households and street children

This group is among other things, characterized by low nutrition levels, low or no education, lack of employment or revenues, old age, ethnic minority and/or gender prejudice.

**ANNEX 7: SAMPLE RESETTLEMENT ENTITLEMENT MATRIX**

<b>Type of loss</b>		<b>Unit of Entitlement</b>	<b>Entitlement</b>	<b>Agency responsible</b>	<b>Methodology</b>
Land affected		Individual and collective township, government and private enterprises	a) Provision of job b) Old age pension and rehab measures to elderly people c) Self-employment subsidy	MoMA	MOMA will pay money to township government (township land planning office-local labor service management center) who will provide job or distribute compensation to individuals.
Agricultural facilities		Collective unit, individual	Compensation at replacement cost for restoration	MoMA	MOMA pay and sign agreement with township LPO, who will then distribute compensation to collective units or individuals
Buildings affected	Private houses	Family	a) House with ownership b) Apartment with or without ownership c) Compensation at replacement rates	MoMA	MOMA provide built-up houses or cash for home reconstruction to township LPO or entrusted sectors who will then sign agreement with affected households and get them relocated
	State-owned	Owner (Housing Management Bureau/collective unit	a) Buildings for replacement b) Compensation at replacement rate c) Plot of same size d) Transfer cost	MoMA	MOMA provide built-up houses a cash for house reconstruction to township LPO or LABAS who will then sign agreement with the affected owner
	Enterprises	Enterprise owner	a) Buildings for replacement b) Compensation	MoMA	a) MOMA will entrust local LABA for the compensation b) MOMA directly sign agreement with affected owners
Indirect impacts in disturbance zone		Owner of affected property	Compensation at replacement rates	MoMA	MOMA will pay the full cost of repair or relocation (if the damage is severe)
Relocation		Individual	Transfer Cost person/month allowance relocation incentive	MoMA	MOMA will pay compensation to LABAS
Temporary land		Local government affected	Compensation paid to township government for providing temporary join.	MOMA	MOMA will pay compensation to township government through LABA and

<b>Type of loss</b>		<b>Unit of Entitlement</b>	<b>Entitlement</b>	<b>Agency responsible</b>	<b>Methodology</b>
acquisition		individuals	sideline activities or allocating agricultural land		township responsible for rehabilitation arrangement
Other structures and infrastructure		Owners, local government agencies concerned	Compensation at replacement value a actual replacement of structures	MoMA	MOMA pays compensation in local government or species concerned who reconstruct the infrastructure. For private structure, paid to affected individual.
Temporarily affected enterprises		Enterprise owner	Place for temporary relocation Compensation for affected assets at replacement value Salary allowance, compensation for production losses	MoMA	MOMA pays compensation to local government or agencies concerned, who reconstruct the Infrastructures. For private structures, paid to affected individual.
Enterprise Affected	Job affected	Individual	a) Salary allowance b) Job at new location	MoMA	MOMA will entrust local government or other sectors to sign agreement with the enterprise who will then give the compensations to the affected worker each month.
	Transfer cost – production loss	Enterprise owner	Cost of transfer and reconstruction Compensation for loss of production	MoMA	MOMA will agree with the affected enterprises and then pay losses

**ANNEX 8: TYPES OF COMPENSATION FINANCED OUT OF THE BANK LOAN**

<b>No.</b>	<b>Category</b>	<b>Description</b>	<b>Mode of Compensation Payment</b>	<b>Eligibility for Financing out of the Bank Loan</b>
1.	Compensation	Land	Cash or in kind	Not eligible
		Structures	Cash	Not eligible*
			Building material	The cost of building material and labor is eligible
			Housing	Eligible. The cost of the house provided to PAP in lieu of compensation for affected structure can be covered by the Bank loan
		Crops/trees	Cash	Not eligible*
2.	Allowances	Transition subsistence allowance	Cash or in kind	Not eligible*
		Training cost allowance	Payment to Training Institute	Eligible
			Payment to AP during the training	Not eligible*
		Allowance for business loss	Cash	Not eligible*
		Repair cost	Cash	Not eligible*
		Transport	In kind	Eligible. Cash payment is not eligible
3.	Resettlement site	Civil works		Eligible
		Consultants fee for surveys, site-planning, and technical design during project implementation		Eligible
		Management and supervision fee to consultants during project implementation		Eligible
		Fee paid to government departments for review and approval of plans and designs		Not eligible
4.	RP preparation	Costs incurred by Executing Agency		Eligible through project preparation technical assistance
5.	Public facilities and infrastructure	Costs of replacement of affected infrastructure		Eligible
6.	Fee and taxes	Fee and taxes paid to different government agencies for review of designs and RPs		Not eligible

7.	RP implementation and supervision	Costs incurred by Executing Agency	Only the incremental costs incurred for RP implementation are eligible
8.	External monitoring	Fee paid to independent monitoring agency or consultants	Eligible

\*The eligibility in the matrix for these items is based on the current practices in World Bank funded projects

**ANNEX 9: SAMPLE GRIEVANCE FORM**

<b>Grievance Form</b>				
Grievance number				Copies to forward to:
Name of recorder				(Original) Receiver Party
Province/District/Settlement				(Copy)-Responsible Party
Date				
<b>Information about grievance</b>				
Define the grievance:				
Information about the compliant			Forms of receive:	
			<input type="checkbox"/> Phone line <input type="checkbox"/> Community	
Name				
Telephone number:				
Address		Information meeting:		
Village/Settlement		<input type="checkbox"/> Mail <input type="checkbox"/> Informal <input type="checkbox"/> Other		
District/Province				
Signature of Compliant				
<b>Details of Grievances</b>				
<b>1. Access to Land and Resources</b> a) Fishing grounds b) Lands c) Pasturelands d) House e) Commercial site f) Other	<b>2. Damage to</b> a) House b) Land c) Livestock d) Means of livelihood e) Other	<b>3. Damage to Infrastructure or Community Assets</b> a) Road/Railway b) Bridge/Passageways c) Power/Telephone Lines d) Water sources, canals and water infrastructure for irrigation and animals e) Drinking water f) Sewerage System g) Other	<b>4. Decrease or Loss of Livelihood</b> a) Agriculture b) Animal husbandry c) Beekeeping d) Small scale trade e) Other	<b>5. Traffic Accident</b> a) Injury b) Damage to property c) Damage to livestock d) Other
<b>6. Incidents Regarding Expropriation and Compensation (Specify)</b>	<b>7. Resettlement Process (Specify)</b>	<b>8. Employment and Recruitment (Specify)</b>	<b>9. Construction Camp and Community Relations</b> a) Nuisance from dust b) Nuisance from noise c) Vibrations due to explosions d) Misconduct of the project personal/worker e) Complaint follow up f) Other	<b>10. Other (Specify)</b>

## ANNEX 10: SAMPLE INTERNAL AND INDEPENDENT MONITORING PROGRAMS

<b>Monitoring Requirements</b>	<b>YBFCP Response</b>	
	<b>Internal Monitoring</b>	<b>Role of the IMEO</b>
<b>Community Reestablishment</b>		
Disbursement of compensation to villagers (for assets, structures, etc.)	<ul style="list-style-type: none"> <li>CoRO (County Resettlement Offices) reports on progress of disbursement against schedule and budget</li> </ul>	<ul style="list-style-type: none"> <li>IMEO (Independent Monitoring and Evaluation Office) to evaluate CRO progress reports, cross-check disbursement progress with affected people through public meetings and interviews in affected villages</li> </ul>
Progress and quality of housing	<ul style="list-style-type: none"> <li>SR and Village Leaders supervise house reconstruction, compliance with agreed standards, including sanitation standards. CoRO to identify very poor and single parent/single elderly households</li> </ul>	<ul style="list-style-type: none"> <li>IMEO to evaluate the sufficiency of resettlement budget for replacement costs, cross-check with affected people through public meetings and interviews</li> </ul>
Progress and quality of infrastructure	<ul style="list-style-type: none"> <li>SR to provide progress and quality control, reporting to the CoRO and PRO</li> </ul>	<ul style="list-style-type: none"> <li>IMEO to evaluate initial plans and then CRO and RS records of progress relevant to relocation timing</li> </ul>
Resettlement site preparation	<ul style="list-style-type: none"> <li>SR to supervise resettler and host village preparations, CoRO to contract for required major infrastructure</li> </ul>	<ul style="list-style-type: none"> <li>IMEO to review progress of preparations including infrastructure and land preparations</li> </ul>
<b>Production Reestablishment</b>		
Protection of pre-project living standards (particularly vulnerable groups)	<ul style="list-style-type: none"> <li>Village Leaders consult with affected households, grievance resolution</li> </ul>	<ul style="list-style-type: none"> <li>IMEO to evaluate employment/housing of vulnerable households during regular resettlement village visits (direct interview)</li> </ul>
Maintenance of affected enterprises not relocated		<ul style="list-style-type: none"> <li>IMEO surveys to include affected enterprises (evaluate employees and production). Random site checks of affected villages during consultation</li> </ul>
Resettler employment and education	<ul style="list-style-type: none"> <li>Village Leaders will monitor the success of villagers in maintaining employment, and maintaining access to education. CRO to monitor employment of villagers trained in non-agricultural skills</li> </ul>	<ul style="list-style-type: none"> <li>IMEO to review records of CRO in regard to post training employment, and CRO summary of village production reestablishment activities</li> </ul>
Adequacy of transitional Support	<ul style="list-style-type: none"> <li>Village Leaders to monitor income restoration</li> </ul>	<ul style="list-style-type: none"> <li>IMEO review evaluation through village visits and CoRO reports</li> </ul>
<b>Public Awareness and Participation</b>		
Progress, adequacy and application of village land compensation	<ul style="list-style-type: none"> <li>CoRO monitors village progress, and adequacy of funds for host/resettlement development</li> </ul>	<ul style="list-style-type: none"> <li>IMEO to review recorded disbursements in relation to timing adequacy for production reestablishment, and compliance with agreed application of funds</li> </ul>
Villager awareness of project and impacts incl. resettlement	<ul style="list-style-type: none"> <li>PRO (Project Resettlement Offices) reviews progress of planning in undertaking surveys and inventories, where project awareness is initiated</li> </ul>	<ul style="list-style-type: none"> <li>IMEO to undertake regular village meetings, pre- and post project to ensure villager awareness and participation in resettlement planning</li> <li>IMEO to review progress in signing of land share agreements between resettler and host villagers</li> </ul>

<b>Monitoring Requirements</b>	<b>YBFCP Response</b>	
	<b>Internal Monitoring</b>	<b>Role of the IMEO</b>
Incorporation of measures for supporting vulnerable groups	<ul style="list-style-type: none"> <li>• CoROs via the Village Leaders to identify requirements</li> </ul>	<ul style="list-style-type: none"> <li>• IMEO to evaluate plans (particularly training and transitional support)</li> </ul>
<b>Grievance Resolution</b>		
Villager awareness of grievance resolution channels		<ul style="list-style-type: none"> <li>• Villager awareness included in questionnaires and surveys distributed by the IMEO and planning institutes</li> </ul>
Recorded grievances	<ul style="list-style-type: none"> <li>• Grievance records maintained by village ROs (Resettlement Offices) and PROs</li> </ul>	<ul style="list-style-type: none"> <li>• IMEO to assess the record of grievances to assess the utility of the system in actually channeling and solving issues</li> </ul>
Promptness of grievance resolution	<ul style="list-style-type: none"> <li>• Village Leaders to report timing of grievance initiation, response taken, time and method and nature of resolution</li> </ul>	<ul style="list-style-type: none"> <li>• IMEO to evaluate response times and adequacy of resolution based on PRO records and field interviews with villagers and village leaders</li> </ul>
<b>Institutional Aspects of Resettlement</b>		
Efficiency and timeliness of conducted duties	<ul style="list-style-type: none"> <li>• PROs, based on CRO reports, to identify any shortfalls</li> </ul>	<ul style="list-style-type: none"> <li>• IMEO to evaluate and make recommendations where required for improved efficiency</li> </ul>
Adequacy of personnel for duties	<ul style="list-style-type: none"> <li>• CoROs to report evaluation of staffing conditions to PRO in regular reporting</li> </ul>	<ul style="list-style-type: none"> <li>• IMEO to make evaluation and recommendations related to staffing to the PRO</li> </ul>
Effectiveness of organizational structure and processed for implementation		<ul style="list-style-type: none"> <li>• IMEO to review and make recommendations to the PROs</li> </ul>

Source: *China Yangtze Basin Flood Control Project, Draft Final Resettlement Action Plan, Chapter 9, pp. 18-19*