

HASHEMITE KINGDOM OF JORDAN

**EMERGENCY SERVICES AND SOCIAL RESILIENCE PROJECT
(JESSRP)**

**RESETTLEMENT POLICY FRAMEWORK
(RPF)**

December 5, 2016

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

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: support to participating municipalities to provide additional services based on local needs, the strengthening of community resilience through local economic development and community engagement, and the strengthening of institutional resilience to crises through development of emergency response and disaster preparedness plans at different levels of government. The project will initially support nine municipalities most affected by Syrian refugee inflows. These municipalities will receive multipronged support based on the extent of refugees accommodated. Based on ground conditions and emerging needs, the project may include additional municipalities or eliminate existing ones in the future. 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.

RESETTLEMENT POLICY FRAMEWORK(RPF)

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.

BACKGROUND OF THE PROJECT

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: support to participating municipalities to provide additional services based on local needs, the strengthening of community resilience through local economic development and community engagement, and the strengthening of institutional resilience to crises through development of emergency response and disaster preparedness plans at different levels of government. The project initially supported nine municipalities most affected by Syrian refugee inflows and was expanded to cover sixteen municipalities in 8 governorates around Jordan: Irbid, Mafrq, Ajloun, Balqa, Madaba, Amman, Zarqa, and Ma'an with a total population of around 1.8 million people (Jordanian and Syrians). Most of these governorates are characterized by high unemployment rates and poverty (20 poverty pockets). These municipalities will receive multipronged support based on the extent of refugees accommodated. According to the recent census (2015), about a third of residents are non- Jordanians which is putting huge strain on the country's limited resources and the vulnerable labor market. Based on ground conditions and emerging needs, the project may include additional municipalities or eliminate existing ones in the future. The project was originally designed to be implemented over a period of 38 months which will now be extended by 12 months. The new closing date is December 31, 2017 with the additional financing of USD 11 million (original project budget was USD 62.7 million). It will comprise two components: (i) Municipal Grants; and (ii) Institutional Development and Project Management.

Component 1: Municipal Grants.

The project will provide financial support to participating municipalities through a direct Municipal Grant based on the extent of Syrian refugees hosted. The grants will allow municipalities to finance additional municipal services and programs to help reduce communal tensions and enhance social cohesion. These services will include those that are directly within the municipal competence (e.g., solid waste management (mainly garbage compacting trucks), rehabilitation of existing roads, street lighting, pest control, recreational facilities, local economic development and livelihoods, etc.), as well as certain services that can be contracted out by municipalities to other service providers (e.g., water, wastewater, sanitation, etc.). Grants will also allow municipalities to support community development programs and services to vulnerable communities. Finally, municipalities can also procure urgent and temporary human

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resources to ramp up their capacities to deliver various services and programs. The Municipal Grants will finance goods, works and services.

The municipalities will employ a participatory model, leveraging existing platforms supported by other donors and stakeholders, to include communities in identifying needs and solutions, planning, and accountability processes in order to build strong local ownership and thereby strengthen community resilience and social cohesion. The prioritization of key investments will especially take into account needs of women, youth and other targeted and vulnerable groups.

Component 2: Institutional Development and Project Management.

This component will provide technical assistance to participating municipalities in utilizing the Municipal Grant effectively and efficiently to meet the urgent service delivery, local economic development and livelihoods needs of host communities and refugees, as well as project management support to the Ministry of Municipal Affairs (MOMA), the Cities and Village Development Bank (CVDB) and other relevant central and sub-national agencies to coordinate, manage and oversee the project. The component will also aim to enhance the institutional capacity of government (municipal, governorate, and national) and communities to strengthen their resilience to external crises and shocks by developing their capacity for emergency preparedness, and risk planning, management and financing.

OBJECTIVES OF THE PROJECT

The project development objective is to help Jordanian municipalities and host communities address the immediate service delivery impacts of Syrian refugee inflows and strengthen municipal capacity to support local economic development.

RATIONALE FOR LAND ACQUISITION AND IMPACTS

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.

JESSRP Project

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

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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.

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.

1. PRINCIPLES AND OBJECTIVES OF THE RPF

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

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.

PROJECT AND SUB-PROJECT SCREENING

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.

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*

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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.

SCREENING CHECKLIST

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 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.

PREPARATION OF RAP OR ARAP

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
- 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

RAP/ARAP APPRAISAL AND APPROVAL

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.

CENSUS AND SOCIO-ECONOMIC SURVEY

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 project initially supported nine municipalities most affected by Syrian refugee inflows in two governorates (Irbid and Mafraq) and is currently covering sixteen municipalities in 8 governorates around Jordan: Irbid, Mafraq, Ajloun, Balqa, Madaba, Amman, Zarqa, and Ma'an with a total population of around 2 million people (Jordanian and Syrians). Several of these governorates are characterized by high unemployment rates and poverty (20 poverty pockets). These municipalities will receive multipronged support based on the extent of refugees accommodated. According to the recent census (2015), about a third of residents are non- Jordanians which is putting huge strain on the country's limited resources and the vulnerable labor market. Based on ground conditions and emerging needs, the project may include additional municipalities or eliminate existing ones in the future.

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.

PUBLIC CONSULTATION MECHANISMS

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

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.

SUMMARY OF PUBLIC CONSULTATIONS CARRIED OUT FOR RPF PREPARATION

Robust public consultations were carried out under the project by CVDB and MOMA together with the Mayors of Irbid, Al-Mafraq and Sahel Horan Municipalities from November 18-20, 2013 including over 200 participants 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. The public was invited to these sessions through personalized invitations which were distributed by the concerned municipalities. Specifically, stakeholder consultations consisting of women's organizations, youth and sports clubs, CSOs, farmers and academics were held in the three municipalities of Irbid, Al-Mafraq and Sahel Horan. See Annex 1 for list of attendees and Annex 2 for photos from consultation sessions.

The Mayors introduced the project, its objectives and components, and the type of emergency interventions it will support and participants were given the opportunity to provide feedback on the project design and offer views on community level concerns and interests. The consultation findings were that communities are highly supportive of the project and appreciated the opportunity to present their feedback on the project. They expressed the urgent need for specific interventions that would directly address the accruing negative impacts of the crisis on public services related to:

- ❑ Water and wastewater: acute shortages of drinking water and lack of sewerage networks to minimize the use of cesspits.
- ❑ Education: huge pressures on public schools due to the influx of Syrian students and deteriorating conditions of public schools, requiring proper rehabilitation and maintenance.
- ❑ Health: shortages in medications and increased pressures on public hospitals, resulting in the need for the expansion of available public health facilities.
- ❑ Other municipal services and infrastructure: increased garbage and associated health risks, deteriorated road networks and lighting, crowded public parks and gardens, increased traffic and limited parking, and saturated local cemeteries.
- ❑ Social and economic sectors: lack of financing for small scale income generating projects for the poorer segments of the Jordanian female population; inter group competition between the refugee population with the hosting communities over resources and employment opportunities for youth; and lack of community centers and facilities for youth to prevent local social tensions, crimes, and vandalism.
- ❑ The Mayors were appreciative of the feedback and assured the participants the project will take into consideration these concerns. Minutes of consultations, photos, list of attendees, and written feedback were also registered (Photos are included in Annex I).

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

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

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:

LAND OWNERSHIP

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 for land 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, rehabilitation, etc.) are also 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.

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 taken	Replacement: Prorated cash compensation	Rehabilitation package	sell residual 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

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

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.

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 months 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

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.

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.
- ❑ 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

Project Proponent	Other Relevant Agencies	Project Affected Persons
Step 1: 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.	
Step 2: 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
Step 3: 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.	
Step 4: Announce the details of land acquisition profile including compensation cost and publish them in the official magazine.		Step 5: 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.
Step 6: Negotiation and establish final offer in full		Step 7: If no agreement is reached, owners have recourse

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coordination with valuation committee.		to the Courts.
Step 8: Approval by appropriate authorities	Step 9: The cost of compensation is finalized on ratification is made by the appropriate authorities.	
Step 10: Disburse funds to PAPs.	The designated authority will follow-up and ensure that PAPs receive their compensation without any delay.	
	Step 11: 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.

COMPARISON BETWEEN JORDANIAN LEGISLATION AND WORLD BANK OP 4.12 REQUIREMENTS

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 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 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.

MEASURES PROPOSED TO BRIDGE GAPS

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

- ❑ 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.

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- ❑ 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"> • Cash compensation is more preferred option, • 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 	<ul style="list-style-type: none"> • Compensation at full replacement cost • 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. • Provision of equivalent land nearby (if available). • 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). <p>Good practice:</p> <ul style="list-style-type: none"> • Readjustment of village land within affected villages and host villages where applicable. • Use of cash compensation for farm intensification, crop diversification and other land development and agricultural extension techniques for more efficient use of land.
Loss of land from temporary land acquisition	<ul style="list-style-type: none"> • No provision – or need further study 	<ul style="list-style-type: none"> • Compensation for temporary land acquisition based on the annual output of the leased land plus the costs associated with land preparation and re-cultivation. • Return of temporary land to the land user after use in similar to pre-project or better condition
Loss of Tribal Land	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • OP 4.12 recognizes...individuals or groups who depends on open access to resources, whose customary right are not legally recognized, • Entitled to compensation for crops, moving allowance and transition support.
Loss of physical resettlement or relocation	<ul style="list-style-type: none"> • There is no legislation that applies specifically to the rights of individuals, government and other 	<ul style="list-style-type: none"> • Compensation for housing including private housing (rural and urban). • Replacement land for households to be provided within the

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	parties in cases of physical resettlement and relocation.	<p>original village (internal settlement), if available.</p> <ul style="list-style-type: none"> • If replacement land not available provide alternative household enterprise location as close to the original location as possible (collective resettlement). • House-for-house replacement in urban areas. • Cash compensation based on original house area to urban resettles. <p>Good practice:</p> <ul style="list-style-type: none"> • Assistance to be provided to the resettlers in procurement of labor and material for construction of new housing. • Provisions to be made for temporary housing and financial assistance accorded where rental support needed for temporary accommodation. • Transportation/relocation allowance to be provided to the resettles on household basis.
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"> • The construction, or expansion/widening of a road • The construction of a government housing project 	<ul style="list-style-type: none"> • PAPs losing more than 20 percent of their total agricultural land are entitled to a land replacement option • PAPs losing more than 20 percent of their agricultural land are generally considered severely affected • If they chose so, they cash compensation and economic rehabilitation can be given instead of land
Loss of crops	<ul style="list-style-type: none"> • No guidelines are defined except that the expropriation shall be in consideration of an equitable compensation, • 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. 	<ul style="list-style-type: none"> • Cash compensation to affected farmers based on the average of the previous years production value <p>Good practice:</p> <ul style="list-style-type: none"> • Crop loss to be minimized to the extent possible by avoiding acquisition during harvesting
Squatters and Encroachers	<ul style="list-style-type: none"> • The Jordanian LAL is not clear on the issues of compensation payments for squatters or illegal occupation or use of registered properties. 	<ul style="list-style-type: none"> • 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. • The Bank's involuntary resettlement policy is explicit on the compensation entitlement to people without title or use of rights.
Loss of enterprises/ loss of income	<ul style="list-style-type: none"> • LAL has not made clear provision for restoring loss 	<ul style="list-style-type: none"> • Whether or not the affected persons must move to another location, it requires that PAPs should be assisted in their

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sources or means of livelihood	of income sources or means of livelihood.	<p>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,</p> <ul style="list-style-type: none"> • Compensation for land and reconstruction of enterprises' structure/buildings and facilities. • Compensation for loss in production and relocation of enterprises. <p>Good practice:</p> <ul style="list-style-type: none"> • 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.
Loss of settlement utilities	<ul style="list-style-type: none"> • No mention of how to handle loss of settlement utilities in any of the RPF/RAP revised and need further study 	<ul style="list-style-type: none"> • Compensation for reconstruction/ reconnection to water supply/electricity/ sanitation (previous infrastructure).
Loss of public infrastructure	<ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • Compensation to owners/operators for infrastructure replacement. <p>Additional measures:</p> <ul style="list-style-type: none"> • Prompt allocation of land for reconstruction of public infrastructure including labor and material.
Impact to vulnerable groups	<ul style="list-style-type: none"> • LAL provides for the protection of vulnerable people • 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 	<ul style="list-style-type: none"> • Additional cash allowances provided to vulnerable and economically disadvantaged groups • Prompt payment to vulnerable and economically disadvantaged groups early in the resettlement process
Land Tenants	<ul style="list-style-type: none"> • LAL restricts the compensations to renters proportionately as a percentage of the compensation for the plot 	<ul style="list-style-type: none"> • Tenants are entitled to some form of compensation whatever the legal recognition of their occupancy. • Tenants on agricultural land (such as sharecroppers or lessee) are usually entitled to moving costs, transition

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		allowance and crop value for minimum of a year.
Owner's of non permanent buildings	<ul style="list-style-type: none"> No mention of how to handle non permanent buildings in any of the RPF/RAP revised and need further study 	<ul style="list-style-type: none"> Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses, prior to displacement.
Owner's of permanent buildings	<ul style="list-style-type: none"> The valuation is given on a unit rate per square meter and the LAL do not provide further details on compensation for buildings 	<ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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 acquired/replacement land or building site, Estimates of construction of new buildings including labor required.
Timeframe	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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. No civil work shall start unless all resettlement issues are negotiated and are completely handled
Information and consultation	<ul style="list-style-type: none"> The Jordanian LAL process is not inherently 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" 	<p>OP 4.12 stated that the affected persons must be made aware of:</p> <ul style="list-style-type: none"> Their options and rights pertaining to resettlement and compensation, Specific technically and economically feasible options and alternatives for resettlement sites, Process of and proposed dates for resettlement and compensation, That compensation rates is at full replacement cost for loss of assets and services, Proposed measures and costs to maintain or improve their living standards.
Payment Delay	<ul style="list-style-type: none"> Non-payment results in a 9% annual interest being added to the compensation starting the day after the three months period. This provision raises great concern as OP 4.12 required payment prior to acquisition The provision is contrary to OP 4.12 provision that 	<ul style="list-style-type: none"> 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

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	<p>stated that no civil work shall begin unless all compensations are paid in full.</p> <ul style="list-style-type: none">• It is strongly advised that Bank Task Team takes appropriate action to accommodate and address this issue within the context of the project.	
Grievance redress	<ul style="list-style-type: none">• The law specifically states that no court case shall impede the appropriation process.	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

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-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.

VALUATION OF PUBLIC LAND

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.

COMPENSATION METHODS

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.

FORMS AND CALCULATION OF COMPENSATION

Although the type of compensation may be an individual's choice, compensation in kind (such as land-for-land) is preferred, 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.

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.

LAND COMPENSATION

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:

- ❑ 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.

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

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.

NOTIFICATION PROCEDURE

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 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

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.

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.

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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)

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 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

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

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)

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.

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- 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 losses, 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

Monitoring	Evaluation
Public information dissemination and consultation procedures	Timeliness, quality, and effectiveness of consultation and information disclosure
Payment of compensation to PAPs in various categories	Conformance to compensation policies 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	Affected individuals and/or households

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before land used) versus present production and income of PAPs, off farm-income trainees, and users of improved production or agricultural techniques	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.
- ☐ 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

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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.

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ANNEXES

ANNEX 1: LIST OF ATTENDEES

	Irbid Municipality	
No.	Name	Organization
1	QasemMostafaaldawood	Development Manager
2	Mohammad KherQasemJenbawee	
3	Abed Al-MajeedJaradat	Irbid Cultural Club
4	khaldoonFarhanNseir	local committee
5	AdeebAbabneh	Member- Sal District
6	Omar Jaradat	Member- Bushra District
7	ArefAwwad Al-Hlal	Member of Writers Association
8	Dr. Radwan Mahmoud Abu Ein	Dama Directorate/Irbid Governorate
9	Ahmad Al-Otoum	Irbid University
10	Mohammad Falah Al-Hori	Member- Hour District
11	MaisamIsmaeelSoboh	Member- Municipal Council
12	Dr. Shahadeh Al-Qora'an	Environmental Manager- Irbid Governorate
13	khaldoonHatamleh	Member- Municipal Council
14	Mousa Fayez Mousa	Manager of Al Farouq Cooperative
15	Bashar Neran	Journalist
16	Nawwaf Al-Share'	Member- Howara District
17	TradSayel Al Taani	Member- BeitRas District
18	Mohammad Saleh Al-Hazeem Al-No'man	Member- Marou District
19	FarooqQweiderGharaybeh	Member- Ma'd District
20	Nader Khatatbeh	Journalist- Al-Rai daily newspaper
21	Fayyad Al-Fawares	Head of Joint Services Committee- Irbid
22	Ahmad Al-Tamimi	Journalist- Al-Ghad daily newspaper
23	Dr. Mohammad Ghezlan	Education Directorate- Bani Obeid District
24	Mohammad Ameen Al-Khateeb	Education Directorate- Qasabet Irbid District
25	Bassam Al-Malkawi	Irbid Municipality- GIS
26	Mohammad Al-Tall	Irbid Municipality- GIS
27	Abdallah Al-Sheyyab	Lawyer
28	Ibrahim Al-Saeed	Member- District
29	Abdallah Mahdi	Member- District
30	Eng. HananHamad	Environmental Dept.- Irbid Governorate
31	Eng. Sameer Adel	Engineering Firm
32	Eng. Wafa' Mahmoud Asa'd	Jordan Environment Society
33	JojoAsa'd	Jordan Environment Society

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34	Haifa Al-Safadi	Women Organization- Bride of the North
35	MajedBaniMa'afi	Head of Construction Contractors Association- North of Jordan
36	Fardous Al-Sheyyab	Jordanian Women Union
37	Awni Al-Bsool	Irbid Municipality
38	Lotfi Al-Qora'an	Jordanian Writers Association
39	Mohammad Mahasneh	Arar Cultural Foundation
40	Ibrahim Al-Batayneh	Member- Municipal Council
41	Abdel Kareem Al-Badarnah	Ex. Deputy Mayor
42	Eng. Hussien Al-Sheikh Hussein	Head of Local Development Unit
43	Eng. Huda Hijazi	Head of GIS Dept.- Municipality
44	Eng. Dyana Al-Rawabdeh	Planning Dept.- Municipality
45	Rotan Al-Sokhni	Cultural Dept.- Municipality
46	Eng. Riham Al-Jammal	Planning Dept.- Municipality
47	Eng. Qamar Al-Shennar	Planning Dept.- Municipality
48	Eng. Reem Abu Al-Rob	CVDB
49	Sari Abbadi	CVDB
50	Eng. Zeyad Tall	Mayor- Irbid Municipality
51	Eng. Qasem Al-Taweel	Engineering Firm
52	Eng. Ma'mounHyagneh	Irbid Municipality
53	Eng. Majed Al-Nemri	Head of Works Dept.- Irbid Municipality
54	Zeinab Ahmad	Member- Municipal Council
55	Haifa Haddad	Member- Municipal Council
56	Prof. Ahmad Al-Jawarneh	Yarmouk University
57	Fayyad Sabha	Contractor
58	Khaled Ali	Irbid Municipality
59	AnasKhaled	Irbid Municipality
60	Hussein Hawari	Services Committee- Irbid Camp
61	Ali Al-Amarat	Member- Municipal Council
62	SluimanTaleb	Citizen
63	Dr. Jaber Abu Naser	Puniversity Professor
64	Dr. SaleemAbabneh	Advisor
65	Raed Mohammad	Member- Municipal Council
66	FalahBani Hani	Merchant
67	Abdel SamadKhashef	Syrian Merchant
AL-Mafraq Municipality		
	Name	Organization
68	Abed Al-Rahman Al-Khateeb	Municipality

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69	Heba Ibrahim Mashaqbeh	charity organization
70	AmalzayedAlodeh	Mafrag Municipality- Local Development Unit
71	HasanfahedRahebe	Mayor- Umm Al-Jemal Municipality
72	Eng. NajehShorfan	Mayor of Alsalheyeh&Nayfeh Municipality
73	Qasem Abu	Umm Al-Jemal Municipality
74	DalalMefleh Al-Shanableh	Mafrag Municipality- Local Development Unit
75	MofedaZawahreh	Member- Jordanian Juvenile & Orphans Association
76	ReemSleimanShdeifat	Jordanian Juvenile & Orphans Association
77	Mohammad Fadel Al-Hesban	Mafrag Municipality
78	Ahmad Hasan Al-N'eimi	Mafrag Municipality
79	Wael Mohammad	Mafrag Municipality
80	Marwan Abdel Majeed	Mafrag Municipality
81	AmalHusien Al-Rjoub	Mafrag Municipality
82	Hanan Ibrahim Mahmoud	Mafrag Municipality
83	SawsanKhader Al-Harashsheh	Mafrag Municipality
84	Salam Abdalla Al-Shebli	Mafrag Municipality
85	SumaiaFarhan Abu Oweida	Mafrag Municipality
86	AzezaMostafa	Mafrag Municipality
87	Fatima Jameel	Mafrag Municipality
88	MajedaHusien Al-Housban	Mafrag Municipality
89	Yaseen Al-Harashsheh	Mafrag Municipality
90	GhassanSrorShbeilat	Commercial Sector
91	A'asha Ali Rashed	Member- Municipal Council
92	AmnehMashaqbeh	Member- Municipal Council
93	Khadejae Al-Harashsheh	Chairman- Charity Associations Union
94	AmnehMaswadeh	CVDB
95	ReemHalloush	CVDB
96	Reem Abu Rob	CVDB
97	GhadaShaqour	World Bank
98	ShahrayarSarwar	DFATD- Canadian Govt.
99	SimaKanaan	World Bank
100	Anil Das	World Bank
101	HusienZayedMashaqbeh	
102	Ali HasanBadareen	
103	Dr. EngAbdallah Al-Tahhan	Charity organization
104	Sari Al-Abbadi	CVDB
105	SalamehMefleh Al-Zamel	Citizen
106	Kaled Al-Shebli	Mafrag Municipality
107	Eng. Mohammad Barkat Al-Omash	Mafrag Municipality

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108	AhedZeyadat	MOMA
109	Ahmad Ghesab Al-Hawamdeh	Mayor- Mafraq Municipality
110	Eng. Hayel Al-Omoush	City Manager- Mafraq Municipality
111	Eng. Nedal Al-Hourani	CVDB
112	Sami Salem	Member- Municipal Council
113	Eng. Ali Abu Sumaga	Director- Mafraq Water Directorate- Yarmouk Water Co.
114	Ismael Ahmad Abu Kadiri	Member- Municipal Council
115	Naser Abdalla Al-Shebli	Mafraq Youth Committee
116	Eng. Feras Al-Harashseh	Agricultural Engineers Ass.-Head of Mafraq Branch
117	Jameel Kherallah Khazaeleh	Rep.- Mafraq Youth Directorate
118	Eng. Abdalla Srour Ahmad	Head of District- Mafraq Municipality
119	Mohammad Abdalla Oweidat	Member- Municipal Council
120	Mohammad Khaled Al-Badareen	Irada Program- Mafraq Branch
121	Ahmad Al-Harashseh	Member- Municipal Council
122	Yosef Abdalla Abu	Member- Municipal Council
123	Aref Fares Al-Badareen	Member- Municipal Council
124	Mahdi Al-Hawamdeh	Inspection and Monitoring Director- Mafraq Municipality
125	Eng. Hani Al-Zyoud	Engineer- Mafraq Municipality
126	Eng. Abed Allah Elayyan	Agricultural Engineer- Mafraq Municipality
127	Eng. Abed Allah Al-Omoush	Director of Studies- Mafraq Municipality
Sahel Horan Municipality		
	<i>Name</i>	<i>Organization</i>
128	Hasna Khalidi	Member- Municipal Council
129	Salwa Shbool	Member- Municipal Council
130	Alia Qerba'	Member- Municipal Council
131	Huda Qerba'	Halimah Sa'deyah School
132	Suha Yaqoob	Halimah Sa'deyah School
133	Hind Darabseh	Member- Municipal Council
134	Fakhreya Shorman	Assistant- Amneh Bint Wahab School
135	Omar Janaydeh	Farmer- Local Council Al Torra
136	Ahmed Janaydeh	Citizen
137	Mohammad Janaydeh	Ja'far Bin Aby Taleb School
138	Faisal Janaydeh	Citizen
139	Omar Rshaidat	Head of Al Darabseh Charity Association
140	Ahmad Rshaidat	Citizen
141	Habis Darabseh	Al Darabseh Charity Association

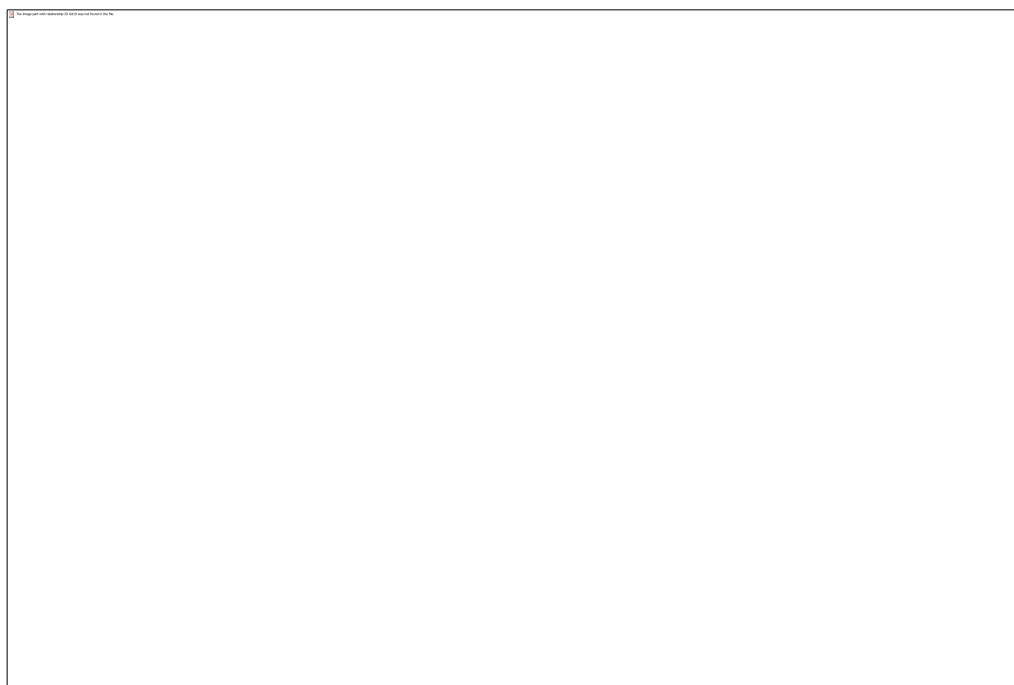
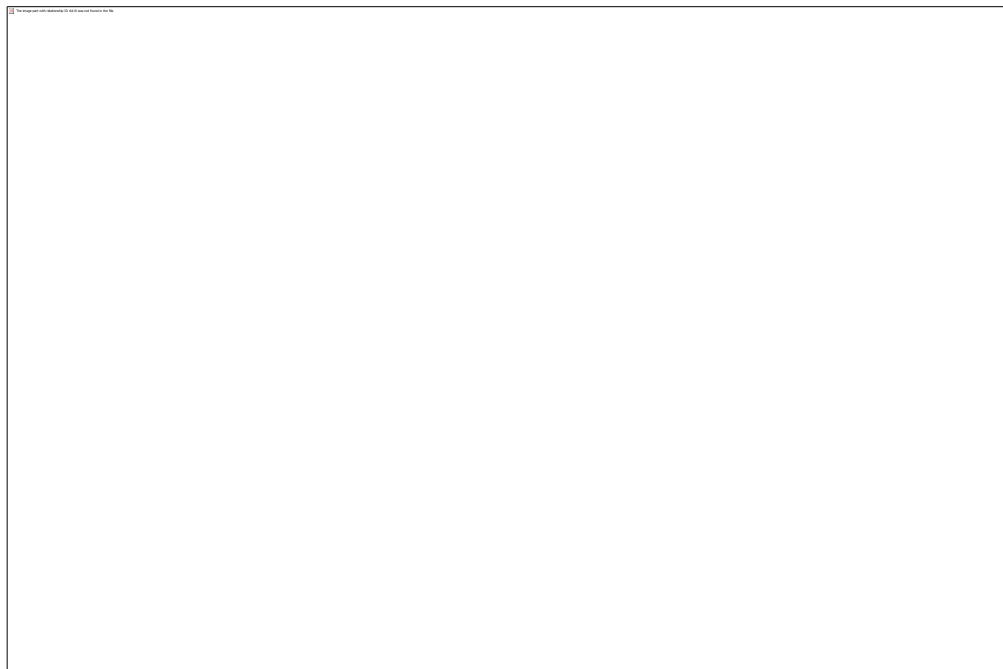
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142	Hussein Hijazi	Al Torra Charity Association Manager
143	QasemDarabseh	Citizen
144	MajedRshaidat	Member- Al Torra Charity Association
145	YaseenSokhni	Citizen
146	Naser Abu Zrayq	Citizen
147	Hussein Shbool	Citizen
148	Abdallah Abu Zrayq	Citizen
149	ImanRshayd	Torra High School for Girls- Head Al Khansa' Women Association
150	Zohdeyeh Samara	Head of Al Torra Women Association
151	AbdallahRshaidat	Khaled Bin Waleed School
152	Mohammad Rshaidat	Citizen
153	Mohammad Hayek	Citizen
154	Noor Qerba'	Citizen
155	HasanJanaydeh	Citizen
156	MousaShbool	Citizen
157	MahmoodBarakat	Citizen
158	Mohammad Shbool	Citizen
159	FarhanRshaidat	Citizen
160	Isma'ISamman	Citizen
161	Mohammad Qerba'	
162	Mohammad Darabseh	Torra Sports Club
163	KhaledDarabseh	Torra Sports Club
164	Sari Al-Abbadi	CVDB
165	Reem Abu Al-Rob	CVDB
166	Omar Darabseh	Citizen
167	MajdAbdo	Sahel Horan Municipality
168	Mohammad Zraiqat	Citizen
169	HasanMa'ani	Citizen
170	Hussein Darabseh	Citizen
171	QasemDarabseh	Citizen
172	Abed Samara	Citizen
173	AbdelhafethQasem	Citizen
174	MahmoodShaheen	Citizen
175	Mohammad Ramadan	Citizen
176	AbdallahKhaboor	Citizen
177	Mohammad Khatib	Citizen
178	MahmoodWardat	Citizen
179	AbdelqaderAfifi	Citizen
180	FakhriWardat	Citizen

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

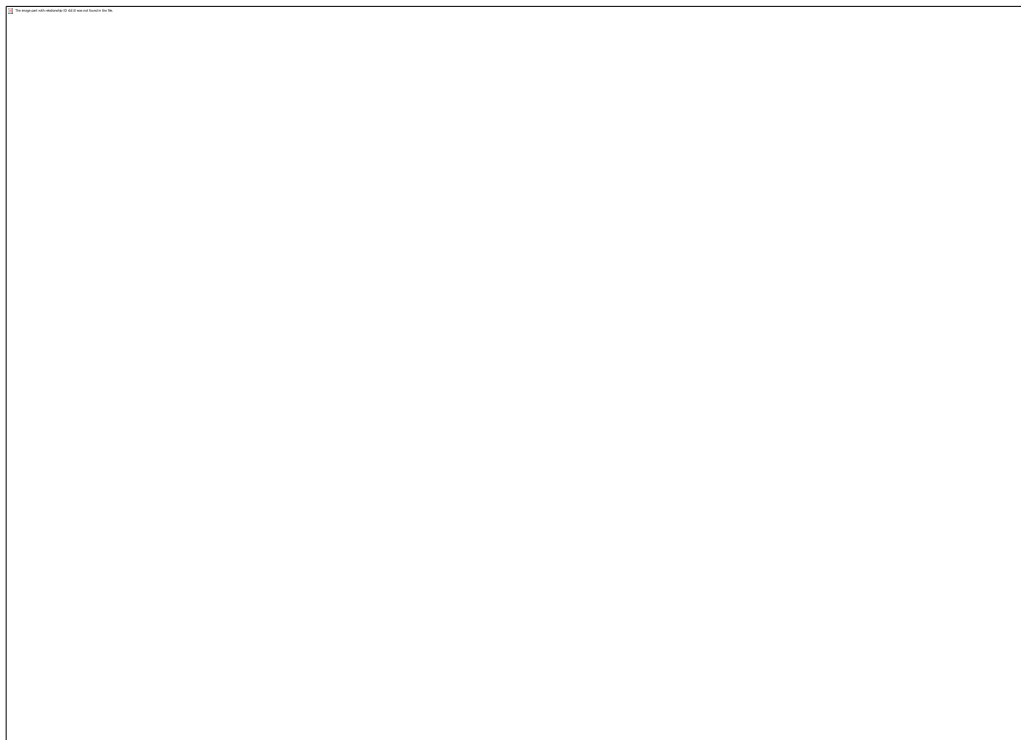
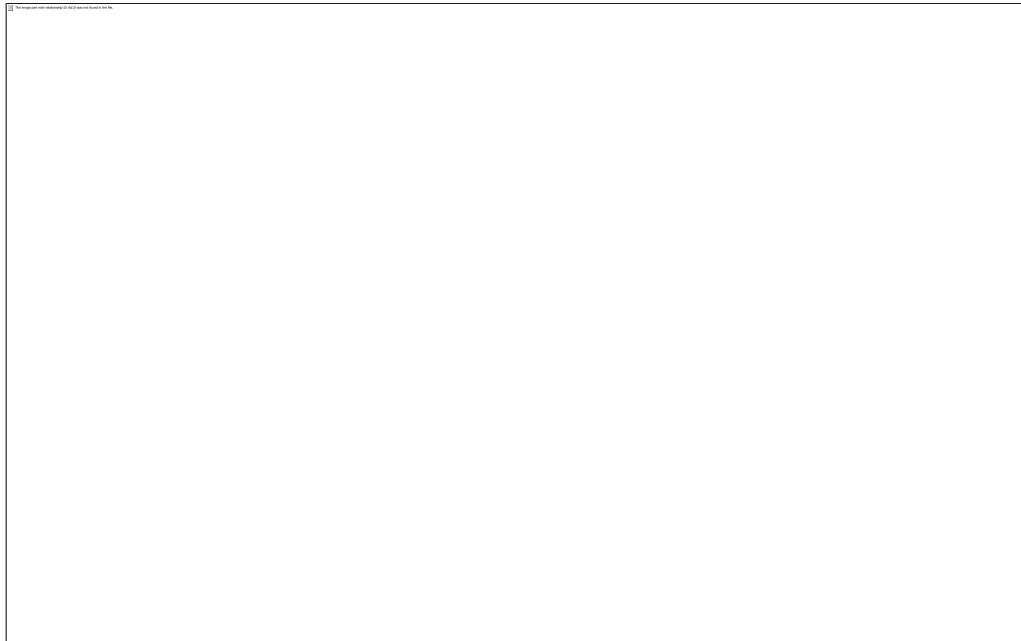
181	YahyaHmaisat	Citizen
182	HasanShbool	Citizen
183	AbdelrahmanJeen	Citizen
184	Ahmad Shbool	Citizen
185	KhaledJnaydi	Citizen
186	BahjatShbool	Citizen
187	Slayman Ramadan	Citizen
188	Ahmad Darabseh	Torra Sports Club
189	Mohammad Rshaidat	Torra Sports Club
190	Ahmad Abu Tabanjah	Citizen
191	MajedDarabseh	Citizen
192	BassamDarabseh	Citizen
193	EdrisShbool	Ramtha Education Directorate
194	KholqiShbool	Retired Colonel

ANNEX 2: PHOTOS OF STAKEHOLDER CONSULTATIONS FOR RPF PREPARATION



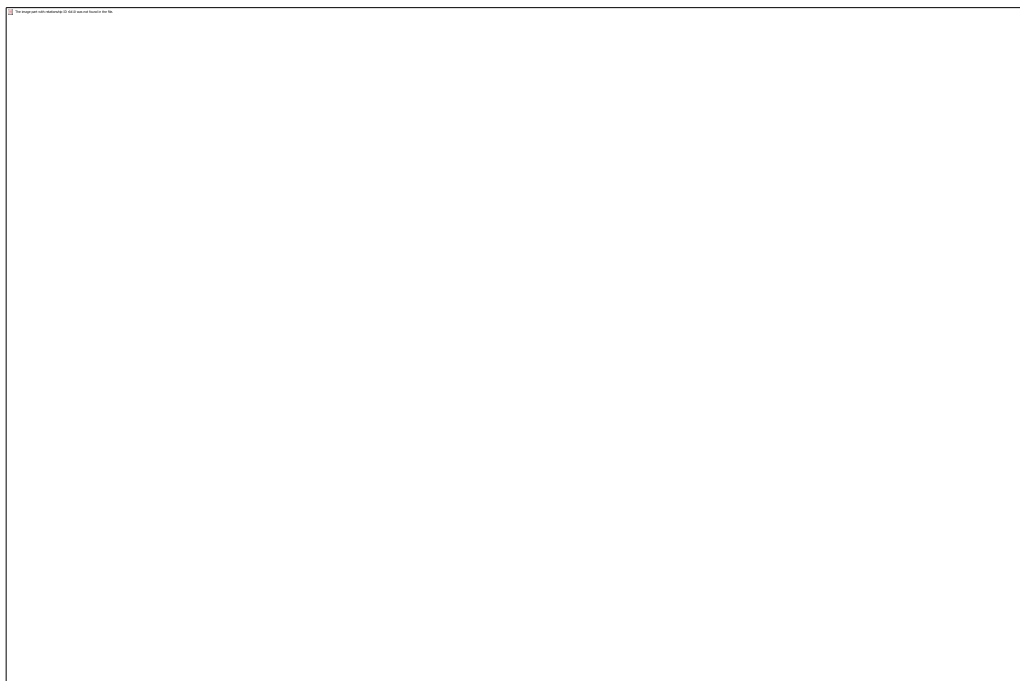
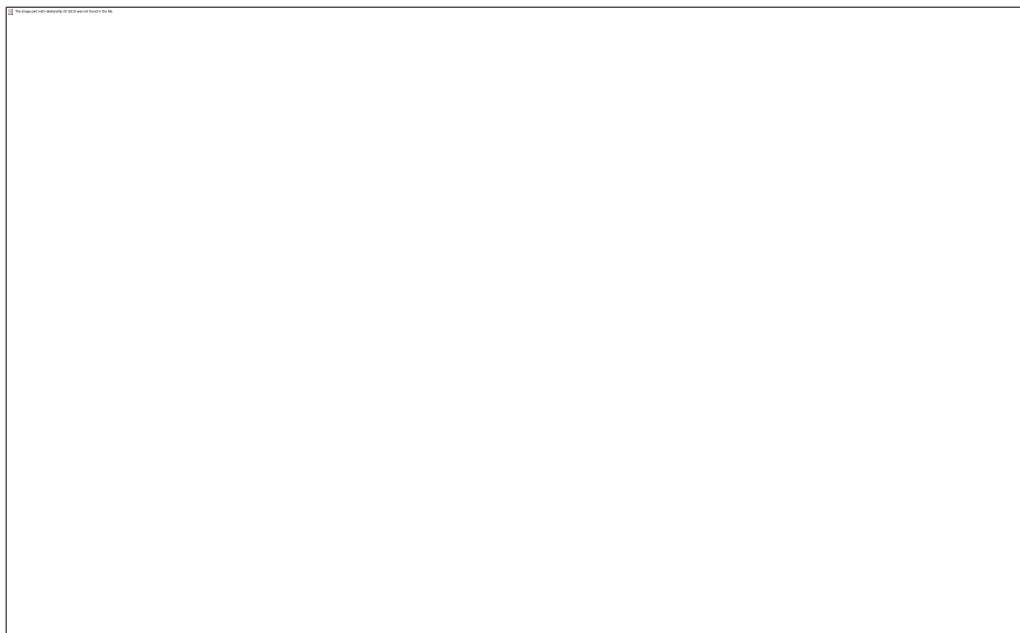
Resettlement Policy Framework for the Jordan Emergency Services and Social Resilience Project

AL-MAFRAQ Municipality



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

SAHEL HORAN Municipality



ANNEX3: DECREE 12 OF 1987 – THE JORDANIAN LAND ACQUISITION LAW (LAL)

1987عام (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 أبنية 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
نزاع ملكية عقار من مالكة او حق التصرف او الانتفاع به او الارتفاق عليه بمقتضى أحكام هذا القانون :الاستملاك
الحكومة والمجالس البلدية والاشخاص الاعتباريون الآخرون :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 اعلاناً في صحيفتين يوميتين على الأقل 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
اجله هو للنفع العام
يترتب على المستملك ان يقدم طلباً لمجلس الوزراء مرفقاً بمخطط العقار المطلوب استملاكه ويكشف تقديري اولى لمجموع التعويض -ب-
من هذه (أ) عنه وبما يثبت مقدراته 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 ومحلات 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 أولية 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 العقار 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 يحجب 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 إحدى 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

أن يعتبر تعويضاً عادلاً عن العقار او عن استعماله او الانتفاع او التصرف به الثمن او بدل الاجارة الذي يمكن الحصول عليه لو بيع -1- علناً في السوق او جرى تأجيرها 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

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

أن يعتبر التعويض العادل عن حق الاجارة او الانتفاع الذي يملكه في العقار اي شخص آخر غير مالكة في حالة زوالهما كلياً مبلغاً -3- من ذلك التعويض اذا كان العقار مشغولاً لغايات (15%) يقطع لمصلحة ذلك الشخص من التعويض المقدّر 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 -1- من هذا القانون

أن يؤخذ بعين الاعتبار ثمن العقارات المجاورة -2-

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

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

على الرغم مما ورد في هذا القانون او اي تشريع اخر يقدر التعويض عن اي اضرار نجمت عن الاعمال التي قام بها المستملك قبل -هـ- ولحقت بأى عقار بما هو موجود او ثابت فيه خارج نطاق المساحة المستملكة 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 ومندوب عن ديوان المحاسبة فيها

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

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

- 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 -1-ز -: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 وخلاصة 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 مجانا 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 المقطوعة مجانا 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 مجانا اذا شمل الاستملاك العقار بكامله او بقيت منه نفقة او فضله غير صالحة للاعمار او للانتفاع منها واعتبرت مشمولة
- من هذا القانون (12)بالاستملاك وفقا للاحكام والشروط المنصوص عليها في المادة
- اذا استملك ربع مساحة الارض مجانا للطرق فلا يجوز استملاك أي جزء آخر منها بدون تعويض، اما اذا استمكت اي مساحة من -ج الارض لمشروع اسكان حكومي وجرى استملاك اي جزء آخر او اكثر من تلك الارض للمشروع نفسه او للطرق فلا يجوز ان يزيد مجموع ما اقتطع من الارض مجانا 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 مشمولا حكما بقرار الاستملاك اذا طلب مالكة التعويض عنه، ويدفع تعويضه على هذا الاساس على انه يشترط في ذلك ان لا يكون لمالك العقار عقارا 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 او 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 (9%)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

إبراء لذمة المستملك شريطة ان يعلن عن ذلك الايداع في صحيفة يومية على الأقل 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-
بحجزه قانونا

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

16-المادة

بعد دفع التعويض المستحق لذوي الاستحقاق او ايداعه لدى الخزينة او لدى مدير التسجيل المختص يسجل العقار باسم 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 تقرره 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 للأوصياء 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 الأشخاص 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)اذا قررت المحكمة اعادة العقار المستملك الى ماله الاصيلي بمقتضى احكام الفقرة -ب-
برد التعويض الذي قبضه عن العقار، كما تلزم المستملك بناء على طلب المالك بأن يدفع التعويض الذي تقرره 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 مقيدة بالمبلغ الذي حدده المستملك لذلك التعويض

22-المادة

تقام الدعوى لتقدير التعويض من قبل المالك او المستملك -أ

تغطي 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 الكشف 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 استملك 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) تتبع 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 الفرقاء 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 تطبيق 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 وفقاً -ب من هذا القانون (6) لاحكام المادة

27-المادة

وكانها صدرت بمقتضى أحكام هذا 1976 لسنة (2) تعتبر الاجراءات والاعلانات التي تمت في ظل احكام قانون الاستملاك رقم -أ القانون.
من قبل المحكمة مراعية بذلك أحكام المواد 1976 لسنة (2) يتم تقدير التعويض عن العقارات المستملكة بموجب أحكام القانون رقم -ب.
من القانون المذكور 15، 16، 17
28-المادة
والأنظمة الصادرة بمقتضاه 1976 لسنة (2) رقم (قانون الاستملاك) يلغي
29-المادة
رئيس الوزراء والوزراء مكلفون بتنفيذ احكام هذا القانون

ANNEX 5: DEFINITION OF OP 4.12 KEY TERMS

DEFINITION OF TERMS

Associated Projects	Means any subprojects or activities which are directly related to the World Bank project.
Census	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.
Social Management Environmental Framework	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.
Compensation	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.
Cut-off Date	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.
Project Affected Persons (PAPs)	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.
Involuntary Displacement	Means the involuntary taking of land resulting in direct or indirect economic and social impacts caused by: <ul style="list-style-type: none">a) Loss of benefits from use of such land;b) Relocation or loss of shelter;c) Loss of assets or access to assets; ord) Loss of income sources or means of livelihood, whether or not the project affected person has moved to another location.
Involuntary Land Acquisition	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.
Land	Refers to agricultural and/or non-agricultural land and any structures thereon whether temporary or permanent and which may be required for the Project.
Land Acquisition	Refers to the taking of or alienation of land, buildings or other assets thereon for purposes of the Project.
Rehabilitation Assistance	Means the provision of development assistance in addition to compensation such as land preparation, credit facilities, training, or job opportunities, needed to enable project affected persons to improve their living standards, income earning capacity and production levels; or at least maintain them at pre-project levels.
Resettlement and Compensation Plan	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.
Replacement Cost	Means replacement of assets with an amount sufficient to cover full replacement cost of lost assets and related transaction costs.
Replacement Cost for Agricultural Land	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"> • preparing the land to levels similar to those of the affected land; • any registration, transfer taxes and other associated fees;
Replacement Cost for Houses and other Structures	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"> a) Building materials b) Transporting building materials to the construction site; c) Any labor and contractors’ fees; and d) Any registration costs.
Resettlement Assistance:	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.

ANNEX6: SAMPLE RESETTLEMENTENTITLEMENT MATRIX

<i>Type of loss</i>		<i>Unit of Entitlement</i>	<i>Entitlement</i>	<i>Agency responsible</i>	<i>Methodology</i>
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 acquisition		Local government affected	Compensation paid to township government for providing temporary join. sideline activities or allocating agricultural	MOMA	MOMA will pay compensation to township government through LABA and township responsible for rehabilitation

Type of loss		Unit of Entitlement	Entitlement	Agency responsible	Methodology
		individuals	land		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

ANNEX7: TYPES OF COMPENSATION FINANCED OUT OF THE BANK LOAN

No.	Category	Description	Mode of Compensation Payment	Eligibility for Financing out of the Bank Loan
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	Costs incurred by Executing Agency		Only the incremental costs incurred for RP implementation

	and supervision		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 8: SAMPLE GRIEVANCE FORM

Grievance Form				
Grievance number		Copies to forward to:		
Name of recorder		(Original) Receiver Party		
Province/District/Settlement		(Copy)-Responsible Party		
Date				
Information about grievance				
Define the grievance:				
Information about the compliant		Forms of receive:		
		<input type="checkbox"/> Phone line <input type="checkbox"/> Community		
Name		Information meeting:		
Telephone number:				
Address				
Village/Settlement				
District/Province				
Signature of Compliant		<input type="checkbox"/> Mail <input type="checkbox"/> Informal <input type="checkbox"/> Other		
Details of Grievances				
1. Access to Land and Resources a) Fishing grounds b) Lands c) Pasturelands d) House e) Commercial site f) Other	2. Damage to a) House b) Land c) Livestock d) Means of livelihood e) Other	3. Damage to Infrastructure or Community Assets 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	4. Decrease or Loss of Livelihood a) Agriculture b) Animal husbandry c) Beekeeping d) Small scale trade e) Other	5. Traffic Accident a) Injury b) Damage to property c) Damage to livestock d) Other
6. Incidents Regarding Expropriation and Compensation (Specify)	7. Resettlement Process (Specify)	8. Employment and Recruitment (Specify)	9. Construction Camp and Community Relations 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	10. Other (Specify)

ANNEX 9: SAMPLE INTERNAL AND INDEPENDENT MONITORING PROGRAMS

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

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

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

ANNEX 10: PRINCIPLES OF VOLUNTARY LAND DONATION

Voluntary Land Donation

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

1. The infrastructure must not be site specific. For example, a school or clinic can have one or more locations if the land owner objects. However, voluntary land donation would not be allowed in the case of a location specific infrastructure such as a dam or reservoir since objectors can be forced or coerced into agreement.
2. The impacts must be minor, involving no more than 10% of the area of any holding and require no physical location.
3. The land required to meet technical project criteria must be identified by the affected community, not by line agencies or project authorities (nonetheless, technical authorities can help ensure that the land is appropriate for project purposes and the project will produce no health or environmental hazards).
4. The land in question must be free of squatters, encroachers or other claims or encumbrances.
5. Written verification is necessary (for example, a notarized letter or witnessed statements) of the voluntary nature of land donations must be obtained from each person donating land.
6. If any loss of income or physical displacement is envisaged, verification of voluntary acceptance of community devised migratory measures must be obtained from those expected to be adversely affected.
7. If community services are to be provided under the project, land title must be vested in the community or appropriate guarantees of public access to services must be given by the private title holder.
8. Grievance Redressal or a complaints' mechanism must be available.