

Hashemite Kingdom of Jordan



MINISTRY OF  
WATER AND IRRIGATION



**Ministry of Water and Irrigation**

**Jordan Water Sector Efficiency Project**

**Resettlement Framework**

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## Table of Content

Glossary of Terms Used.....	6
<b>0. EXECUTIVE SUMMARY .....</b>	<b>10</b>
<b>1. INTRODUCTION .....</b>	<b>15</b>
<b>1.1 Project Description.....</b>	<b>15</b>
<b>1.2 Project Components.....</b>	<b>16</b>
<b>1.3 Resettlement Impacts .....</b>	<b>18</b>
<b>1.4 Objectives of the Resettlement Framework .....</b>	<b>19</b>
<b>1.5 Rationale for Developing Resettlement Framework .....</b>	<b>20</b>
<b>1.6 Guidelines for Carrying out Census Surveys and RAPs .....</b>	<b>22</b>
<b>2. LEGAL FRAMEWORK FOR RESETTLEMENT .....</b>	<b>24</b>
<b>2.1 Resettlement General Background in Jordanian Regulations and at Water Sector .....</b>	<b>24</b>
2.1.1 The Real Estate Law (REL) No. 13 of 2019 .....	24
2.1.2 Resettlement Procedure at WAJ: .....	27
2.1.3 Resettlement Procedure at JVA.....	30
2.1.4 World Bank ESS5 .....	30
<b>2.2 Resettlement Approach .....</b>	<b>42</b>
<b>3. Eligibility for Compensation.....</b>	<b>47</b>
<b>3.1 General Eligibility .....</b>	<b>47</b>
<b>3.3 Compensation Entitlements &amp; Livelihood Restoration .....</b>	<b>47</b>
<b>3.4 Compensation Rates and Budget.....</b>	<b>50</b>
3.4.1 Establishment of Rates for Land Acquisition/Resettlement .....	50
3.4.2 Valuation of Land .....	50
3.4.3 Valuation of Structures .....	50
3.4.4 Valuation of Crops and Trees.....	51
3.4.5 Livelihood Restoration Allowances .....	51
<b>4. Institutional Arrangements.....</b>	<b>54</b>
<b>4.1 General .....</b>	<b>54</b>
<b>4.2 Ministry of Water and Irrigation (MWI):.....</b>	<b>55</b>
<b>4.3 Water Authority of Jordan (WAJ):.....</b>	<b>55</b>
<b>4.4 ESSD- PMD:.....</b>	<b>55</b>
<b>4.5 Water Companies (WCs):.....</b>	<b>56</b>

4.6	<b>Contractors:</b> .....	56
4.7	<b>Governmental Institutions:</b> .....	56
4.8	<b>Capacity Building Measures:</b> .....	57
4.9	<b>Implementation Timeline (sequence)</b> .....	57
5.	<b>Gender Mainstreaming into Resettlement Process</b> .....	59
5.1	<b>Considering Gender Issues</b> .....	59
6.	<b>Public Consultation and Disclosure</b> .....	60
6.1	<b>Public Consultation</b> .....	60
6.2	<b>Meetings at Affected Community Level</b> .....	60
6.3	<b>Consultations with Government Officials and Other Stakeholders</b> .....	60
6.4	<b>Grievance Mechanism</b> .....	61
6.5	<b>Preparation of Project Resettlement Specific Informative Material</b> .....	61
6.6	<b>Disclosure</b> .....	61
7.	<b>Monitoring Evaluation and Reporting</b> .....	62
7.1	<b>Monitoring of Land Acquisition Process</b> .....	62
7.2	<b>Monitoring Resettlement of Physical and Economic Displacement Process</b> .....	62
7.3	<b>Reporting Requirement</b> .....	63
	<b>Annexes</b> .....	65
	<b>Annex-1: Resettlement and land Acquisition Procedure of JVA</b> .....	65
	<b>Annex 2: Minimum Content for Resettlement Action Plan (RAP)</b> .....	67
	<b>Annex 3: Community Grievance Procedure</b> .....	70

## List of Tables

Table 1 : Gap Analysis between the Requirements of World Bank ESS5 and Local Resettlement Regulations at Water Sector .....	33
Table 2: Project Matrix of Compensation Entitlements .....	53
Table 3: Timeline for social safeguards preparation and implementation.....	57

## List of figures:

Figure 1: WAJ Land Acquisition and Resettlement Procedure .....	29
Figure 2: Project Resettlement Approach.....	42

## List of Abbreviations

<b>AFD</b>	Agence Francaise de Development
<b>AWC</b>	Aqaba Water Company
<b>CIS</b>	Customer Information Systems
<b>CSO</b>	Civil Society Organization
<b>DLS</b>	Department of Land and Survey
<b>EE</b>	Energy Efficiency
<b>ERP</b>	Enterprise Resource Planning
<b>ESF</b>	Environmental and Social Framework
<b>ESIA</b>	Environmental and Social Impact Assessment
<b>ESMF</b>	Environmental and Social Management Framework
<b>ESMP</b>	Environmental and Social Management Plan
<b>ESSD</b>	Environmental and Social Standards Directorate
<b>FSR</b>	Financial Sustainability Roadmap
<b>GBV</b>	Gender-Based Violence
<b>GHG</b>	Green House Gases
<b>GIS</b>	Geographic Information System
<b>GIZ</b>	German Agency for International Cooperation
<b>GoJ</b>	Government of Jordan
<b>GRM</b>	Grievance Redress Mechanism
<b>HR</b>	Human Resources
<b>JD</b>	Jordanian Dinar
<b>JVA</b>	Jordan Valley Authority
<b>MEMR</b>	Ministry of Energy and Mineral Resources
<b>LS</b>	Load Shifting
<b>MoA</b>	Ministry of Agriculture
<b>MWI</b>	Ministry of Water and Irrigation
<b>NGO</b>	Non-Governmental Organization
<b>NRW</b>	Non-Revenue Water
<b>PAP</b>	Project Affected Person
<b>PBC</b>	Performance Based Contract
<b>PMD</b>	Projects Management Directorate
<b>PMU</b>	Projects Management Unit
<b>RAP</b>	Resettlement Action Plan
<b>REL</b>	Real Estate Law
<b>RF</b>	Resettlement Framework
<b>PV</b>	Photo Voltaic
<b>SEP</b>	Stakeholders Engagement Plan
<b>SOP-1</b>	Series Of Projects -1
<b>ToU</b>	Time of Use
<b>WAJ</b>	Water Authority of Jordan
<b>WB</b>	World Bank
<b>WCs</b>	Water Companies
<b>YWC</b>	Yarmouk Water Company

## Glossary of Terms Used

**Asset Inventory**<sup>1</sup>. A complete count and description of all property that will be acquired or affected.

**Census.** A complete and accurate count of the population that will be affected by land acquisition and related impacts. The census provides the basic information necessary for determining eligibility for compensation.

**Compensation** It means payment in cash or kind for an asset to be acquired or affected by a project at replacement cost at current market value. **Cut-off date** This is the date on and beyond which any persons who encroach on the area are not entitled to compensation or any other form of resettlement assistance. It is often established on the commencement date or last date of the census of PAPs.. The cut-off date could also be the date the subproject area was delineated prior to the census, provided that there has been an effective public dissemination of information on the area delineated and systemic and continuous dissemination subsequent to the delineation to prevent further population influx. All stakeholders including PAPs will be informed of the cut-off date and its implications during the stakeholder meetings.

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

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

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

**Eligibility.** The criteria for qualification to receive resettlement benefits.

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

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

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

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

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<sup>1</sup>[https://www.jica.go.jp/english/our\\_work/social\\_environmental/id/asia/south/bangladesh/c8h0vm000090ry4d-att/c8h0vm0000faxdv5.pdf](https://www.jica.go.jp/english/our_work/social_environmental/id/asia/south/bangladesh/c8h0vm000090ry4d-att/c8h0vm0000faxdv5.pdf)

**Involuntary Land Acquisition** is the possession of land by government or other government agencies for compensation, for the purposes of subproject activities 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.

**Involuntary Resettlement** covers all direct economic and social losses resulting from land taking and restriction of access, together with the consequent compensatory and remedial measures. Resettlement is considered involuntary when affected persons or communities do not have the right to refuse the land taking or restriction of access. Resettlement is not restricted to physical relocation and can depending on the case include: (i) acquisition of land and physical structures on the land, including businesses; (ii) physical relocation; and (iii) economic rehabilitation of displaced persons, to improve (or at least restore) incomes and living standards.

**Land** refers to agricultural and/or non-agricultural land and any structures thereon whether temporary or permanent and which may be required for subproject activities. "Land" includes anything growing on or permanently affixed to land, such as crops, buildings and other improvements, and appurtenant water bodies.

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

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

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

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

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

**Project Affected Person (PAP).** Any person who, on account of the execution of the Project, or any of its components or subprojects would have their: (i) right, title or interest in any house, land (including residential, agricultural and grazing land) or any other fixed or movable asset acquired or possessed, in full or in part, permanently or temporarily; (ii) business, occupation, work, place of residence or habitat adversely affected; (iii) standard of living adversely affected.

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

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

**Replacement cost** is defined as a method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement. Where functioning markets exist, replacement cost is the market value as established through independent and competent real estate valuation, plus transaction costs. Where functioning markets do not exist, replacement cost may be determined through alternative means, such as calculation of output value for land or productive assets, or the undepreciated value of replacement material and labor for construction of structures or other fixed assets, plus transaction costs. In all instances where physical displacement results in loss of shelter, replacement cost must at least be sufficient to enable purchase or construction of housing that meets acceptable minimum community standards of quality and safety. The valuation method for determining replacement cost should be documented and included in relevant resettlement planning documents. Transaction costs include administrative charges, registration or title fees, reasonable moving expenses, and any similar costs imposed on affected persons. To ensure compensation at replacement cost, planned compensation rates may require updating in project areas where inflation is high or the period of time between

**Resettlement Plan** is the document that describes what will be done to address the direct social and economic impacts associated with involuntary taking of land.

**Resettlement Assistance** covers measures taken to ensure that PAPs and Displaced Persons who may require to be physically relocated are provided with assistance during relocation, such as moving allowances, residential housing or rentals, trainings whichever is feasible and as required, for ease of resettlement.

**Resettlement Impacts.** The direct physical, economic, cultural and socio-economic impacts of resettlement activities in the project and host areas.

**Resettlement Framework** guides the preparation of Resettlement Plans for subprojects during Project implementation.

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

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



**Stakeholder.** Persons or groups who are directly or indirectly affected by a project as well as those who may have interests in a project and/or the ability to influence its outcome, either positively or negatively. They may include locally affected communities or individuals and their formal or informal representatives, national or local government authorities, politicians, religious leaders, civil society organizations and groups with special interests, the academic community, or other businesses.

**Stakeholder Engagement** is a broad, inclusive, and continuous process between a project proponent and those potentially affected by the project that usually spans the project's life. It includes consultations, information disclosure and dissemination, and participation.

**Vulnerable** means any people who might suffer disproportionately or face the risk of being marginalized from the effects of resettlement i.e.; (i) female-headed households with dependents; (ii) disabled household heads; (iii) poor households; (iv) landless elderly households with no means of support; (v) households without security of tenure; and (vi) ethnic minorities.

## **0. EXECUTIVE SUMMARY**

This Resettlement Framework (RF) was prepared by the Ministry of Water and Irrigation (MWI) for the Jordan Water Sector Efficiency Project, this project is the first phase of a Series of Projects (SOPs) that will potentially be implemented in the water sector. The SOP-1, will need to meet when needed during project implementation, the requirements of the World Bank's Environmental and Social Standard (ESS) on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement (ESS5), as well as relevant national laws and regulations. This RF is one of the environmental and social instruments that are prepared under the project's Environmental and Social Management Framework (ESMF) and according to the World Bank's Environmental and Social Framework (ESF).

The SOP-1 project will cover the following areas: (1) Sustainable non-revenue water reduction ; (2) Increased energy efficiency and reduced energy supply costs; (3) Drought management and informed water allocations; and (4) Project management and Institutional support ; (5) Contingency Emergency Response.

The proposed Project is an Investment Financing Project and will be implemented over a 5-year period. It will be financed by the World Bank and the Agence Française de Développement (AFD). The Implementing agencies will be the Ministry of Water and Irrigation (MWI), Water Authority of Jordan (WAJ), Jordan Valley Authority (JVA), Miyahuna Water Company, Aqaba Water Company (AWC), and Yarmouk Water Company (YWC).

The Resettlement Framework (RF) will be implemented by the MWI through Environmental and Social Standards Directorate (ESSD) at PMD / PMU at WAJ as the lead implementing agency of the project. The RF will define responsibilities of the other implementing agencies including WAJ, JVA, WCs, and contractors of the project, namely Jordan Water Sector Efficiency Project.

The objective of this RF is to outline the principles of resettlement and compensation thereof as and when needed during project implementation. To achieve that, the RF has considered; resettlement avoidance principle, mitigation of potential adverse social and economic impacts, maintaining and improving livelihoods of affected persons and communities. In addition, the RF seeks to execute resettlement activities as sustainable development programs through allocation of required resources and investments to ensure that affected persons would benefit from the project. Therefore, the RF has been designed to ensure that resettlement activities are planned and implemented with proper information disclosure and meaningful consultation processes. All these considerations are adequately making the project's RF aligned with relevant local regulations and World Bank ESS 5 requirements.

The national Legal Framework and procedures were assessed, and a gap analysis between the Requirements of World Bank ESS5 and Local Resettlement Regulations at Water Sector is prepared .

The framework for resettlement and rehabilitation of livelihoods of the Project Affected Persons (PAPs) will be adopted in the following approach: Avoidance of resettlement risks to the extent possible at planning and design phase, Preparation of RAP through consultation and information disclosure, Implementation of RAP through : 1-Notification prior construction 2- Determination of claims and compensation 3- Agreement with PAP and apply compensation.

General eligibility is defined and the following categories of the PAPs will be entitled for compensation for loss of land: legal title owners, titles with customary documents, and occupants of Land for a long period with no legal title

The PAPs subject to economic or physical displacement, either temporary or permanent, partial or complete, including land acquisition or loss of income or assets, are entitled to various types of compensation and resettlement assistance, including cash payment to ensure that their living standards will be improved or at least restored to their previous levels .

The compensation packages shall reflect replacement costs for all losses including : Agricultural land Loss, Agricultural Land Impacts, Residential/Commercial/ Land Impacts, Houses, Buildings and Structures Damages, Crops losses, Tree losses, Business / Income losses, Community Structures and Public Utilities, Vulnerable Households, Impacts on Irrigation Canals, Temporary impacts, Transitional Livelihood allowance, Land Replacement Values, and Gender Inclusion.

Based on Real Estate Law (REL) No. 13 of 2019 WAJ is responsible for the relevant compensation if land acquisition will be required for the project.

Livelihood Restoration Allowances include: Income Restoration Allowance for Crops Losses, Income Restoration Allowance for Business Losses, and Income Restoration Allowance for Business workers and employees, Income Restoration Allowance for Severe Agricultural Land Impacts,

Vulnerable Households Assistance includes but not limited to, Transitional Livelihood Allowance, Compensation Payment, and Employment Opportunity to PAPs (for unskilled and semi-skilled tasks during construction.

Distinct processes, dynamics and different agencies are involved in the resettlement of the project. The primary institutions that are involved in the land acquisition and resettlement process when needed for the project are: Ministry of Water and Irrigation (MWI), Water Authority of Jordan (WAJ), ESSD-PMD, Water Companies (WCs), Contractors, and the Governmental Institutions (The Cabinet, MoF, DLS, MoA). These institutions have specific roles and responsibilities regarding land acquisition and resettlement process according to local regulations.

MWI will recruit experienced E&S consultants through WAJ at ESSD-PMD who will provide the needed support to the current local staff as their contracts include resettlement related activities. MWI will disclose the RF to all IAs during the planning phase and prior to the preparation of tender documents, where a special training will be conducted for RF implementation as part of ESF capacity building program for concerned staff at WAJ and PIUs at WCs. This RF will be made available to the project's contractors and will be introduced to awarded contractors who will be required to develop site-specific RAPs by social specialists who are required to be among the organization team of these contractors.

In the project, special attention will be paid to female-headed households, both those with and without land. Although women's ownership of land is not widespread it is important to ensure that their land rights receive equal recognition in the project and in any resettlement activities. It is also important to ensure that both male and female members of the household agree to the resettlement offer made. The ESSD- PMD will have special responsibility to ensure that the project actively promotes and enhance outreach to women and where needed establish separate female-only Affected Persons (APs). Multiple and regular consultations with the women of the community to seek women's feedback and ideas

should be performed to ensure affected women are consulted and that they agree on the actions taken. Female project officers should be part of the IAs RAP implementing organizations.

The mechanisms for public consultation process with the PAPs: disclosure of the RAP through distribution of informative material to create awareness among the PAPs regarding their entitlements and compensation payment procedures and grievance redress mechanism. The Stakeholders Engagement Plan (SEP) following the ESS 10 will be developed and followed to guide the consultation process.

In addition to formal and informal communication among PAPs, IAs staff, and other stakeholders, the formal consultation process in the project area will be ongoing and will be undertaken by ES teams of WCs and contractors with supervision of ESSD-PMD. All these mechanisms and approaches will also be used during the collection of baseline socio-economic data from the PAPs; and the preparation and disclosure of RAP to the PAPs. MWI will adopt a proactive approach to disseminate the RAP and entitlements framework. The awareness efforts should ensure flow of information to all PAPs, including the most vulnerable groups and absentee PAPs.

Focus group discussions and public meetings with communities will be conducted to ensure enough information flow on all aspects of the resettlement processes. The translated summary of RAP in local languages (Arabic) will be shared with all stakeholders and disclosed on MWI website. The draft RAP for each site will be made available at locations that are convenient to the PAPs and other local stakeholders in a form and language understandable to these groups.

The project will also convene specific meetings to present project activities and implementation schedules and RAP implementation approach with affected communities within the cities where the relevant project activities requiring RAPs will be implemented. During RAP preparation, meetings will be convened with MoF, DLS and MoA regarding and acquisition process where the preparation and implementation of the RAP will be explained

Community representative associations like neighborhoods committees', governors, commercial chambers, municipalities and traffic departments will be met to ensure that they are fully appraised of the project including the formulation and details on the implementation of the RAP. Information about the entitlement provisions and compensation packages will be shared with these government officials and other stakeholders and affected communities.

Based on the REL No. 13 of 2019, if no agreement is reached with PAP during negotiation on offered compensation for land acquisition, then PAP has the right to appeal in court. Other resettlement complaints that are not related to land acquisition compensation were not considered in the REL, nevertheless and in the water sector, MWI, WAJ, WCs have detailed Grievance Mechanism (GM) procedures that also applied for complaints related to projects implementation and impacts or damages that may occur by these activities on safety, livelihood and economic status of these PAPs.

GM has defined responsibilities for managing the received grievances, and despite of the uptake channel, WAJ will be responsible for managing and applying the GM procedure at resettlement process implementation. GM maintain the right of the PAP to appeal at the court if the grievance was not resolved by the GM procedure of the project.

Project specific informative materials will be prepared and distributed to the PAPs to create awareness among them regarding their entitlements and compensation payment procedures including the accessibility of and the GRM. Summarized information in Arabic about entitlement matrix, eligibility criteria and the GRM of the approved RF will be disseminated to the PAPs and other stakeholders at the project sites, in addition to payment disbursement schedule explaining the date for disbursement of compensation.

Project activities will undergo different types of monitoring relevant to the resettlement intervention and activities. Land acquisition is a government-led process, and MWI will ensure that this process is performed based on the requirements of RF that considers both national regulatory obligations and ESS5 requirements. Monitoring of the land acquisition process will be a continuous process and will be supervised by ESSD-PMD in WAJ. Several indicators will be the benchmarks for the monitoring process like Avoidance principle during planning and site selection, engagement and consultation of potential PAPs, definition and communication of the of Cut-off date , communication and explanation of the RAP procedures and the land acquisition process to PAPs, using RF guidelines for Valuation of land and other associated assets, fair and transparent negotiation process and compensation for PAPs that is completed prior to construction, and documentation of the steps of the process. Then a PAPs satisfaction survey will be performed by IAs under monitoring of ESSD-PMD for all project-related land acquisition cases

Physical and economic displacement will be monitored at the level of PIUs at WCs and by ESSD-PMD at WAJ. PIU will monitor the implementation of RAPs developed which are mainly by contractors to manage impacts on any physically displaced PAPs that are not legally entitled to compensation but according to RF they are eligible for compensation according to specific indicators related to physical displacement including: Avoidance principle, development of RAP according to RF of the project, engagement of PAPs at early stage and during RAP preparation, negotiation and agreement with PAPs on the proposed resettlement measures so that they do not cause any economic displacement consequence. For temporary physical displacement, resettlement measures include the option of return for PAPs to their original locations. The Resettlement process should be well communicated to PAPs including GM and well documented with records of appeal for land acquisition cases in the court and resolutions that were made.

The PIUs at IAs will timely inform contractors with any non-compliance findings with requested corrective actions. The ESSD-PMD at WAJ will monitor this process through reviewing information reported by PIUs at monthly progress report, where relevant grievances will be directed to PIUs for verification and response actions based on GRM. A quarterly audit of ES performance where a sample of PAPs will be interviewed to get their opinion or level of satisfaction with resettlement measures and the overall process applied. A PAPs satisfaction survey will be prepared under ESSD-PMD for all physically and economically displaced PAPs to define lessons learned and develop required improvements at for future projects financed by the WB

PIUs at WCs will be responsible for supervision and implementation of RAPs and will prepare monthly progress reports on resettlement activities and submit to ESSD-PM at WAJ for review. ESSD- PMD at WAJ will also monitor RF implementation and submit quarterly reports to MWI, and determine whether or not resettlement goals have been achieved, more importantly whether livelihoods and living standards restored or enhanced and suggest suitable recommendations for improvement.

The draft RF will be disclosed on MWI website and shared with all stakeholders prior to stakeholder consultations. Stakeholders' feedback and comments will be incorporated into the final RF including minutes of meeting from stakeholder consultation. The final draft of the RF will be disclosed on MWI and the WB website.

# 1. INTRODUCTION

This Resettlement Framework (RF) was prepared by the Ministry of Water and Irrigation (MWI) for the Jordan Water Sector Efficiency Project, this project is the first phase of a Series of Projects (SOPs) that will potentially be implemented in the water sector, so called SOP-1, to meet when needed during project implementation, the requirements of the World Bank's Environmental and Social Standard (ESS) on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement (ESS5), as well as relevant national laws and regulations.

This RF is one of the environmental and social instruments that are prepared under the project's Environmental and Social Management Framework (ESMF) and according to the World Bank's Environmental and Social Framework (ESF).

SOP-1 is in line with The Financial Sustainability Roadmap (FSR), a process under the Government's "Action Plan to Reduce Water Sector Losses" that outlines actions to close the operational deficit in the water sector by 2030, thus reducing the accumulation of debt in the sector and improving overall financial sustainability and operational performance of the sector. The government action plan, along with the FSR outline the importance of reducing water losses as a tool to move the water sector towards financial sustainability.

SOP-1 will have broad environmental and social benefits, it will finance activities that preserve scarce water resources, contribute to reduction of Green House Gases (GHG) emissions by applying energy efficiency measures, sustain and improve water system supply that supports livelihoods and hygiene of beneficiary communities. The project will also enable the decision-making process for water allocation during drought periods which would sustain sensitive sectors and improve resilience of water sector to climate change impacts.

The project is not anticipated to involve any permanent land acquisition or physical displacement. Activities will mainly be executed either at properties and lands owned by WAJ or governmental lands allocated to WAJ, in addition to right of way of public roads. However, project activities may have an impact on livelihoods, by causing minor and temporary economic disruptions, mainly to commercial businesses at target areas within Amman and other governorates.

The project will as much as possible avoid locations occupied by encroachers or squatters who would need to be relocated. MWI has prepared this RF as a precautionary measure to ensure that the project meets the requirements of ESS5.

## 1.1 Project Description

Jordan is one of the most water scarce countries in the world, which poses severe limits on both agriculture and water supply to cities. Water resources are concentrated in the northern highlands and the Jordan River Valley, with over 92 percent of the land in Jordan classified as semi-arid or arid and receiving less than 200 mm of rainfall per year. With only 97 m<sup>3</sup> per capita per year, available water is well below the absolute water scarcity threshold of 500 m<sup>3</sup> per capita per year. Jordan has seen its

population grow through a combination of organic growth and refugee influxes from 2 million in 1975 to around 10.3 million in 2021 – reducing the amount of water per person available as an economic input. As Jordan’s population has grown and become increasingly urbanized (92 percent in 2021) around half of Jordan’s available water is used for domestic water supply (including industry) and the other half is allocated to agriculture (compared with a global average of 70 percent of water for agriculture).

The project will be part of series of projects (SOPs) This project is called SOP1 which will cover the following areas: (1) Loss reduction and service delivery; (2) Energy efficiency and cost reduction; (3) Water security and drought management; and (4) Institutional strengthening for water sector efficiency (5) Contingency Emergency Response. The project is being developed by the Government of Jordan with support from the World Bank. The program objective is to improve the efficiency of water services in Jordan..

The proposed Project is Investment Project and will be implemented over a 5-year period.. The Implementing agencies will be Ministry of Water and Irrigation (MWI), Water Authority of Jordan (WAJ), Jordan Valley Authority (JVA), Miyahuna Water Company, Aqaba Water Company (AWC), and Yarmouk Water Company (YWC).

The Resettlement Framework (RF) will be implemented by the MWI through Environmental and Social Standards Directorate (ESSD) at PMD / PMU at WAJ as the lead implementing agency of the project.

The RF will define responsibilities of the other implementing agencies including WAJ, JVA, WCs, and contractors of the project, namely Jordan Water Sector Efficiency Project.

## **1.2 Project Components**

The proposed Series of Projects (SOP) provides the investment support and long-term approach needed for full implementation of the Water Sector Financial Sector Roadmap and to improve the efficiency and resilience of the water sector. Through the SOP, multiple projects financed by the World Bank contribute to the Government’s objectives to improve efficiency, service delivery and financial sustainability of the water sector. The SOP is expected to be implemented between 2023 and 2032, through three proposed investments beginning with the proposed project, followed by two further investments in sector efficiency. Presentation to the Board of subsequent projects in the SOP will be staggered by approximately 1.5 years, allowing for preparatory works to be carried out in earlier phases. The program is aligned with, and will contribute to, the new Vision for Economic Modernization, Government’s National Strategy for the Water Sector, and Non-Revenue Water Reduction and Energy Efficiency Strategies.

The first project in the series, (SOP1) will focus on improving water sector efficiency. Proposed interventions are grouped around five components:

Component 1. Sustainable non-revenue water reduction. Efficiency will be improved by reducing waste of the available water resources (financial and commercial) and overall improvement in operational systems in the water sector, in support of adaptation to climate change impacts on water availability. The component will be implemented through (i) NRW reduction activities in prioritized areas, nationwide; (ii) Improved systems for sustaining NRW reduction. Identification of sub-projects under this Component will follow a framework approach, where support for specific sub-projects will be agreed



after the Capital Investment Master Plan is finalized based on criteria agreed during preparation. Actions will primarily entail rehabilitation activities including network replacement and rehabilitation of pipes, household connections and meter rehabilitation or replacement, network zoning, installation of Supervisory Control and Data Acquisition (SCADA) system and Geographic Information System and other technical actions needed to lay the foundation for NRW reduction at the level of the three water companies in Jordan. This component will also finance the preparatory studies (feasibility, design, environmental and social assessment and management plans, development of bidding documents) required for investments to be implemented by the three water companies. This component will strengthen NRW systems in the country to improve planning, operationalization, and help sustain NRW reduction over time.

Component 2. Increased energy efficiency and reduced energy supply costs. The water sector in Jordan requires significant energy for operation - energy costs represent over half of the water utilities' operational costs - due largely to pumping costs associated with the extraction of deep groundwater, and conveyance of water from the source to population centers. Energy efficiency improvements in the water sector are a national priority for more sustainable management of the water sector in Jordan and will have a direct impact on the financial sustainability of the water sector by reducing operational costs. This component will improve the efficiency of the water sector by reducing energy used, costs, and GHG emissions.. This component will improve efficiency of the water sector by reducing energy used, costs and GHG emissions by (i) improving energy efficiency of existing water systems through pump and generators rehabilitation/replacement, installation of renewable energy system, and (ii) mobilizing policy and operational measures to enable energy load shifting to reduce the cost of energy in the water sector.

Component 3. Drought management and informed water allocation. Given Jordan's extreme water scarcity and frequent and intense droughts, improved water allocation will support different mechanisms to enable efficient and fair management of water shortages. Tools that underpin the assessment of water availability and decision-making related to water allocation, particularly monitoring, and forecasting under drought conditions when water availability becomes increasingly scarce, are necessary to ensure that allocation responds to changing conditions, improving beneficial use. Strengthening institutions responsible for planning and allocation of water at the farm level will increase opportunities for participation and negotiation with different stakeholders to enable a more efficient and fair management of the risks of shortages. Water storage systems play an important role in an efficient response to highly variable precipitation, such as minimizing water spilling water during high-flow years can help maximize its use during drought years and maintaining storage for blending and timing of deliveries of treated wastewater facilitates its use in agriculture. Continued safe and competent operation of storage facilities will underpin an efficient response to variable water availability. This component will strengthen drought management with aims to apply a comprehensive drought risk management approach to increase capacity to monitor, forecast, plan for, and respond to droughts in the water sector. This component will also support preparation of studies for rehabilitation water storage systems.

Component 4. Project management and implementation support. This Component will focus on project management required to implement this Project and to strengthen systems for the planned SOP.

Component 5. Contingency Emergency Response (\$0 million). A Contingency Emergency Response Component (CERC) with zero allocation will be created and made implementation-ready to allow the GoJ to respond quickly in case of an eligible emergency. The mechanism will be defined in a specific CERC Operational Manual that will clearly outline the triggers, eligible expenditures, procurement

thresholds, and procedures for using part of IBRD resources of the project to respond quickly in the event of an eligible emergency.

### **1.3 Resettlement Impacts**

Project activities are expected to have minimal involuntary resettlement (IR) impacts. For components 1, physical interventions activities for Non-Revenue Water will be implemented within the right of way (RoW) of public roads in Amman and other governorates. The potential resettlement impacts are mainly related to economic displacement during construction works that will be implemented at neighborhoods of target governorates that have a mix use of residential and commercial, therefore, these commercial centers and shops might be impacted by limiting access of customers to their shops and premises.

Water transmission lines construction and rehabilitation between cities under component 1 will also be implemented at right of way of public roads and highways, this might result of temporary limiting access to some commercial shops and kiosks that are usually serves roads users. Kiosks in particular are usually illegally located at the right of way of highways where some are temporary or seasonal to sell nearby harvested fruits and vegetables, however, these kiosks are subjected to impact of temporary physical displacement.

New in-network storage reservoirs may be also implemented under component 1. These were planned to be located on land belonging to WAJ or other public land, however, and based on hydrologic modeling results, private land within residential areas maybe the best options available, which would lead to. the need for either to purchase the required lands or to be obtained through land acquisition.

For component 1 a substantial design flexibility exists which will allow for the reduction of land/asset impacts during the detailed design stage of these activities. With the exception of the desalination plant (which is located on Government leased land) all other aspects including reticulation, water tanks and the exact location of the solar array within the water reserve allow for design flexibility. A core role of this RF is to facilitate, and to promote, this impact reduction through design.

Component 2 of the project includes construction of 29 solar PV power plants with a capacity of less than 1MW each. MWI and WAJ are planning to construct all projects activities on land belonging to WAJ that approved from MEMR and NEPCO. The potential impact of limiting locals from access to natural resources such as pasture is minor or negligible as the current productivity of natural forage in Jordan is very low particularly in remote areas. and s the size of land required for each plant is relatively small (less than 10,000 m<sup>2</sup>). In addition, these plants will be within the existing premises of WAJ or on land belonging to WAJ and these lands are not close to each other but distributed over the country, therefore accumulative impact of such land is not considered were also some of these PV plants may be installed as rooftop.

Component 3 of the project includes feasibility assessment for the rehabilitation of selected dams. This activity is a planning tool without any physical intervention, however, MWI will assess any potential displacement which may result from rehabilitation implementation in the future. through ESIA process that proposes as a risk management instrument for this activity.

The remaining activities of project components 1, 2, 3 & 4 mainly comprise of soft activities that will not lead to resettlement risks.

Substantial design flexibility exists which will allow for the reduction of land/asset impacts during the detailed design stage of these activities.

As presented in this RF, MWI has adopted an approach to involuntary land acquisition and resettlement, which focuses on avoidance. Resettlement should be avoided if at all possible, but if it is necessary, it should be done as efficiently as possible. Mitigation strategies should be described in the site-specific RPs. Given the nature of the planned interventions, this is likely to be relevant especially for temporary economic displacement.

. A core role of this RF is to facilitate, and to promote, this impact reduction through design and planning.

All necessary resettlement requirements will be based on meaningful consultations with PAPs and other stakeholders. This framework sets out the consultation processes, laws, and mechanisms for calculating market value and replacement costs for assets or lands as needed, a system for addressing grievances, and other institutional arrangements that will apply. Replacement cost is the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. For losses that cannot easily be valued or compensated for in monetary terms (e.g., access to public services, customers, and suppliers), attempts are made to establish access to equivalent and acceptable resources and earning opportunities. 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 standard.

#### **1.4 Objectives of the Resettlement Framework**

The objective of this RF is to outline the principles of resettlement and compensation thereof as and when needed during project implementation. To achieve that, RF aims to:

- To avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring project design alternatives.
- To mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by: (a) providing timely compensation for loss of assets at replacement cost; and (b) assisting displaced persons in their efforts to improve, or at least restore their livelihoods and living standards in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.
- To improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure.
- To conceive and execute resettlement activities as sustainable development programs, providing sufficient investment resources to enable displaced persons to benefit directly from the project, as the nature of the project may warrant.
- To ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.

This will not only ensure consistency in resettlement planning but also develop the capacities of the implementing and supervising agencies gradually and simultaneously. Lessons learnt during implementation can easily be integrated in improving the various issues related to resettlement planning and its monitoring. The RF needs to be consistent with both of the following:

- Existing national laws and policies related to land acquisition and compensation and;
- World Bank's Environmental and Social Standard 5 which deals with Land Acquisition, restrictions on Land Use and Involuntary Resettlement.

### **1.5 Rationale for Developing Resettlement Framework**

The Resettlement Framework (RF) is a standard instrument used to clarify resettlement principles, eligibility criteria, compensation entitlement, organizational arrangements and guidelines for carrying out census surveys and Resettlement Action Plan (RAP). The RF will be applied in cases where the impacts and physical location of a project-related activity are not known in advance. It is important to notice that the proposed projects provide direct financing support to rehabilitation and construction of water system infrastructure (Water transmission and distribution pipelines and networks) at the right of way of public roads of target cities and residential areas, and construction of in-network reservoirs under component 1. Installation of solar PV power plants each with capacity less than 1MW at various locations on land that is mainly owned by WAJ, and replacement of equipment with more energy efficient ones under component 2. Proposed projects will also provide soft tools for drought monitoring and for financial sustainability of IAs under components 3&4, and capacity building programs for IAs on agreed project components.

Once individual activities are defined, and the necessary information becomes available, should resettlement activities become necessary, this framework will be expanded into site-specific RAP(s) proportionate to potential risks and impacts. Project activities that will cause physical and/or economic displacement will not commence until such specific plans have been finalized and approved by the World Bank (WB), and also relevant PAPs are compensated before the start of physical works. In this way a consistent approach to resettlement practice will be ensured for all activities involving displacement.

This RF does not apply to voluntary, legally purchased lands in which the seller is given a genuine opportunity to retain the land and to refuse to sell it, and is fully informed about available choices and their implications. However, where such voluntary land transactions may result in the displacement of persons, other than the seller, who occupy, use, or claim rights to the land in question, this RF will apply.

The following guiding principles of this framework will be considered when applicable:

- Screen the project early on to identify past, present and future involuntary resettlement impacts and risks.
- Avoid or minimize adverse impacts on persons and families likely to be affected by the project (Project-Affected Persons [PAPs]). Project's ESMF request from contractors to consider avoidance principle at the design phase, and at to include at site specific ESMPs, as much as

applicable, mitigation measures that eliminate and displacement impact by construction and operation activities.

- Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.
- Carry out meaningful consultations with affected persons, and other stakeholders in the design, planning, implementation, and monitoring and evaluation. Pay particular attention to the needs of vulnerable groups, especially those without legal title to land (if applicable) and ensure their participation in consultations.
- Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of affected persons and their host population.
- Improve, or at least restore, the livelihoods of all displaced persons, to at least pre-displacement levels or levels prevailing prior to the beginning of project implementation, whichever is higher, through (a) land-based resettlement strategies when affected livelihoods are land based where possible, or cash compensation at replacement value for land when the loss of land does not undermine livelihoods; (b) prompt replacement of assets with access to assets of equal or higher value; (c) prompt compensation at full replacement cost for assets that cannot be restored; and (d) additional revenues and services through benefit sharing schemes where possible.
- Provide physically and economically displaced persons with needed assistance, including the following: (a) if there is relocation, secure tenure to relocated land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (b) transition support and development assistance, such as land development, credit facilities, training or employment opportunities; and (c) civic infrastructure and community services, as required.
- Improve, or at least restore, the standard of living of the displaced poor and other vulnerable groups, including women, to at least pre-displacement levels or levels prevailing prior to the beginning of project implementation, whichever is higher. In rural areas, provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.
- Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.
- Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of land and non-land assets.
- Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget and time-bound implementation schedule.
- Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.
- Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a

project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.

- Pay compensation and provide other resettlement entitlements before physical and economic displacement. Implement the resettlement plan under close supervision throughout the project implementation.
- Monitor and assess resettlement outcomes, their impacts on the standard of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

This RF explains how these principles will be considered in the preparation of feasibility studies, including safeguards documents, and tender documents in the project. It is important to note that while the relevant laws of Jordan might not cover these matters in any detail, there would appear to be nothing in the laws to stop these principles being applied in practice.

### **1.6 Guidelines for Carrying out Census Surveys and RAPs**

The project implementation is not expected to result in permanent or temporary land acquisition, or physical displacement for potential Project Affected Persons (PAPs). However, these guidelines are prepared to ensure that proper data collection will be performed to support well informed decision making and management for any resettlement case if necessary. WAJ is the owner of water distribution system's assets. ...The project will follow the below guidelines that have been prepared to align with the relevant local regulations and ESS 5:

- 1- Upon the approval of the Cabinet on land acquisition (if needed), or upon confirmation of unavoidable potential Displaced Persons (DPs) (physically or economically) based on contractor's approved design, WAJ, and according to local regulations, will conduct the census of all DPs and inventory of assets, in close coordination with Department of Land and Survey (DLS) and Ministry of Finance (MoF)
- 2- Based on the results of the environmental and social screening of the activities, and to align with ESS 5, PAPs who are subject for temporary physical and or economic displacement will be included in the census despite their eligibility criteria for compensation in accordance with local regulations.
- 3- To prepare for the census, WAJ and IAs will verify that the census instruments are reliable; personnel are well trained, and enough personnel and resources are available to conduct the census quickly.
- 4- The census will include a complete inventory of all losses to be incurred by each affected individual and household. This information will include at a minimum: (a) number of persons, main occupation and level of income; (b) number, type, and dimension of the assets; (c) number, quality, and area of all the residential plots; (d) number, category, type, and area of asset held and to be lost or affected; (e) tenure status asset and amount of rent paid by tenant/lessee, where applicable; (e) quantity, category, and dimension of all rent other fixed assets adversely affected; (g) productive assets lost as a percentage of total productive assets; (h) temporary damage to productive assets; (i) quantity, category, and quality of non-

agricultural livelihood adversely affected; (j) quantity, type, and quality of community resources to be acquired if applicable.

- 5- The census needs to be undertaken as soon as possible to ensure accurate determination of eligibility for entitlement.
- 6- The date of completion of the baseline survey will be considered the cut-off date for eligibility; those in the areas before the census begin are eligible for compensation and assistance, as relevant, and those who arrive after the cutoff date are not. The cutoff date should be widely communicated at the project area ahead of census survey through local governmental offices, direct public awareness to area's community, community leaders, media channels such as newspapers, radio, television, social media and local NGOs, etc.
- 7- The RAP(s) where applicable, will be prepared prior to invitation of bids for the corresponding civil works.

## **2. LEGAL FRAMEWORK FOR RESETTLEMENT**

### **2.1 Resettlement General Background in Jordanian Regulations and at Water Sector**

#### **2.1.1 The Real Estate Law (REL) No. 13 of 2019**

Real Estate Law No. 13 of 2019, has been published at the national gazette in 2019 to replace different laws including Land Acquisition Law No.12 of 1987. The aim of this law was to create a stable legal framework for the real estate sector that comprises 60% of fixed assets in the country, and directly impacts the national economy. This new law will have economic and social benefits that previous laws have not considered including incentivizing investments in the real estate sector. However, for the land acquisition process, the major differences between the previous law and the new one is to define properly the time frame for implementing the acquisition process, and to expedite the compensation process.

Article 3178 and Article 9180 of the LALREL stated the two main conditions under which land can be expropriated:

- No land can be acquired unless it is for public benefit and that there is fair and just compensation for any Project Affected Peoples (PAPs) -Article 3178 of the LALREL
- The principle of the acquiring process is to make a direct purchase of the estate, or to exchange with the owner a property that the purchaser owns. However, in some cases the direct purchase may not be possible, then Article 180 defines that the entity is requested to investigate first the option of purchasing the required asset by direct purchase agreement with the owner, and if that was not possible, and the nature of the project requires this particular asset to achieve the public interest or benefit, then the acquisition process is triggered and can be initiated. The REL recognizes the following types of real estate:
  - Owned Real Estate: The real estate that is owned by owner(s) with the right to use or utilize this property in legal way
  - Suspended Real Estate: The properties suspended by its owner(s) to be utilized or used for any purpose and considered donated for good aims
  - Abandoned Real Estate: A Real Estate that is owned by the treasury (government land) and abandoned to be utilized by the public or a certain group of people
  - Mawat (Dead) Real Estate: A real estate that is far from urban areas and owned by the treasury (government land) that is not registered or within the property of any individual and empty and not used or cultivated or abandoned for public use or for the use of a certain group of people.
  - Tribal lands: article 42 of the law states that any abandoned real estate historically used for the benefit of a village or tribe on behalf of that village then this real state must be registered as treasury land. Land that might be affected by operations can belong to any of these four official categories.

Article 178 of REL states that compensation should be fair and owners should be compensated for their properties including e.g., buildings, improvements and trees at full replacement cost.



Articles 190 requests to consider the following principles in defining fair compensation:

- The evaluation of the compensation value for acquiring a property or part of it, shall consider the property value at the time when the land acquisition decision has been made based on common practices in the real estate valuation process.
- Compensation is considered fair for LA case if the valuation of the compensation has been made upon the value of previous purchase deals made on the possessed property or on similar nearby property and according to the records at DLS
- Compensation is considered fair for RoW case if the value of the compensation equals the decrease of the property value due to that RoW
- Compensation for the renter of the LA or RoW property is considered fair if it does not exceed 15% of the total compensation if the property was rented for commercial or industrial purposes, and if not exceed 8% of the total compensation if the property is rented for other purposes. During the estimation of these percentages the duration of the rental agreement and the expiry date of the rental agreement must be considered
- During the evaluation of the compensation value, the following is not considered:
  - Any structures or buildings or cultivation or additions or improvements have been made in the property after the date of LA decision has been made
  - Any contracts for renting or investing in the property have been made after the date of the LA decision has been made
  - Any decrease or increase in the property market value due to the LA process on that property.
- Compensation for any damage done outside the acquired land by the Acquirer before or after the date of LA decision can be defined by the Minister of Finance upon the recommendation of DLS Manger that was made based on the report of the damage's compensation committee.
- Article 191 allows the Acquirer if it's a governmental institution to offer the PAP either full or partial tangible compensation by giving him authorization on a government owned property where upon that authorization, the PAP can fully use or utilize that property
- The landowner is responsible for paying any previous taxes on the property concerned prior to compensation.
- Upon final agreement reached on the compensation amount, approval and authentication by the Directorate of Land followed by an authentication of the Cabinet is required,
- The relevant party of the public benefit project is required to pay the compensation to the landowner directly or deposit the full compensation amount in the Treasury under the beneficiary's name within three months.

Non-payment results in a 9% annual interest being added to the compensation starting the day after the three month's period until the date of paying the compensation to landowner.

The law 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 acquisition procedures:

- The Acquirer must announce in 2 newspapers his intention to acquire land or obtain a RoW and after 2 weeks the Expropriator to the Cabinet of ministers requesting approval on the acquisition of the announced land
- The Acquirer must apply to the Cabinet of ministers requesting a LA decision within a period of 90 days from the date of the period announced in the newspapers. The Acquirer must submit land

information, reason for acquisition and initial estimation of the compensation and proof of Acquirer's ability to pay that compensation.

- If 2 weeks have passed and the Acquirer has not applied to the cabinet then the LA announcement is considered valid.
- The cabinet after ensuring the justification of LA request and the ability of the Acquirer to pay the compensation, must issue the LA decision within 180 days from the date of LA announcement.
- The LA decision by the Cabinet must be published at the national gazette to be valid
- If 180 days have passed and the LA decision has not been issued then the LA announcement is considered in valid.
- Once the LA decision has been issued, the Acquirer must notify the DLS Manager in the area where the cadastral drawings of the acquired land is registered to make a note on the registration file in order to stop any action on the land except the action ownership transfer the legal heirs if the owner is dead, or the action of selling the legal heirs shares among themselves. The allowed actions can be taken by the approval of the Acquirer after the value of the compensation has been defined either by direct negotiation or by the court.
- The Acquirer must provide the names of the land users in the case the acquired land is not registered at the DLS database and no legal owner is defined.
- The Acquirer must formulate an internal committee to evaluate the possessed land and to estimate the compensation value as defined in the law.
- The law considers the owner is the person(s) who has ownership registration documents at the DLS database. If no ownership registration at DLS database for the possessed land, then the person(s) who occupy this land or use it is considered as the owner.
- In the case there are other beneficiaries in the possessed land other than the owners, like renters, then the owner must notify the Acquirer in writing within 30 days from the date of LA announcement in the newspapers. Beneficiaries themselves can also make these notifications to the Acquirer within the same given period.

#### Compensation Negotiation:

- The Acquirer must announce for negotiation in 2 newspapers calling the owner to communicate with Acquirer within 30 days to negotiate for compensation. The announcement must include the LA decision by the Cabinet.
- If the Acquirer and the owner reached an agreement on compensation, then a written signed agreement from both parties to be prepared and become effective once endorsed by the Minister of Finance.
- If no agreement is reached between the Acquirer and the owner, then both parties have the right to go to court and make a case for fair compensation. These cases must be resolved by the court in a period not exceeding one year. The defined compensation by the court is considered fair and final

#### Compensation Payment:

- The Acquirer must deposit the compensation value at a special fund in the DLS directorate under the name of the owner. If the owner did not request the compensation or did not receive it for any reason, then, the Acquirer must announce in 2 newspapers calling the owner to communicate with the DLS directorate to receive the compensation.
- If the compensation is not deposited by the Acquirer or received by the owner within 30 days of the announcement in the newspapers, then the compensation remains in the fund account and subjected for annual interest of 5%.

- The compensation is not paid to the owner unless he pays any other taxes or financial obligation on the possessed land to the date of compensation payment. If the owner did not or cannot pay these taxes, then equal value of these taxes is deducted from the compensation value.
- The value of compensation is not subject to any fees or taxes.
- DLS manager must notify the Acquirer to receive the acquired land before compensation is paid to the owner.
- If it is proven to the DLS director that there was a mistake in calculating the area of possessed land, and that may cause impact on the owner, then he must notify the Acquirer who shall announce that in newspapers. If the possessed area is larger than what the compensation was paid for, then the Acquirer must pay the difference to the owner. If the possessed area is less than what the compensation was paid for, then the owner must return the difference to the Acquirer.

Ownership Transfer to Acquirer:

- The ownership is not transferred to the Acquirer unless the compensation is paid for the owner
- In the case of obtaining a RoW, then the ownership of the obtained land for the RoW does not transfer to the Acquirer and remains owned by the owner.
- If the Cabinet of ministers and based on the request of the Acquirer, convinced by reasonable justification that the Acquirer must revive the land before completing the negotiation or payment of compensation, then the decision made the Cabinet in this regard is valid and final

Cancelation of LA:

- The Acquirer is not allowed to abandon ownership of possessed land (cancel the LA) or part of it after receiving the land and after making changes in the land unless the original owner accept that and both parties agree on the conditions of LA cancelation.
- The Cabinet of ministers, and based on Acquirer request, to cancel the LA on the total land or part of it within a period of 5 years from the date of LA decision, where no right remains for the Acquirer in the land after the cancelation decision was made.
- The original owner is obliged to pay back the compensation that he received, and if refused then the compensation value returns to Acquirer by the force of law.
- The original owner has the right to request compensation for any damage or impact that occurred due to the possessing the land and canceling it.
- If the Acquirer did not start the project upon which the LA was made in 10 years from the date of ownership transfer, then the original owner can request in the court to return back his ownership on the possessed land.
- The court, and upon the original owner request, defines the compensation for the damages and impact made on the original owner for the period between the date of LA decision and the date of the court decision to return the ownership of the land.
- Once the court decided to return the land to the original owner, then he is requested to pay back the compensation he received from the Acquirer with annual interest as defined by the law (5%).
- In the case of returning the land ownership to the original owner and upon his request, then additional tax must be applied similar to those applied in the law.

**2.1.2 Resettlement Procedure at WAJ:**

WAJ owns all the assets of water and wastewater, and the land where these assets have been built are governmental lands allocated for WAJ. Nevertheless, WAJ has been performing land acquisition and right of way processes in accordance with local regulations (Real Estate Law No. 13 of 2019 and Sewer Regulation of the year 1994), where the land acquisition process is totally governmentally led.

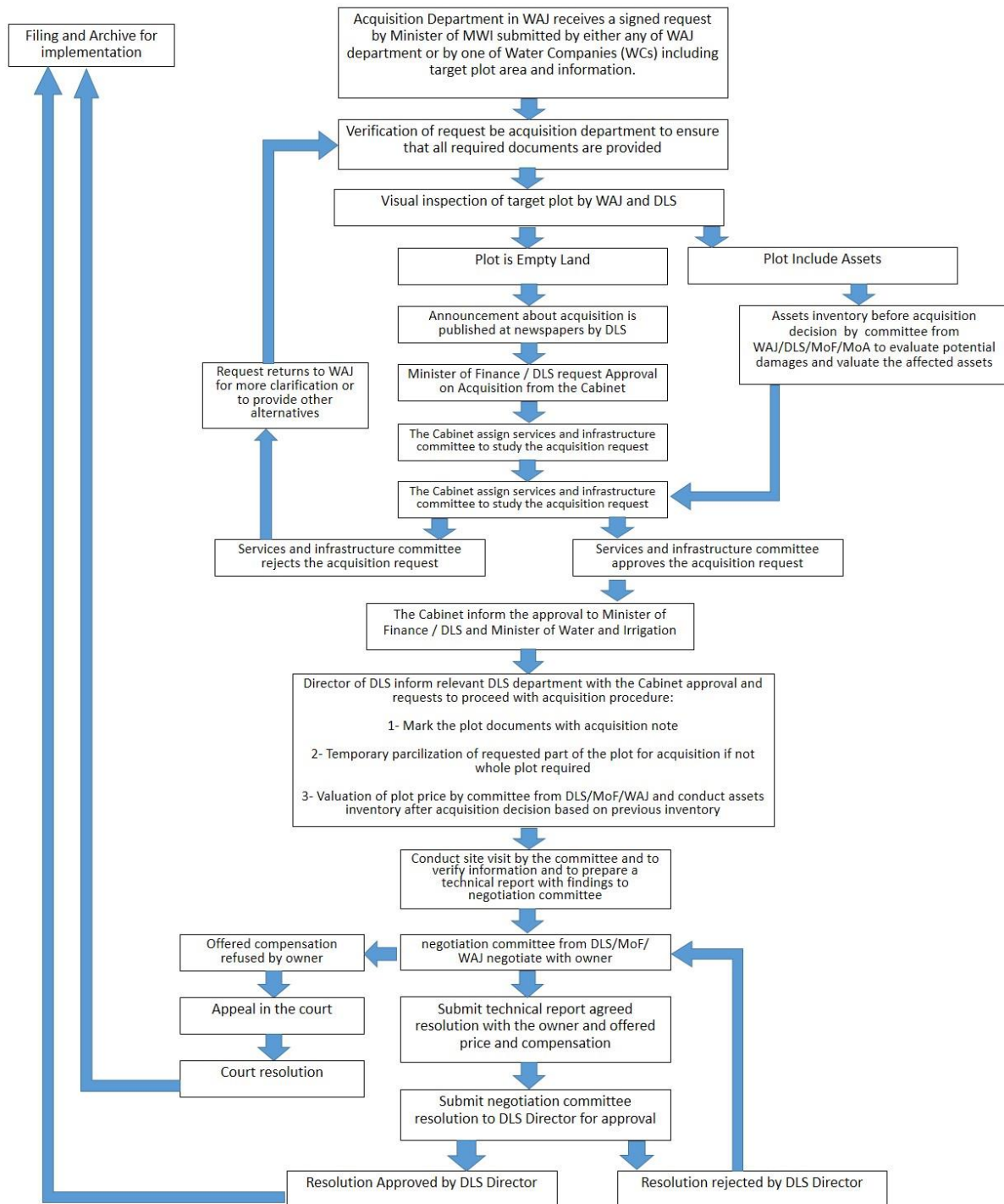
WAJ has and can perform two types of land acquisition:

- a. Total acquisition of the land and the structures and the transfer of ownership from the owner to the GoJ, where then this land allocated to WAJ
- b. Right of Way: Under the sewer regulation issued in 1994, WAJ has the right to install public or private sewer network system or pipelines on any land if installation at government land or at the right of way of public roads is not technically possible. The Cabinet then gives the RoW to WAJ and landowners have no right to reject, but WAJ must compensate the landowners according to what WAJ define as a compensation for the landowner. This process does not transfer the ownership of the corridor where the sewer pipeline installed but give the right to WAJ to enter the land at any time during operation for executing any relevant works. Also, the landowner has limited activities that he can perform above the installed pipe and no structure or trees are allowed to be planted above the pipeline.

Resettlement current practices at WAJ are mainly limited to land acquisition when needed for new water infrastructure either operated under WAJ or one of WCs. This legal process is governed by Real Estate Law No.13 of 2019, and the application procedure includes measures that formulate legal requirements into process mechanism. Physical resettlement is usually avoided in the planning process, however, economic displacement is handled and compensated when eligibility of PAP is confirmed according to the law clauses.

WAJ has the following procedure process flow chart presented at Figure 1 for land acquisition and resettlement that is based on local regulations. However, the terms of compensation that the Negotiation Committee will be offering to the PAPs will be in line with the requirements of the Jordanian Law and ESS5.

## WAJ Land Acquisition and Resettlement Procedure



**Figure 1: WAJ Land Acquisition and Resettlement Procedure**

### 2.1.3 Resettlement Procedure at JVA

Similar to WAJ, the resettlement process at JVA is linked with the land acquisition process either for physical or economic displacement. JVA has its own land acquisition process defined in JVA law No. 3 of 2001, under article 21; JVA. By the approval of the Cabinet, JVA has the right within the Jordan Valley or in the basins of the Jordan River Tributaries to the expropriation and immediate acquisition of lands, water shares or both as necessary for its projects, and any other benefits pertinent to land or water, either by absolute expropriation against compensation or by lease for any period it deems appropriate. JVA shall have the right to specify the rent for any period or periods it may deem necessary

According to the scope of the project's component 3 that will be implemented by JVA, there is no potential impact of physical resettlement. However, during the implementation of rehabilitation planning and assessment for the selected dams, risk of physical or economic displacement, if any, will be considered according to this RF.

JVA law has defined the mechanism and the procedure for the immediate acquisition and the valuation of compensation as described in Annex 1

### 2.1.4 World Bank ESS5

The objectives of ESS5, Land Acquisition, Restrictions on Land Use and Involuntary Resettlement, are to:

- Avoid involuntary resettlement<sup>2</sup> or, when unavoidable, minimize involuntary resettlement by exploring project design alternatives. Avoidance is especially important to avoid physical or economic displacement of those socially or economically vulnerable to hardship as a result.
- Avoid forced eviction.
- Mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by: (a) providing timely compensation for loss of assets at replacement cost<sup>3</sup> and (b) assisting displaced persons in their efforts to improve, or at least restore, their livelihoods and living standards, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.
- Improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure.
- Conceive and execute resettlement activities as sustainable development programs, providing sufficient investment resources to enable displaced persons to benefit directly from the project, as the nature of the project may warrant.
- Ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.

In the context of the project (SOP-1), ESS5 requires when needed that MWI / WAJ offer PAPs

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<sup>2</sup> The term "involuntary resettlement" refers to these impacts. Resettlement is considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in displacement. It includes permanent or temporary physical and economic displacement resulting from land acquisition or restrictions on land use undertaken or imposed in connection with Project implementation.

<sup>3</sup> "Replacement cost" is defined as a method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement. Transaction costs include administrative charges, registration or title fees, reasonable moving expenses, and any similar costs imposed on affected persons.

compensation at replacement cost, and other assistance as may be necessary to help them improve or at least restore their standards of living or livelihoods.

ESS5 states that where land acquisition or restrictions on land use are unavoidable, the Borrower will:

- Conduct a census to identify the persons who will be affected by the project to:
  - o Establish an inventory of land and assets to be affected
  - o Determine who will be eligible for compensation and assistance, and
  - o Discourage ineligible persons, such as opportunistic settlers, from claiming benefits.
- Conduct social assessment will also address the claims of communities or groups who, for valid reasons, may not be present in the project area during the time of the census, such as seasonal resource users.
- In conjunction with the census, the Borrower will establish a cutoff date for eligibility.
- Information regarding the cut-off date will be well documented and will be disseminated throughout the project area at regular intervals in written and (as appropriate) non-written forms and in relevant local languages. This will include posted warnings that persons settling in the project area after the cutoff date may be subject to removal.

ESS5 requires the preparation of a Plan to address the issues identified in the environmental and social assessment that is proportionate to the risks and impacts associated with the project. The plan must include:

- (i) Procedures to monitor and evaluate the implementation of the plan;
- (ii) Consultations with affected persons during the monitoring process, and; the preparation of periodic monitoring reports and affected persons will be informed about monitoring results in a timely manner. A template for the preparation of Resettlement Plans, based on Annex 1 of ESS5, is attached in this RF in Annex 2.

Implementation of the Borrower's plan will be considered completed when the adverse impacts of resettlement have been addressed in a manner that is consistent with the relevant plan as well as the objectives of this ESS.

Most of the project activities are not yet defined and may cause restrictions on access to land or to commercial shops and centers. In such cases ESS5 states that where the likely nature or magnitude of the land acquisition or restrictions on land use related to a project with potential to cause physical and/or economic displacement is unknown during project preparation, the Borrower will develop a framework establishing general principles and procedures compatible with this ESS. Once the individual project components are defined and the necessary information becomes available, such a framework will be expanded into one or more site-specific plans proportionate to potential risks and impacts. No physical and/or economic displacement will occur until plans required by this ESS have been finalized and approved by the Bank.

ESS5 requires to engage with affected communities, including host communities, through the process of stakeholder engagement chapter 3- as well as the project's Stakeholders Engagement Plan - SEP, decision-making processes related to resettlement and livelihood restoration to include options and alternatives from which affected persons may choose. Disclosure of resettlement relevant information and meaningful participation of affected communities and persons must take place during the consideration of alternative project designs, and thereafter throughout the planning, implementation, monitoring, and evaluation of the compensation process, livelihood restoration activities, and relocation process.

According to ESS5, the consultation process will ensure that women's perspectives are obtained and their interests factored into all aspects of resettlement planning and implementation. Addressing livelihood impacts may require intra-household analysis in cases where women's and men's livelihoods are affected differently. Women and men have different preferences in terms of compensation mechanisms, such as replacement of land or alternative access to natural resources rather than in cash, and will be explored and considered .

Table 1 below presents the gaps between resettlement local regulations at water sector and the requirements of WB ESS5 and MWI strategy to address these gaps.



**Table 1 : Gap Analysis between the Requirements of World Bank ESS5 and Local Resettlement Regulations at Water Sector**

Gap Topic	Local Land Acquisition and Resettlement Regulations	ESS5 Requirement	Gaps between Local Regulations and ESS5	Strategy to Address the Gaps
Eligibility Classification	<p>1-Affected persons are :</p> <p>(a) who have official / legally recognized ownership of land or assets</p> <p>(b) Who have official / legally recognized renting / leasing documents for land or assets.</p> <p>2-Affected persons mentioned above at a &amp; b are the only eligible for compensation for loss of lands, assets and for economic displacement.</p>	<p>1- Affected persons are:</p> <p>(a) Who have formal legal rights to land or assets</p> <p>(b) Who do not have formal legal rights to land or assets, but have a claim to land or assets that is recognized or recognizable under national law</p> <p>(c) Who have no recognizable legal right or claim to the land or assets they occupy or use.</p> <p>2- Affected persons and points a&amp;b above are eligible for compensation for loss of lands, assets and economic displacement</p> <p>3- Affected persons under point c above are only eligible for compensation for loss of lands or assets and for economic displacement</p>	Those who do not have official ownership or lease or documents, are not classified as a PAP, and thus not eligible for compensation for loss of lands, assets and for economic displacement.	<p>RAPs will be developed with eligibility criteria that considers ESS5 requirements</p> <p>MWI will comply at execution contracts with local instructions issued by Ministry of Public Works for constructing public projects that contractor must indemnify government implementing agency from complaints by any third party by applying required reasonable mitigation measures</p> <p>MWI will monitor compliance of contractors with required indemnity through applying GRM developed for the project as detailed in the SEP</p>

	The Borrower is not required to compensate or assist those who encroach on the project area after the cut-off date for eligibility	Who encroach of the project area are not classified as a PAP and thus not eligible for compensation	No Gap	
Project Design (Avoidance Principle)	<p>1- Real Estate Law No.13 of 2019 that WAJ complies with encourage to avoid resettlement as much as possible and requests for seeking feasible alternatives that do not need resettlement actions</p> <p>JVA resettlement and acquisition regulation gives the right for immediate acquisition of the asset that has a water resource or needed for irrigation and water harvesting purposes.</p>	The Borrower will consider feasible alternative project designs to avoid or minimize land acquisition or restrictions on land use, especially where this would result in physical or economic displacement	JVA resettlement and acquisition regulation does not consider avoidance principle because the limiting factor for resettlement is the availability of water resources within or adjacent to the acquired asset.	<p>Although activities will be implemented by JVA do not include potential resettlement risks, but MWI through this RF will ensure:</p> <p>Identification of resettlement risks for all project activities by performing risks screening once project activities and locations are identified</p> <p>RAP will be developed by contractors for each activity that involves resettlement (physical and or economic displacement) at planning stage and to consider RAP outcomes into design and implementation of the activity.</p>
Compensation and	Real Estate Law No.13 of	-Compensation must be timely	Principle of replacement cost	Project activities with

<p>benefits for affected persons</p>	<p>2019 only considers the compensation of cost or values defined by the government (negotiation committee)</p> <p>Compensation estimates and valuation are mainly based on values available at DLS, estimates for the crops and related farming structures are based on evolution of MoA.</p> <p>Market values may apply during the negotiation with the PAP.</p> <p>Depreciation due to the age of buildings affected is applied</p>	<p>provided for lost land or assets at replacement cost</p> <p>- Replacement cost calculation must consider:</p> <p>- <i>Agricultural (including fallow) land or pastureland</i>: Land of equal productive use or potential, located in the vicinity of the affected land or the new housing site, plus the cost of preparation to levels similar to or better than those of the affected land, and transaction costs such as registration and transfer taxes or customary fees</p> <p>2- <i>Land in urban areas</i>: The market value of land of equivalent area and use, with similar or improved infrastructure and services, preferably located in the vicinity of the affected land, plus transaction costs such as registration and transfer taxes.</p> <p>3- <i>Houses and other structures</i> (including public structures such as schools, clinics, and religious buildings): The cost of purchasing or building a replacement structure, with an area, quality, and location similar to or better than those of the affected structure; or of repairing a</p>	<p>or better is not legally applied</p> <p>Market price is not the main principle for estimation of compensation values</p> <p>Secure additional benefits for PAPs by project implementation is not requested by law such as job opportunities and access to similar natural resources</p> <p>Negotiation committee that offers the compensation value to the PAP does not have a community representative or leader to ensure fair compensation. The evaluation process was applied especially for PAPs considered under vulnerable group category i.e. women, elders, etc.</p> <p>Payment of compensation to the PAP is not a pre-condition for proceeding with acquisition or resettlement process</p> <p>Reaching an agreement with</p>	<p>physical interventions will be at lands owned by WAJ or government including right of way of public roads. So, the strategy is to avoid acquiring private assets</p> <p>Strategy of avoiding acquiring private assets will be in the design criteria for contractors</p> <p>RAPs when developed for activities that have resettlement impacts will mainly focus on economic displacement and will include mitigation measures acceptable to PAPs, MWI and the WB.</p> <p>Any mitigation measure agreed with the PAP for elimination or to reduce potential temporary resettlement risk must be applied prior commencement of construction works including payment of cash compensation</p>
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		<p>partially affected structure, including labor and contractors fees; and transaction costs, such as registration, transfer taxes, and moving costs.</p> <p><i>4-Loss of access to natural resources:</i> The market value of the natural resources, which may include, among others, wild medicinal plants, firewood, and other non-timber forest products, meat, or fish. The Borrower assesses means to provide, or facilitate access to, similar resources elsewhere, taking into account the impacts at the alternative location, providing cash compensation only when it can be demonstrated that no feasible alternative measures are available</p>	<p>the PAP on compensation is not a pre-condition for proceeding with acquisition and resettlement process.</p>	<p>The negotiation committee will offer to the PAPs the compensation terms based on requirements of the national laws and ESS5</p>
Community Engagement	<p>According to regulations followed by WAJ and JVA for resettlement planning and site selection process prior the official announcement of intention of the processor to perform land acquisition at local newspapers is solely made by the processor</p> <p>Engagement with the PAP</p>	<p>Community engagement including hosting and affected communities must be initiated at early stages of eth project through stakeholders engagement process</p> <p>The consultation process should ensure that women’s perspectives are obtained and their interests factored</p>	<p>No communication or engagement consultation is made with the potential PAPs or affected communities during the site selection process for acquisition and resettlement.</p> <p>No public information disclosure to affected communities and PAPs prior to the decision making on</p>	<p>As project activities are not expected to lead to acquisition of assets, MWI will ensure that site specific RAPs when required to include proper consultation program based on project’s SEP.</p> <p>Public consultation by appropriate channels will</p>

	<p>is mainly during the negotiation phase after the official announcement was made and acquired assets already breezed for any lease or selling process by the owner.</p>	<p>into all aspects of resettlement planning and implementation To ensure that disadvantaged and vulnerable groups have a voice in consultation and planning processes</p>	<p>acquired assets regarding acquisition and resettlement process, nor on the compensation estimation and valuation procedures. No legal requirements to ensure potential impacted vulnerable groups are consulted and communicated regarding resettlement and acquisition process.</p>	<p>be performed by the contractor based on approved program by MWI MWI will monitor community engagement activities through delegated staff and consultants and will ensure that vulnerable groups once identified at potentially affected community will be involved effectively</p>
Grievance Mechanism	<p>REL gives the right to PAPs to appeal at the court regarding acquisition of his land or asset, or regarding offered compensation WAJ relevant procedure allows the asset owner to present his opinion or concerns during negotiation with relevant committee prior further appeal to the court</p>	<p>- Ensure that a grievance mechanism for the project is in place, in accordance with ESS10 as early as possible in project development to address specific concerns about compensation, relocation, or livelihood restoration measures raised by displaced persons (or others) in a timely fashion. - The project grievance mechanism is disclosed and explained to affected communities as early as possible and on a regular basis</p>	<p>No clear grievance redress mechanism within local regulations nor at WAJ procedure regarding assets acquisition or resettlement process</p>	<p>MWI will develop relevant grievance redress mechanism as described at this RF to ensure that PAPs grievances are handled in a timely and properly managed and responded to.</p>

		<p>throughout the project cycle.</p> <ul style="list-style-type: none"> <li>- The grievance mechanism is available at no cost, and it is important that it be easily accessible, with special attention paid to accessibility for disadvantaged and vulnerable individuals or groups</li> </ul>		
<p>Planning and Implementation</p>	<p>REL, WAJ and JVA define the implementation procedures for all government-led processes. The Acquirers must follow the legal procedure and resolutions either made by assigned committee or by the court</p>	<ul style="list-style-type: none"> <li>- a census must be conducted to identify the persons who will be affected by the project</li> <li>- An inventory of land and assets to be affected must be established</li> <li>- a survey of livelihoods and sources of income must be performed</li> <li>- a cut-off date for eligibility. Must be established with information regarding the cut-off date will be well documented and will be disseminated throughout the project area at regular intervals in written and (as appropriate) non-written forms and in relevant local languages.</li> <li>- Determination of the anticipated costs of</li> </ul>	<p>No requirement for planning such as RAP</p> <p>Eligibility criteria for PAPs is limited to legally approved such as ownership register or rent or lease agreement</p>	<ul style="list-style-type: none"> <li>- Project implementation not expected to result in physical displacement</li> <li>- MWI developed eligibility criteria in this RF</li> <li>- If the project will involve physical and/or economic displacement, a RAP will be developed based on the structure defined in this RF</li> </ul>

		resettlement and arrangements for meeting those costs (including contingencies).		
Physical Displacement	<p>REL request Acquirer to avoid land acquisition or resettlement by application of direct purchase approach according to Direct Purchase regulation No. 41 of 2020</p> <p>Assets can be compensated by providing similar asset based on agreement with the PAP</p> <p>JVA law gives the right for JAV to acquire any asset that holds water resources needed for public use or to protect water resources.</p>	<p>Displaced persons must be offered choices among feasible resettlement options, including adequate replacement housing or cash compensation</p> <p>Relocation assistance must be provided that suited to the needs of each group of displaced persons</p> <p>Host communities must be consulted regarding planning options, and resettlement plans shall ensure continued access, at least at existing levels or standards, for host communities to facilities and services</p> <p>The displaced persons' preferences with respect to relocating in preexisting communities and groups must be respected wherever possible</p> <p>Existing social and cultural institutions of the displaced</p>	<p>Compensation for physical displacement is only considered for eligible owners or tenants according to local regulations</p> <p>No procedure for compensating PAPs for the expenses or impact of translocation, but only through an appeal in the court.</p>	<p>RAP will be developed for specific project activities if it will lead to physical displacement upon assessing such risks at the site specific ESMP or ESIA, although it's not expected at this project</p> <p>RAP when needed will be developed in accordance with ESS5 regardless of the number of PAPs affected. Particular attention will be given to gender aspects and the needs of vulnerable groups.</p>

		persons and any host communities must be respected.		
Economic Displacement	REL acknowledges that a fair compensation for the tenant of the expropriated property or for the owner of the usufruct right thereof shall not exceed (15%) fifteen percent of the amount of compensation decided for the owner of the property, if the property is occupied for commercial or industrial purposes, and not exceeding (8%) eight percent of it, if the real estate is occupied for other purposes, .	Measures to allow affected persons to improve, or at least restore, their incomes or livelihoods must be planned and implemented  - Particular attention must be paid to gender aspects and the needs of vulnerable segments of communities, and will ensure that these are provided in a transparent, consistent, and equitable manner. - Monitoring the effectiveness of livelihood measures during implementation, as well as evaluation once implementation is completed -	REL do not acknowledge beneficiaries without legal documents (rent or lease contract) or those who have inherited historical rights. Physical & economic displacement compensation for eligible beneficiaries has a cap despite the actual losses. No clear criteria for how beneficiary percentage from total compensation has been defined	Physical and economic displacements to be avoided during the design as much as possible. Site specific ESMPs and/ or RAPs to include mitigation measures that eliminate significant economic losses for identified PAPs PAPs to be engaged through proper consultation on proposed mitigation measures prior commencement of construction activities
Collaboration with other responsible agencies or subnational jurisdictions	REL sets collaborative approach between relevant governmental agencies that are involved and have a mandate at land acquisition and resettlement.	- Establishment of means of collaboration between the agency or entity responsible for project implementation and any other governmental agencies - Build the capacity of other	Agencies involved in land acquisition and resettlement apply local legal procedures that as described above are not fully in compliancy with ESS5 requirements	As land acquisition is unlikely to be applied at the project, MWI will address economic displacement through this RF and site-specific RAPs when needed to



		involved agencies at resettlement implementation when needed - Define financial responsibility of each agency during implementation of RAP		ensure compliance with ESS5 during handling and management of such risks. RF and RAPs will be consulted with relevant agencies with clear roles and responsibilities as needed.
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## 2.2 Resettlement Approach

Following Jordanian regulations and the World Bank ESS5, the framework for resettlement and rehabilitation of the Project Affected Persons (PAPs) will be adopted in the following approach described at this section and at figure 2 below.

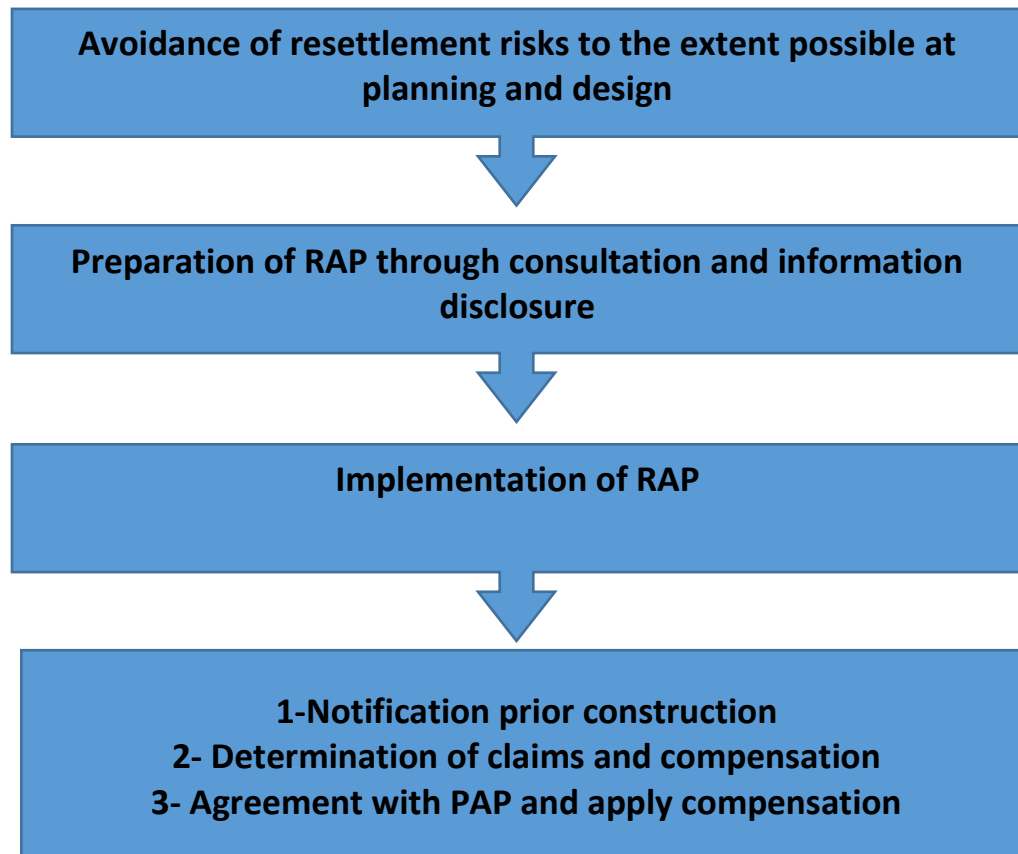


Figure 2: Project Resettlement Approach

### Step 1: Avoiding Acquisition wherever possible

- ✓ The first step addressed by ESS5 is avoidance of land acquisition and resettlement if possible. Land acquisition should be seen as a last resort and resettlement should not be seen as the easy and first option in terms of what governmental action might be necessary;
- ✓ To meet requirements of the above step, resettlement risks shall be screened at planning phase of the proposed activities once locations of these activities are identified and financial analysis of each proposed investment needs to be carried out which will include assessment of alternatives to avoid or minimize acquisition and the financial implications to it;
- ✓ A preliminary investigation and assessment of the land that may be acquired for the different options must be undertaken. Following the above steps, an analysis of alternative options and consultations with potential PAPs and other stakeholders will be conducted, then a decision on available options is made.

- ✓ Persons likely to be affected by the project (PAPs) and other interested parties should be given an opportunity to contribute to or comment on the location of the proposed project and the necessity of acquiring the proposed land for the project. This involvement is prior to and separate and distinct from Project Affected Persons (PAPs) participating in the planning of any resettlement that will take place. PAPs shall have access to a GRM, where he or she may raise any concern regarding the resettlement process.
- A cut-off date for compensation to PAPs must be determined and announced. After that date, no one coming into or obtaining land or a house in the potential project area will be entitled to compensation. In the case of this particular RF, this step will have to be taken several times over with respect to each relevant activity of the project. There will be a risk that there may be some speculative encroaching as word gets out unofficially about likely projects in the future. This will need careful handling.

## **Step 2: Prepare a detailed Resettlement Action Plan through consultation and information disclosure**

The second step in the process is to prepare detailed land acquisition and resettlement plan (guided by the principles established in this RF), which must include measures to ensure that PAPs are:

- Informed about their options and rights in relation to resettlement and compensation;
- Consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives; and
- Provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project-related land acquisition.

If the impacts include physical relocation or displacement of affected persons, the resettlement plan must include measures to ensure that the displaced persons are;

- Provided adequate and timely assistance (such as moving allowances) during relocation; and
- Provided with residential housing, or housing sites, or, as required, sites for which a combination of productive potential, geographical advantages, and other factors is at least equivalent to the advantages that they had at the old settlement.

Where necessary, the resettlement plan should also include measures to ensure that affected people are;

- Offered support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living;
- Provided with development assistance in addition to compensation measures such as land preparation, credit facilities, training, or job opportunities;
- Provided with retraining or training opportunities so that they can either take up a new form of livelihood or by virtue of being trained to a higher skill standard, obtain employment in e.g. a commercial water system operation.
- Established accessible GRM system to address concerns/complaints that might be raised during resettlement process by the affected people.

- The above provisions require a very judicious estimation of financial and other assistance and need to be dealt very carefully. The RAP should also establish clear and transparent processes to provide for just, fair and equitable distribution of assistance to minimize discretionary and biased approach in the decision-making processes.

In terms of what must be contained in either or both law and administrative arrangements to ensure that these requirements are met, the following would need to be in any land acquisition and resettlement plan:

The land to be acquired;

- The persons who will be suffering any losses of assets, income, sources of livelihoods;
- Entitlement matrix and eligibility criteria; with special additional allowance for identified vulnerable households
- Details of person/s who are required to move;
- The place or places to which such persons are to be moved to;
- The circumstances of the place to which persons are to be moved to including;
  - Whether the land is occupied and by whom;
  - What the land is presently being used for;
  - The condition of the land and its facilities;
- All necessary arrangements made by the project IA to facilitate resettlement and disbursement of moving allowances etc., In addition to the mechanism of compensation calculation, and the manner and form in which the compensation amounts were calculated, with clear definitions of categories of land to be acquired and mechanisms to decide on land prices for compensation payable;
- An estimate of the compensation payable and of the resettlement expenses;
- Budget to implement RAP;
- The procedures to be followed in executing the plan;
- The arrangements for the involvement of PAPs in execution of the plan;
- Participation of PAPs in the design, execution and monitoring of RAP implementation. There will be informal regular meetings among PAPs, IA staff, and other stakeholders. The more formal consultation process in the sub-project areas will be through: (a) one-on-one meetings with directly affected households; (b) village and community meetings; and (b) public consultations with government officials. Informative materials will have to be prepared and distributed within the sub-project areas before the meetings;
- The arrangements to challenge plan execution and compensation (establishment of a GRM easily accessible for PAPs and other stakeholders), in accordance with the WB ESS10. Where possible, the GRM may use existing formal or informal grievance mechanisms suitable for project purposes, supplemented as needed with project-specific arrangements designed to resolve disputes in an impartial manner.
- Appropriate Institutional arrangements to implement the RAP;
- The arrangements for monitoring mechanism.

### **Eligibility Criteria**

Under ESS5, PAPs may be classified and include: i) those with formal legal rights to land, including customary and traditional rights recognized under the law of the country; ii) Those who do not have formal legal rights to land at the time the survey begins but have a claim to such land or assets, provided

that such claims are recognized under the law or become recognized through a process identified in the resettlement plan; and iii) Those who have no recognizable legal right or claim to the land they are occupying.

The first two categories of occupiers are entitled to receive compensation for the loss of their land. The third category is entitled to receive resettlement assistance. The rationale for this assistance is that people in this group are usually the poorest members of a community and those most likely to be the hardest hit by having to move. While this group does not have legal rights over the land, as part of the efforts to restore their livelihoods and living conditions, it is an ESS5 requirement, to provide solutions that help ensure that those affected have security of tenure at their new relocation site, in the case of those being physically displaced or being offered land for land. However, people who encroach on the project area after the cut-off date as defined in this RF, , will not be entitled to any compensation or other assistance

### **Step 3: Implementation of RAP**

The third and final step is the execution of the Resettlement Action Plan, further divided into three sub-sets provided below. These sub-steps are not set out specifically in ESS5; they are however a necessary part of land acquisition and resettlement and must be written into the RPF to take place.

#### **1- Notifying acquisition:**

To ensure public notifications and intensive personal contact with owners and occupiers of land and oral explanations of what is happening and what owners and occupiers should do in order to ensure that they obtain recognition for their occupation of land and compensation for same. Acquisition of land will also necessitate full and clear documentation of what is happening. In the case of temporary displacement (if any), full explanation of the circumstances of such displacement including period for which and where will the occupiers be temporarily located and in what form of accommodation including their eligibility for compensation, if any will have to be recorded.

#### **2- Determination of claims and their payments:**

To determine the claim amounts payable to each affected person and their speedy disbursements, ESS5 distinguishes between compensation and assistance, financial or otherwise, in connection with resettlement. This distinction makes it clear that PAPs are entitled to compensation for lost assets etc. whether they are being relocated or not. WAJ is responsible for providing the budget to compensate economic or physical displacement as a result of project activities to meet the requirements of the World Bank ESS5. However, compensation can be in cash or in kind based on the proposed options by WAJ and the preference of the PAP, and the most important aspect in this regard is that the livelihood of the PAP is maintained and restored. In the case where compensation is in kind for land or assets, all costs that the PAP who evict the land or asset needs to pay until he /she move to or receive the new land or assets are need to be paid in cash, even if the compensation for resettlement was in cash then these costs must be added under what is called resettlement expenses.

In order to comply with ESS5, this sub-step includes below contents:

- Making claims for compensation
- Provision of assistance to PAPs in making claims

- Assessment of claims
- Determining claims and dealing with appeals
- The payment of compensation

Compensation will include;

- Full replacement cost of land taken at its market value plus transaction costs (e.g. registration fees, selling/buying taxes, etc.)
- alternative land of the same quantity and quality if possible
- resettlement expenses (which for these purposes includes temporary displacement)

### **3. Acquiring Possession:**

In order to ensure a peaceful and sensitized approach towards taking over of the land – land entering into possession of the acquiring authority – and the departure and resettlement of PAPs. Assistance with resettlement and displacement will include;

- Assistance with packing up and moving including moving back on to the land after temporary displacement including working with and providing additional resources for the 'host' community
- Advice and assistance to those being resettled
- Preparation of land, provision of accommodation and facilities

The whole process of leaving one's land, moving to another area, relating to a new community, getting started again is likely to be extremely stressful. There is a need for constant contact with PAPs both individually and via their representatives where there are substantial numbers of PAPs involved. A consensual rather than a confrontational approach must be taken to decision-making on awards of compensation, which would require comprehensive consultations and negotiations with PAPs regarding the compensation package in order to minimize grievances and complaints.

## 3. Eligibility for Compensation

### 3.1 General Eligibility

General eligibility is defined as, “people who stand to lose land, houses, structures, trees, crops, businesses, income and other assets as a consequence of the project as of the formally recognized cut-off date will be considered as project affected persons (PAPs)”.

PAPs - entitled to compensation

- All PAPs losing land with or without title, formal land-use rights or traditional land use rights;
- Tenants and sharecroppers whether registered or not;
- PAPs losing ownership of buildings, crops, plants, access to assets, structures or other objects attached to the land; and

**3.2 PAPs losing business, income, livelihood, and salaries due to LA and or restriction on access to their assets and livelihoods**

#### **Land Tenure and Compensation Entitlement**

. The following categories of the PAPs will be entitled for compensation for loss of land:

**1. Legal Title Owners**

Owners having written evidence of land ownership under the formal system of property rights like different kinds of deeds or legal documents with copies in the Court Registries or any other official documentation issued by or on behalf of the government, establishing their right as an owner of the land in question.

**2. Titles with Customary documents:**

Owners having documents recognized by both official and customary law as giving rise to ownership rights.

**3. Occupiers of Land for a long period with no legal title:**

Persons who with oral and other evidence of probative value can prove that they or their family have been in occupation of the land.

**4. Other Occupants of land:**

Limited to only those persons who have had open, continuous and uninterrupted possession of land over a very long time that effectively vests in them legal rights over the lands they occupy through acquisitive prescription.

### 3.3 Compensation Entitlements & Livelihood Restoration

The PAPs in the project subject to land acquisition or loss of income are entitled to various types of compensation and resettlement assistance to ensure that their living standards will be improved or at least restored to their previous standards. They are entitled to a mixture of compensation measures and resettlement assistance, depending on the nature of lost assets and scope of the impact, including social and economic vulnerability of the affected persons. All PAPs are eligible for different kinds of compensation including cash compensation , irrespective of their land ownership status, to ensure that those affected by the project shall be at least as well off, if not better off, then they would have been without the project. Where PAPs livelihood mainly depends on land, in this case land- for- land compensation should be the most preferred form of compensation and

cash compensation should be a last resort in such cases. However, the preference of the PAP will be considered and potential compensation options will be clearly presented to the PAP. Thus, the consultations and negotiations should focus on land for land. In cases where land impacts are very minor, cash compensation may be the most practical option. The compensation packages shall reflect replacement costs for all losses (such as land, crops, trees, structures, businesses incomes, etc.) as elaborated below:

- **Agricultural land Loss:** It is important to note that preference should be given to land-based resettlement strategy. Loss of agricultural land will be compensated at full replacement value at local market rates plus an additional indemnity for a reasonable number of months as transitional livelihood allowance (i.e 2 months). 'Replacement cost' is the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction cost. MWI and consultation with MoF/DLS will shoulder all fees, taxes, and other charges, as applicable under relevant laws incurred in the relocation and resource establishment and in issuing new title deeds.
- **Agricultural Land Impacts:** In case PAPs are losing part of his/her agricultural landholding, PAPs (owners and other occupiers defined as eligible herein), in addition to the compensation explained above, will be entitled to get an additional amount for severe impacts equal to the market value of a year's net income crop yield of the land lost. Meanwhile, the PAPs will be provided with access to capacity building and training program on a priority basis for development of an alternative sustainable livelihood.
- **Residential/Commercial/ Land Impacts:** These impacts will be compensated at replacement value in cash at current market rates free of deductions for transaction costs. Also, PAPs are provided with choices among feasible resettlement options, including residential housing or housing sites. Apart from this, the owners/renters of residential buildings will be assisted with finding alternative accommodation and provided with a monthly relocation allowance for a period not exceeding three months or till they move to an alternative accommodation, whichever is earlier. The monthly amount payable will be clarified in the RAP.
- **Houses, Buildings, Structures Damages:** These impacts will be compensated in cash at replacement cost free of depreciation, salvaged materials, and transaction costs deductions. Compensations will include the cost of lost water supply, electricity or telephone connections. Renters/leaseholders will receive an allowance geared to the rent they are paying for 3 months to cover emergency rent costs;
- **Crops losses:** These impacts will be compensated through cash compensation based on MoA valuation list or at current market rates (which is higher) for the full harvest of 1 agricultural season. In case of sharecropping, crop compensation will be paid both to landowners and tenants based on their specific sharecropping agreements.
- **Tree losses:** These impacts will be compensated in cash based on MoA valuation list or based on the principle of income replacement (which is higher). Fruit trees will be valued based on age of the tree in two categories: (a) not yet productive; and (b) productive (fruit growing trees).



Productive trees will be valued at gross market value of one year of income for the number of years needed to grow a new tree with the productive potential of the lost tree. Non-productive trees will be valued based on the multiple years' investment they have required. Non-fruit trees will be valued at dry wood volume basis output and their current market rates.

- **Business / Income losses:** Compensation for business losses, including fishing and artisanal mining, will be based on actual income to be established by pertinent receipts or other documents if demonstrable, otherwise (small & medium) business loss allowance will be decided based on the market rate of the day and nature of business. Permanent business losses will be based on actual income loss or in cash for the period deemed necessary to reestablish the business (i.e 6 months). Compensation for temporary business losses will be cash covering the income of the interruption period up to 6 months based on a monthly allowance of similar business in the region. The details should be provided in the RAP. In the absence of any substantial and verifiable system to calculate incomes of such small businesses in similar areas of Jordan, the compensation for business losses cannot be ascertained. However, these businesses will be entitled to compensation for any loss of asset similar to as described above, such affected persons or members of their families will also be entitled to capacity building and training opportunities made available to the PAPs;
- **Community Structures and Public Utilities:** Will be fully diverted or rehabilitated so as to satisfy their pre-project functions;
- **Vulnerable Households:** Vulnerable people (PAPs below the poverty line, women headed household, disabled headed households, etc.) will be provided an additional allowance equivalent to 3 month of average household income, and priority in employment in project-related jobs;
- **Impacts on Irrigation Canals:** Project will ensure that any irrigation channels are diverted and rehabilitated to previous standards;
- **Temporary impacts:** Landowners who lose use of their land temporarily because of project activities will be compensated in cash covering the period of interruption based on an agreed monthly allowance.
- **Transitional Livelihood allowance:** PAPs forced to relocate will receive a livelihood allowance (that will be mutually agreed upon) for the duration of the livelihood interruption, computed based on the prevailing wage rate of the time and region. This is also the basis for cash compensation on lost wages;
- **Land Replacement Values:** will be assessed based on a survey of land sales in project areas and of government rates (if any) as per local revenue papers. Land values and compensation for other assets, will be negotiated between PAPs and competent authorities if concrete data on land market rates are unavailable;
- **Gender Inclusion:** Documentation of ownership or occupancy and compensation payments should be issued in the name of owner or single heads of households as relevant, and other resettlement assistance, such as skills training, access to credit, and job opportunities, should be

equally available to women and adapted to their needs. The spouse must be notified when his/her partner has received compensation payment.

### **3.4 Compensation Rates and Budget**

Based on REL No. 13 of 2019 related organization is responsible for payment of compensation. So, every implementing agency of project must pay compensation on time. In SOP-1 project, for land acquisition and or physical displacement, WAJ is the owner of all water system assets, therefore, WAJ is responsible for the relevant compensation for any and acquisition which could be required for the project. WAJ will provide budget provisions to finance any resettlement resulting from the implementation of the project. The funding arrangements and mechanisms should meet the requirements of the World Bank ESS5. , If the payment process has been delayed due to reasons related to affected people then WAJ will not be held accountable for the delay of compensation payment.

#### **3.4.1 Establishment of Rates for Land Acquisition/Resettlement**

Prompt and adequate compensation provision is guided in the REL No.13 of 2019 but it is silent on the details of compensation. In the absence of detailed rules; it will not be in conflict with the REL for details to be developed in the context of this RF and applied to the project. Also, in order to comply with the World Bank's ESS5, rates used to compensate for lost land and assets must be at replacement cost in local market value, in order to meet the policy objective of "at least" restoring people's livelihoods and ensuring that people affected by a project are not left worse off. According to ESS5, "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. For losses that cannot easily be valued or compensated for in monetary terms, attempts will be made to establish access to equivalent and culturally acceptable resources and earning opportunities.

#### **3.4.2 Valuation of Land**

The location and the use category (residential, commercial, agricultural, etc.) of the land influences the actual price per square meter where commercial land is usually higher in price. This is already considered at REL and the valuation of the land is pegged on an average price in the surrounding area, however, the actual value depends on the market price (direct selling process) of that particular land. In the valuation of agricultural land, the availability of water is very important to determine the fair value or market rates. Residential and commercial lands are largely dictated by the existing road alignment for accessibility. The land prices are based on the district land prices in the government.

#### **3.4.3 Valuation of Structures**

The classification of structures (temporary, semi-permanent and permanent) refers to the materials used in construction. The valuation of structures into three classes:

Class-1: Mud/brick/wood walls, mud/tin roof;

Class-2: Tiled roof and normal cement floor; and

Class-3: RCC, single/double story building

These classes will be determined after various consultations with owners who recently built their houses, local contractors and local civil engineers.

#### **3.4.4 Valuation of Crops and Trees**

Valuation of crops and trees is quite complicated due to lack of reliable data in terms of yield. In Jordan the government driven resettlement process relies on the pricing list from MoA for trees and crops where representative of MoA is a member of valuation committee for this purpose but the mechanism of calculating the compensation for trees is not well defined and some time it does not reflect the actual value of these trees. This price list is usually based on market value. However, MWI will ensure that compensation for productive trees is based on the gross market value of 1 year's income for the number of years needed to grow a new tree with the productive potential of the lost tree. Nonproductive trees will be valued based on the multiple year investment they have required. However, the fluctuation of the value of tree products is usually influenced largely by market supply and demand. The compensation rate for a fruit bearing tree is the average yield per tree times the age of the tree.

For the non-fruit bearing trees, the usual propagation method is grafting. Farmers buy these saplings, and these are ready to be transferred in the fields after two years. On the fourth year of the tree, the tree starts to produce fruits. Hence, it is on this basis that the valuation of non-bearing fruit trees was determined. The compensation for non-productive fruit bearing tree is the cost of the sapling plus the cost of maintaining the tree up to the time that the tree was cut as a result of the project impact.

#### **3.4.5 Livelihood Restoration Allowances**

**Income Restoration Allowance for Crops Losses:** These impacts will be compensated through cash compensation at current market rates for the full harvest of one agricultural season. In case of sharecropping, crop compensation will be paid both to landowners and tenants based on their specific sharecropping agreements.

**Income Restoration Allowance for Business Losses:** Compensation for permanent business losses will be in cash for the period deemed necessary to re-establish the business (6 months). Permanent business will receive an amount equaling to the average monthly salary for 6 months. Compensation for temporary business losses will be cash covering the income of the interruption period up to 3 months based on an average monthly allowance in that period in time.

**Income Restoration Allowance for Business workers and employees:** Indemnity for lost wages for the period of business interruption up to a maximum of 3 months.

**Income Restoration Allowance for Severe Agricultural Land Impacts:** When a PAP's agricultural land is affected, PAP (owners, leaseholders and sharecroppers) will get an additional allowance for severe impacts equal to the market value of a year's net income crop yield of the land lost. Again, if the holding is small and the remaining area is not economically viable, the family will be compensated both for the lost asset and for the remaining unproductive asset.

**Vulnerable Households:** Vulnerable people (Poor PAPs, women headed household, disabled, elder) will be provided an additional allowance relevant to monthly average household income, and priority in employment in project-related jobs if applicable;

**Transitional Livelihood Allowance:** PAPs losing productive land or losing a house and forced to relocation will receive a livelihood allowance of average monthly salary until livelihood restored.

**Compensation Payment:** All project affected families eligible to receive cash compensation of some sort will either receive compensation at his / her bank account or issued through a payable cheque.

**Employment Opportunity to PAPs (for unskilled and semi-skilled tasks during construction):** Vulnerable groups will be given priority for project-related employment opportunities relevant to their capability for work.

**Table 2: Project Matrix of Compensation Entitlements according to the REL and current practice at WAJ**

<b>Eligibility Criteria For Identifying PAPs</b>			
<b>No</b>	<b>Who is eligible</b>	<b>What are they eligible for</b>	<b>How to determine eligibility and compensation levels</b>
1	Landowner	Loss of land and rights to land	<ul style="list-style-type: none"> <li>- Official documentation issued by DLS</li> <li>- Documents recognized by law as giving rise to ownership rights</li> <li>- Compensation for fixed assets</li> </ul>
2	Land Tenant	Permanent improvement made for the land and loss of income	<ul style="list-style-type: none"> <li>- Documented legal lease or rent contract</li> <li>- Acknowledgment of landowner of the tenant right of use</li> <li>- Compensation for fixed assets developed</li> <li>- Cash compensation for loss of income and for time to start new business</li> </ul>
4	Encroachers and Squatters	Permanent improvements they have made to the land and loss of income	<ul style="list-style-type: none"> <li>- Observance of permanent improvements</li> <li>- Interview with the squatter and neighbors on when improvement were made</li> <li>- Review maps and other relevant documents</li> <li>- Cash compensation value for loss of income and for time to start new business</li> </ul>
4.	Agricultural tenants	Loss of income	<ul style="list-style-type: none"> <li>- Official lease agreement</li> <li>- Acknowledgment of landowner</li> <li>- Cash compensation corresponding to one year's crop yield of land lost.</li> </ul>
5.	House renters	Costs of relocation to other accommodation	<ul style="list-style-type: none"> <li>- Legal rent agreement (contract)</li> <li>- Compensation of an allowance related to the rent they are paying for 3 months to cover emergency rent costs.</li> </ul>
6.	Residential/commercial land impacts	Replacement costs for all losses	<ul style="list-style-type: none"> <li>- Compensation for replacement value in cash at current market rates free of deductions for transaction costs</li> </ul>
7.	Those who have assets damaged	<ul style="list-style-type: none"> <li>- Replacement costs when 100% damage occurred</li> <li>- Maintenance of damaged assets parts or maintenance cost as per</li> </ul>	<ul style="list-style-type: none"> <li>- Observance of damaged assets</li> <li>- Compensation to provide replacement of similar 100% damaged assets or cash compensation of replacement cost upon agreement with the PAP Contractor will repair proven damages when applicable or repair cost in cash upon agreement</li> </ul>

Eligibility Criteria For Identifying PAPs			
No	Who is eligible	What are they eligible for	How to determine eligibility and compensation levels
		market values.	with the PAP
8.	Workers lost jobs by impacted businesses.	Replacement of lost income	➤ Compensation for workers who do not have work contracts and registered at social security. Compensation in providing alternative work opportunities or in cash determined in RAP based on actual income to be established by pertinent receipts or other documents if demonstrable, otherwise based on business loss allowance.
9.	Vulnerable households	Additional compensation over and above strict loss of income	➤ Vulnerable people (PAPs with very low income, women household heads, disabled individuals headed households, etc.) will be given assistance in the form of a one-time allowance for vulnerable PAPs. Type of assistance will be determined at RAP based on their needs and the results of relevant social surveys.

## 4. Institutional Arrangements

### 4.1 General

Distinct processes, dynamics and different agencies are involved in the resettlement of the project as described in this RF. This section defines responsibilities of different institutions for the successful implementation of the RF of the project. According to REL No.13 of 2019, the primary institutions that are involved in the land acquisition and resettlement process when needed at the project are the following;

- Ministry of Water and Irrigation (MWI)
- Water Authority of Jordan (WAJ)
- ESSD-PMD
- Water Companies (WCs)
- Contractors
- Governmental Institutions (The Cabinet, MoF, DLS, MoA)

These institutions have specific roles and responsibilities in land acquisition and resettlement process according to local regulations. In addition, these institutions have roles in RF implementation and application, therefore, the defined roles and responsibilities in this section includes all legal and RF roles for each institution.

#### **4.2 Ministry of Water and Irrigation (MWI):**

MWI is the responsible institution as a borrower for implementation of RF of the project when required, that includes:

- Ensure that proper screening for project activities regarding potential resettlement impact has been performed by implementing agencies of the project
- Disclose RF approved by the WB and ensure the compliance of other implementing agencies
- Ensure that RAPs are developed when required for certain project activities and comply with the guidelines of RF
- Provide facilitation and support for implementing agencies in coordination with other governmental institutions involved in the resettlement process.
- Monitor implementation of RAPs developed for relevant project activities to ensure proper implementation based on the principles and objectives spelt out in this RF.
- Report performed resettlement activities progress to WB in regular project's progress reports

#### **4.3 Water Authority of Jordan (WAJ):**

WAJ is the owner of all domestic water system infrastructures in Jordan; therefore, any land acquisition process if needed in the project, then WAJ is the Acquirer. At this RF WAJ is responsible for:

- Ensure that RF is disclosed properly and informed for WCs
- Ensure that tender documents include RF for tenders related to NRW and solar PV activities under this project
- Ensure that RAPs have been developed either by WAJ or WACs or contractors in compliance with RF requirements and guidelines
- Ensure that all required documents are available to initiate the land acquisition process, if any or for implementation of the resettlement process
- Participate with other relevant institutions in committees established for resettlement implementation i.e, census inventory, valuation of assets and compensation, negotiation with PAPs
- Ensure that PAPs and affected communities and well-informed regarding resettlement process and procedures
- Perform all public announcements relevant to resettlement process
- Ensure that relevant GRM procedure is in place and activated properly.

#### **4.4 ESSD- PMD:**

Although ESSD-PMD is under WAJ organization however, ESSD-PMD is the technical team who is responsible for all ESMF management on behalf of MWI (The Borrower). Therefore, under this RF, ESSD-PMD roles are:

- Overall management of RF of the project

- Review and confirm performed that the screening of project activities in relation to resettlement that has been performed by implementing agencies
- Organize consultation and disclose RF for relevant stakeholders at activities implemented by WAJ
- Monitor application of RAPs and RF by WAJ and other IAs
- Report progress of RF implementation to MWI

#### **4.5 Water Companies (WCs):**

- Perform screening for potential resettlement impact of performed activities
- Include RF at tender documents for activities implemented by WCs
- Develop or ensure development of RAPs when required by contractors
- Ensure that RF and RAP procedures are well disclosed to PAPs and affected communities
- Provide WAJ with required documents, and census results to initiate resettlement process
- Ensure that avoidance principle and mitigation measures to eliminate resettlement impacts are applied by contractors.
- Implement GRM related to settlement issues and ensure GRM is properly implemented, documented and reported.
- Monitor and report progress in RF and RAP implementation to WAJ

#### **4.6 Contractors:**

- Apply resettlement avoidance principles at the design stage.
- Implement mitigation measures to eliminate and minimize settlement impacts
- Development or support the development of RAPs by WCs and or WAJ
- Collect required documents and data related to impacted plots and provide it to WAJ and or WCs.
- Apply corrective actions (replacement, repair and compensate) for PAPs for impacted assets by construction works
- Implement GRM and report resettlement related grievances to WCs and or WAJ.

#### **4.7 Governmental Institutions:**

Governmental institutions relevant to land acquisition and resettlement have defined roles by the local regulations, however, their role regarding this RF is to adapt MWI strategies to address RF requirements and RAP procedures that fill the gaps between national legislation and ESS5 requirements. Such implementation procedures are not contradicting with existing regulations, but add measures that GoJ is committed to comply with WB ESSs.

The anticipated roles of governmental institutions are to:

- Consider resettlement information disclosure to the public through proposed mechanism at RAP and following RF guidelines
- Consider eligibility criteria proposed at RF in addition to those that are legally considered
- Consider compensation evaluation and valuation of lost assets, physical displacement and economic displacement as per RF guidelines



#### 4.8 Capacity Building Measures:

MWI will recruit experienced E&S consultants through WAJ at ESSD-PMD who will provide hand-holding support to the current local staff as a mandatory requirement under their contract including resettlement related activities. As the project activities that may require implementation of this RF are not yet defined, and the general resettlement avoidance principle that MWI will adopt to eliminate and/or reduce any permanent or temporary physical displacement impact and land acquisition will be addressed in the site-specific ESMPs and RAPs, MWI will also engage social development and resettlement specialists when needed based on site-specific RAPs that may be developed for certain project activities at specific locations.

MWI will disclose the RF to all IAs during the planning phase and prior to the preparation of tender documents, where a special training will be conducted for RF implementation as part of ESMF capacity building program for concerned staff at WAJ and PIUs at WCs. This RF will be disclosed during tender process as part of tender documents and will be introduced to awarded contractors who will be required to develop site-specific RAPs by social specialists who are required to be among the organization team of these contractors.

MWI will disclose and present RF with relevant governmental institutions that will be involved at any potential minor land acquisition and resettlement activities. This RF has been developed to ensure compliance with both GoJ legislation and the ESS5 of the World Bank.

#### 4.9 Implementation Timeline (sequence)

The table below presents a generic timeline for resettlement preparation and implementation. It also outlines the roles and responsibilities of the different entities involved in the resettlement process: WAJ/WCs/Contractor. However, the ultimate responsibility related to implementing all aspects of land acquisition and economic displacement lies within WAJ and the Water Companies (WCs). Additionally, the RAP preparation and implementation is the responsibility of WAJ and WCs. The table below also outlines the coordination between RAP and construction works implementation.

**Table 3: Timeline for social safeguards preparation and implementation**

No	Resettlement Activity	Responsible	Timeline
1	Assign ES consultant / Social specialist	ESSD-PMD / WAJ PIUs – WCs	After signing loan agreement and during project preparation phase
2	Preparation of TOR for Site Specific RAP	ESSD-PMD to review ToRs for activities performed by WAJ / WCs PIU to prepare ToRs for activities performed by WCs	After completion of ES screening for each project activities and RAP development is required
3	A- Preparation of RAP that includes	ESSD- PMD for for	After the design review

	minor land acquisition and physical displacement	review and approval WCs PIU Prepare RAPs for activities performed by WCs	where resettlement became unavoidable
	B- Preparation of RAP that includes economic displacement	WAJ or the WCs (or contractor on their behalf) depending on the activities being implemented	After the design review where resettlement becomes unavoidable
4	Collection of data regarding PAPs and impacted lands including 100% census survey	- Contractor if WAJ is IA - WCs	Upon notification by WAJ prior construction
5	PAPs and affected community consultation	- WAJ for RAPs include minor land acquisition and physical displacement - WCs /Contractor for RAPs include economic displacement	Upon completion of RAPs and approval from MWI / WAJ
6	Government clearance for RAPs that includes land acquisition. <i>This step is not applied when RAPs do not include land acquisition and then step 7 applied</i>	The Cabinet – Resettlement Committee	After submission of land acquisition request by MWI
7	WB clearance	WB	Prior to RAP implementation
8	RAP implementation (compensation + resettlement & Rehabilitation)	- WAJ & MoF for RAPs include land acquisition - WAJ / WCs/ Contractor for RAPs includes economic displacement	Prior start of construction
9	RAPs implementation monitoring	ESSD – PMD /WAJ WCs	During and after implementation of RAPs

## 5. Gender Mainstreaming into Resettlement Process

This section provides mechanism for gender mainstreaming into resettlement process, mechanisms for consultation with women on resettlement impacts, and guidelines for GBV risks prevention.

### 5.1 Considering Gender Issues

In the project, special attention will be paid to female-headed households, both those with and without land, as they are generally amongst the most vulnerable in communities and risk having their rights ignored. Although women's ownership of land is not widespread it is important to ensure that their land rights receive equal recognition in the project and in any resettlement activities.

Moreover, where land acquisition is at stake, it is important to ensure that both male and female members of the household agree to the resettlement offer made as at times female members are not consulted by their male members when they agree to certain terms on voluntarily giving up their lands or getting cash in return. Thus, the ESSD- PMD will have special responsibility to:

- Ensure that the project actively promotes and enhance outreach to women both in terms of seeking their ideas and feedback as well as facilitating their complaints registration and complaints handling through GRM.
- Ensure that the Affected Persons do have female members or establish separate female-only Affected Persons (APs).
- Have multiple and regular consultations with the women of the community to seek women's feedback and ideas.
- Ensure women members affected by resettlement are consulted and that they agree on the actions taken.
- Ensure that IAs RAP implementing organizations have female project officers.
- Documentation of ownership or occupancy and compensation payments should be issued in the name of the female if she is the direct PAP. Other resettlement assistance, such as skills training, and job opportunities, should be equally available to women and adapted to their needs.

## **6. Public Consultation and Disclosure**

This section describes the mechanisms for public consultation process with the PAPs, disclosure of the RAP through distribution of informative material to create awareness among the PAPs regarding their entitlements and compensation payment procedures and grievance redress mechanism. The Stakeholders Engagement Plan (SEP) following the ESS 10 will be developed and followed to guide the consultation process.

### **6.1 Public Consultation**

In addition to formal and informal communication among PAPs, IAs staff, and other stakeholders, the formal consultation process in the project area will be ongoing and will be undertaken by ES teams of WCs and contractors with supervision of ESSD-PMD. All these mechanisms and approaches will also be used during the collection of baseline socio-economic data from the PAPs; and the preparation and disclosure of RAP to the PAPs, as explained below. MWI will adopt a proactive approach to disseminate the RAP and entitlements framework. The awareness efforts should ensure flow of information to all PAPs, including the most vulnerable groups and absentee PAPs.

Focus group discussions and public meetings with communities will be conducted to ensure enough information flow on all aspects of the resettlement processes. The translated summary of RAP in local languages (Arabic) will be shared with all stakeholders and disclosed on MWI website. The draft RAP for each site will be made available at locations that are convenient to the PAPs and other local stakeholders in a form and language understandable to these groups.

### **6.2 Meetings at Affected Community Level**

The project will convene specific meetings with affected communities within the cities where the relevant project activities requiring RAPs will be implemented. These meetings aim to:

- Present project activities and implementation schedules
- Proposed resettlement avoidance mitigation measures especially for commercial activities and residential households
- Present RAP implementation approach to communities where RAPs have been developed

The approved RAP will be presented and explained to all affected households and persons and other interested parties. The census survey will be conducted in the affected lands. Individual meetings will be held with each PAP (husband and wife(s)) regarding entitlements and compensation payment procedures as well as the grievance redress mechanism

### **6.3 Consultations with Government Officials and Other Stakeholders**

During RAP preparation, meetings will be convened with MoF, DLS and MoA regarding and acquisition process where the preparation and implementation of the RAP will be explained

. Community representative associations like neighborhoods committees', governors, commercial chambers, municipalities and traffic departments will be met to ensure that they are fully apprised of the project including the formulation and details on the implementation of the RAP. Information about

the entitlement provisions and compensation packages will be shared with these government officials and other stakeholders and affected communities.

#### **6.4 Grievance Mechanism**

Based on the REL No. 13 of 2019, if no agreement is reached with PAP during negotiation on offered compensation for land acquisition, then PAP has the right to appeal in court. Other resettlement complaints that are not related to land acquisition compensation were not considered in the REL, nevertheless and in the water sector, MWI, WAJ, WCs have detailed GRM procedures that also applied for complaints related to projects implementation and impacts or damages that may occur due to these activities on safety, livelihood, and economic status of these PAPs which are clearly described in the SEP.

The Grievance Mechanism (GM) addressed as highlighted in the SEP, will be applied for RF implementation as well, and information about this mechanism will be explained during communities and PAPs meetings and consultations.

GM has defined responsibilities for managing the received grievances, however, and despite of the uptake channel, WAJ will be responsible for managing and applying the GM procedure at resettlement process implementation. Escalated resettlement relevant grievances will be handled by WAJ top management and Project's Steering Committee. However, GM maintain the right of the PAP to appeal at the court if the grievance was not resolved by the GM procedure of the project.

See annex (3): **Community Grievance Procedure**

#### **6.5 Preparation of Project Resettlement Specific Informative Material**

Project specific informative materials will be prepared and distributed to the PAPs to create awareness among them regarding their entitlements and compensation payment procedures including the accessibility of and the GRM. Informative materials will cover the following:

- Prior to finalization of site-specific RAPs, summarized information in Arabic about entitlement matrix, eligibility criteria and the GRM of the approved RF will be disseminated to the PAPs and other stakeholders at the project sites. RAPs will be made available to the concerned governmental institutions, community leaders, and project staff from IAs, consultants and contractors at site offices.

If cash compensation has been agreed upon with relevant PAPs, a payment disbursement schedule explaining the date for disbursement of compensation will be prepared and distributed to all PAPs.

#### **6.6 Disclosure**

The draft RF will be disclosed on MWI website- in addition, the draft RF version will be shared with all stakeholders prior to stakeholder consultations. Stakeholders' feedback and comments will be incorporated into the final RF including minutes of meeting from stakeholder consultation. The final draft of the RF will be disclosed on MWI and the WB websites.

## **7. Monitoring Evaluation and Reporting**

Project activities will undergo different types of monitoring relevant to the resettlement intervention and activities. This section describes monitoring and evaluation of RF implementation in the project and the responsible party for each monitoring activities.

### **7.1 Monitoring of Land Acquisition Process**

Land acquisition is a government-lead process, and MWI will ensure that this process is performed based on the requirements of RF that considers both national I regulatory obligations and ESS5 requirements. Monitoring of the land acquisition process will be a continuous process and will be supervised by ESSD-PMD in WAJ. The following indicators will be the benchmarks for the monitoring process:

- Avoidance principle will be examined to a reasonable extent during planning and site selection
- Potential PAPs will be engaged in the process once identified
- The RAP will be developed according to RF and consulted with PAPs during preparation
- Cut-off date has been clearly defined and communicated properly with PAPs
- RAP procedures are communicated to PAPs and the land acquisition process is well explained to PAPs including the GRM
- Valuation of land and other associated assets (if any) will be carried out according to RF guidelines (market values, replacement cost, depreciation reduction not considered, etc.)
- Negotiation process with PAPs will be fair and transparent
- Compensation offered will be fair and accepted by PAPs
- Compensation will be completed prior to the start of construction
- Additional support program or activities will provided to the vulnerable PAPs
- All land acquisition process steps will be well recorded and documented.

Non-compliance findings during monitoring will be reported to WAJ / MWI Project Management Team with required corrective actions that must be addressed in timely manner to maintain proper compliance with RF requirements throughout the RAP implementation process.

A PAPs satisfaction survey will be performed by IAs under monitoring of ESSD-PMD for all project-related land acquisition cases prior to the completion of relevant project activities in order to define lessons learned.

### **7.2 Monitoring Resettlement of Physical and Economic Displacement Process**

Physical and economic displacement will be monitored at the level of PIUs at WCs and by ESSD-PMD at WAJ. PIU will monitor the implementation of RAPs developed which are mainly by contractors to manage impacts onf any physically displaced PAPs that are not legally entitled to compensation but according to RF they are eligible for compensation. PIUs will consider the following indicators related to physical displacement:

- 1- Avoidance principle will be considered at design and planning by contractor
- 2- RAP will be developed and according to this RF
- 3- Relevant PAPs will be engaged at early stage and during RAP preparation
- 4- Proposed resettlement measures will be negotiated and agreed upon with with PAPs
- 5- Proposed resettlement measure will not cause any economic displacement consequence

- 6- For temporary physical displacement, resettlement measures will include the option of return for PAPs to their original locations.
- 7- Resettlement process will be communicated to PAPs including GRM
- 8- Resettlement process will be recorded and documented
- 9- Records of appeal for land acquisition cases in the court and resolutions will be created .

The above indicators for physical displacement also apply to economic displacement except indicators 5&6, in addition to the following :

- 1- Different options of compensation will be offered at RAP including cash compensation
- 2- Income data of PAPs is properly collected and verified for estimation of financial compensation
- 3- Fair compensation will be offered and additional support measures were considered for vulnerable PAPs
- 4- The economic status of PAPs is properly maintained and or restored.

PIU at IAs will timely inform contractors with any non-compliance findings with requested corrective actions. ESSD-PMD at WAJ will monitor this process through:

- Review information reported by PIUs at monthly progress report
- Relevant grievances received from PAPs which will be directed to PIUs for verification and response actions based on GRM
- During quarterly audit of ES performance a sample of PAPs will be interviewed to get their opinion or level of satisfaction with resettlement measures and the overall process applied

A PAPs satisfaction survey will be prepared under ESSD-PMD for all physically and economically displaced PAPs to define lessons learned and develop required improvements at for future projects financed by the WB

### **7.3 Reporting Requirement**

PIUs at WCs will be responsible for supervision and implementation of RFs and will prepare monthly progress reports on resettlement activities and submit to ESSD-PM at WAJ for review. ESSD- PMD at WAJ will also monitor RF implementation and submit quarterly reports to MWI, and determine whether or not resettlement goals have been achieved, more importantly whether livelihoods and living standards restored or enhanced and suggest suitable recommendations for improvement.

### **7.4 Consultation and Disclosure**

MWI/WAJ has organized a consultation session on draft ESF instruments on 16.05.2023 after disclosing these documents at MWI website. MWI has invited multi- stakeholders to the meeting that was held at MWI building in Amman, in addition to online participants where MWI has made an access to participants who cannot attend physically from far governorates. The attendees were representatives of ministries, local municipalities, civil society organizations, environmental associations, women associations and the Higher Council for the Rights of Persons with Disabilities. WAJ –PMD / ESSD team has presented the project components, and the draft ESF instruments purpose and mitigation measures and strategies that the project will apply to eliminate and or reduce potential environmental and social

risks according to relevant local regulations and to meet World Bank ES standards. No questions related to land acquisition and resettlement were raised by the attendees. Final RF along with other E&S instruments will be disclosed at MWI website upon World Bank approval on these documents.



## **Annexes**

### **Annex-1: Resettlement and land Acquisition Procedure of JVA**

- 1- Values of land or water shares or both or any other benefits related thereto or rent values shall be evaluated by a committee or committees called "Land Evaluation Committee", which shall be composed of a high ranking Government employee as Chairman, and two other experienced members appointed by the Cabinet of Ministers at the recommendation of the Minister.
- 2- JVA may issue regulations, by which the committee or committees shall abide for evaluating lands, trees, waters, and any movable or immovable properties.
- 3- The committee shall inspect and estimate values of the acquired lands and the value of what lies upon, or water shares and determine their values regardless of any rise in land prices resulting from the construction of any section or stage of any project implemented or under implementation or being planned, and for such evaluation the committee may consider the opinion of any person or committee to decide the value of lands and shall then issue evaluation decisions by majority.
- 4- The chairman of the Evaluation Committee shall publish in more than one local newspaper for two successive days and shall display for 15 days in a visible place in the City or village in which the acquired lands and water shares are located. One copy of such decisions shall be handed over to the Secretary General and another to the Mukhtar (Community Leader / Representative) of the village or the Mayor of the municipality.
- 5- Any holder or beneficiary has the right to contest the decisions of the committee concerning the evaluation, within fifteen 15 days from the date of expiry of the announcement. If no objection to the evaluation is made, the evaluation shall be considered final.
- 6- All cases of differences in the estimated values of trees, seasonal crops and structures during the period failing between the first estimate and the time of handing over the farm units or housing plots to the new owners, shall be referred to the Minister. The Minister shall form a committee or committees for this purpose, and the Minister's decision shall be considered binding to all concerned.
- 7- Objections shall be submitted to an Appeals Committee composed of a judge as chairman, who shall be delegated by the Judicial Council and whose grade shall not be lower than that of president of the Court of Appeals, and two other members appointed by the Cabinet of Ministers upon the recommendation of the Minister.
- 8- The Appeals Committee, if it deems appropriate, shall have the right, upon scrutinizing any objection submitted to it, to go and inspect the site of the lands or water shares, the evaluation of which was objected to. It may also seek the opinion of any person whose experience the committee considers to be of benefit and examine any documents for the purpose of determining the actual values of lands, water shares and other rights, provided that any rise in prices resulting from the construction of any section or stage of any project implemented or under implementation or being planned, shall not be taken into account. It shall issue the necessary decision, which shall be final whether it was taken unanimously or by majority vote.
- 9- The objector, on submitting his objection, shall deposit as security the sum of JD 15 with the district accountant for each tract the evaluation of which has been objected to. If the objection is rejected, the deposit shall be considered as revenue to the Treasury. If it appears that the objection is rightful,

the amount of deposit shall be refunded to him. Nonpayment of the deposit shall constitute a reason to reject the objection.

- 10- The final values assessed for lands, water shares or any other rights acquired shall be considered as fixed capital values of JVA's project and such values shall be registered in special records at JVA yet shall be considered binding against all concerned persons, provided that JVA compensate the owner or the holder within five years from the date of confiscation, otherwise JVA shall reassess by either providing him with a farming unit or more according to the incident, or by compensating him financially if his land area was less than 10 dunums, taking into consideration the value of any structures built at the farm or improvements accomplished.
- 11- All debts, taxes, fees, the "Amerie" Funds and costs of any section or stage of any project undertaken by the Government, and other debts due on any land being expropriated before or after this Law comes into effect shall be deducted from the capital value of the debtor's or holder's lands and shall be paid by JVA to the creditor in installments during a period not exceeding ten (10) years at 6% interest. If the amount of debt exceeds that of the capital value, then the creditor may claim the difference from the debtor.
- 12- No compensation shall be paid to the holder of the land for any improvement made after the date on which an expropriation decision was announced in two local newspapers.
- 13- The General Manager of the Lands and Survey Department shall, upon receiving a notice from JVA, prepare cadastral maps for the expropriated areas showing the boundaries of farm units, roads, distribution systems of both irrigation and drainage, also housing plots, streets, buildings, parks and all private and public facilities as determined by JVA. He shall cancel all previous registration records and issue new title deeds in the names of former landowners to who farm units or housing plots have been allotted. These are exempted from fees and stamps and he shall issue title deeds exempt from 10 taxes and stamps in the name of JVA for all remaining units which have been acquired in accordance with the provisions of this Law provided that this is completed within a period not exceeding three years.
- 14- JVA shall be exempted from all fees on land registration transactions listed in the Annex attached to the Land Registration Law No. 26 for the year 1958 or any subsequent amendment. It shall also be exempted from revenue stamps that are affixed on such transactions. It shall also be exempted from objection fees and any other fees.
- 15- JVA upon a decision of the board shall have the right to suspend all land registration transactions of the expropriated and immediately acquired lands except those transferred through inheritance until all new registration deeds have been issued in accordance to paragraph (n) above.

## **Annex 2: Minimum Content for Resettlement Action Plan (RAP)**

RAP is based on up-to-date and reliable information about (a) the proposed project and its potential impacts on the displaced persons and other adversely affected groups, (b) appropriate and feasible mitigation measures, and (c) the legal and institutional arrangements required for effective implementation of resettlement measures. This annex provides the minimum content required at future RAPs that will be developed for activities including resettlement impacts.

### **0- Executive Summary**

### **1- Project Description**

*General description of the project and identification of the project area.*

### **2- Potential Impacts**

- (a) The project components or activities that give rise to displacement, explaining why the selected land must be acquired for use within the time frame of the project;*
- (b) The zone of impact of such components or activities;*
- (c) The scope and scale of land acquisition and impacts on structures and other fixed assets;*
- (d) Any project-imposed restrictions on use of, or access to, land or natural resources;*
- (e) Alternatives considered to avoid or minimize displacement and why those were rejected; and*
- (f) The mechanisms established to minimize displacement, to the extent possible, during project implementation.*

### **3- RAP Objectives**

*The main objectives of the resettlement program*

### **4- Census survey and Baseline Socioeconomic Studies**

- (a) Identifying characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population;*
  - (b) Information on vulnerable groups or persons for whom special provisions may have to be made;*
  - (c) Identifying public or community infrastructure, property or services that may be affected;*
  - (d) Providing a basis for the design of, and budgeting for, the resettlement program;*
  - (e) In conjunction with establishment of a cut-off date, providing a basis for excluding ineligible people from compensation and resettlement assistance; and*
  - (f) Establishing baseline conditions for monitoring and evaluation purposes.*
- Additional studies on the following subjects may be required to supplement or inform the census survey:*
- (g) Land tenure and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, nontitle-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the project area;*
  - (h) The patterns of social interaction in the affected communities, including social networks and social support systems, and how they will be affected by the project; and*
  - (i) Social and cultural characteristics of displaced PAPs, including a description of formal and informal institutions (e.g., community organizations, ritual groups, nongovernmental organizations (NGOs) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.*

## **5- Legal Framework**

- (a) The scope of the power of compulsory acquisition and imposition of land use restriction and the nature of compensation associated with it, in terms of both the valuation methodology and the timing of payment;*
- (b) The applicable legal and administrative procedures, including a description of the remedies available to displaced persons in the judicial process and the normal time frame for such procedures, and any available grievance redress mechanisms that may be relevant to the project;*
- (c) Laws and regulations relating to the agencies responsible for implementing resettlement activities; and*
- (d) Gaps, if any, between local laws and practices covering compulsory acquisition, imposition of land use restrictions and provision of resettlement measures and ESS5, and the mechanisms to bridge such gaps.*

## **6- Institutional Framework**

- (a) The identification of agencies responsible for resettlement activities and NGOs/CSOs that may have a role in project implementation, including providing support for displaced persons;*
- (b) An assessment of the institutional capacity of such agencies and NGOs/CSOs; and*
- (c) Any steps that are proposed to enhance the institutional capacity of agencies and NGOs/CSOs responsible for resettlement implementation.*

## **7- Eligibility Criteria**

*Definition of displaced persons and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates.*

## **8- Valuation of and Compensation**

- (a) A description of the strategy for consultation with, and participation of, displaced persons in the design and implementation of the resettlement activities;*
- (b) A summary of the views expressed and how these views were taken into account in preparing the resettlement plan;*
- (c) A review of the resettlement alternatives presented and the choices made by displaced persons regarding options available to them; and*
- (d) Institutionalized arrangements by which displaced people can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that such vulnerable groups as Indigenous Peoples, ethnic minorities, the landless, and women are adequately represented.*

## **9- Implementation Schedule**

*An implementation schedule providing anticipated dates for displacement, and estimated initiation and completion dates for all resettlement plan activities. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project.*

## **10- Costs and Budget**

*Tables showing categorized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; timetables for expenditures; sources of funds; and arrangements for timely flow of funds, and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies.*

## **11- Grievance Redress Mechanism (GRM)**

*The plan describes affordable and accessible procedures for third party settlement of disputes arising from displacement or resettlement; such grievance mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms.*

**12- Monitoring and Evaluation**

*Arrangements for monitoring of displacement and resettlement activities by the implementing agency, supplemented by third-party monitors as considered appropriate by the Bank, to ensure complete and objective information; performance monitoring indicators to measure inputs, outputs, and outcomes for resettlement activities; involvement of the displaced persons in the monitoring process; evaluation of results for a reasonable period after all resettlement activities have been completed; using the results of resettlement monitoring to guide subsequent implementation.*

**13- Arrangements for Adaptive Management**

*The plan should include provisions for adapting resettlement implementation in response to unanticipated changes in project conditions, or unanticipated obstacles to achieving satisfactory resettlement outcomes.*

### Annex 3: Community Grievance Procedure

<p><b>Community Grievance Procedure – Steps</b></p>
<p><b>Assigning responsibility:</b></p> <p>responsibility for dealing with community grievances will be assigned to the contractor / operator representative during construction / Operation, who will act as a Liaison Officer (LO) who is assigned based on project’s SEP and will be provided with a “Sub-Project LO Information Sheet” (<b>Form 6</b>).</p> <p>Each complaint whether from an individual or an entity will be considered and a response to each specific complaint will be directly communicated to the party that raised it. (A sample grievance and complaint form is provided in <b>Error! Reference source not found.&amp; 2</b>). The grievance and complaint? form will be made available at each sub-project office. The receiver of grievance will be responsible to formally send the complaint or Grievance to the LO.</p> <p>To send an anonymous complaint, the complainant can send an anonymous e-mail to the e-mail address of the LO provided on the Grievance Form.</p>
<p><b>Complaints Intake &amp; documentation</b></p> <p>The comments or complaints will be summarized and listed in a formal log/register (please refer to <b>Form 3</b>) containing the name and contact of the person/community group or entity who made the complaint, and the date of response sent to the complainant (timeframe for acknowledgement). Any person or entity may send comments and/or complaints via a specific and specialized channel announced by the LO. The complainant must also be provided with proof of receipt of the complaint.</p> <p><b>Contact number of the LO and exact mode of communication to report on grievances/complaints will be presented at site information sign and at sub-project office.</b></p>
<p><b>Complaints Investigation</b></p> <p>Complaint will be investigated for legitimacy/eligibility for validation purposes and will be clarified by LO. The extent of the review will depend on how problematic the complaint is. All received complaints will then be organized into categories. (Affected / Interested / Vulnerable )</p>
<p><b>Complaint Resolution</b></p> <p>LO will develop and decide resolution options and prepare a response. Each complaint will be addressed based on the nature of grievance, moreover, grievances will be acknowledged and verified within 2 working days. A resolution/action will be proposed after complaint is verified, and then responded to within a maximum of 5 working days. Meanwhile, individuals/entities have the right to request that their name to be kept confidential.</p> <p>All complaints will be responded to either via phone, e-mail, or other means of written response or as specified by the person or entity that made the complaint.</p>
<p><b>Rejected Complaints</b></p> <p>If the complaint was rejected for reasons such as being ineligible, has no basis or no action is</p>

required, then Contractor Provider LO must put together a diplomatic response within 10 days explaining the reason for rejection to the complainant with evidence where applicable.

**Complaints Closure**

Complaints shall be closed when an agreement is reached with the complainants. This shall be recorded in the grievance log or database accordingly, along with the closing date, and any other supporting documentation or photos to be stored for future reference.

**Escalation**

If the Complainant is not satisfied with the grievance resolution, he/she may involve the Project Manager to review the complaint where his name and contact will be communicated to complainant , if still not satisfied, the Complainant can revert to court for a resolution.