FINAL RESETTLEMENT POLICY FRAMEWORK

For

GAM MUNICIPAL SOLID WASTE MANAGEMENT &
CARBON FINANCE PROJECT

Prepared By:

ECO Consult

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ACRONYMS

GAM: Greater Amman Municipality
MSWM: Municipal Solid Waste Management
RAP: Resettlement Action Plan
RPF: Resettlement Policy Framework
OP: Operational Policy
LAL: Land Acquisition Law
PAPs: Project Affected Peoples
CDM: Clean Development Mechanism
CRB: Compensation Review Board
MoF: Ministry of Finance
EP: Entitled Person
EXECUTIVE SUMMARY

Introduction:

In 2006 the Greater Amman Municipality (GAM) initiated the preparation of a new investment project to enhance the existing conditions of Municipal Solid Waste Management (MSWM) in Amman. The project included the construction of new cells at the existing landfill site at Ghabawi and the construction of a Leachate Treatment Plant. However, the construction activities were delayed and the environmental conditions at the landfill were highly at risk. As a consequence, GAM requested financial and technical assistance from the World Bank to prepare and implement an Integrated MSWM Project. The aim of the project includes institutional strengthening and capacity development of GAM to establish and manage a cost effective and sustainable Municipal Solid Waste System. In addition, the project includes the enhancement of the transfer services and the construction of two new transfer stations, a Landfill Gas to Energy Plant and the improvement of the environmental conditions at the Ghabawi Landfill by providing more operational control.

The cells which will be constructed in the landfill itself are all located on land that is owned by GAM that is not let to tenants. There are, therefore, no resettlement issues associated with these lands.

However, the locations of the two new transfer stations that will be established, are yet to be determined. A Resettlement Policy Framework (RPF) has therefore been prepared which outlines overall resettlement objectives and principles as well as funding mechanisms and organizational arrangements for any resettlement operation that may be necessary as a result of the two transfer stations referred to above. As such, until this date, there is no effect through potential loss of resources, nor need for any land confiscation or any resettlement.

As the project will be funded by the World Bank, this Resettlement Policy Framework (RPF) has been prepared in accordance with Operational Policy (OP) 4.12. Additionally, GAM has been afforded by Jordanian law the authority to confiscate land for public benefit on the understanding that it provides fair and just compensation. In doing so, GAM must ensure that any potential land acquisition is undertaken in accordance with Decree (12) of 1987, commonly referred to as the Land Acquisition Law (LAL) and its amendments. The LAL applies in all cases of land acquisition in the Kingdom.

Land confiscation is dependent on the approval of the Council of Ministers, which requires public benefits and fair compensation for the works to be undertaken, as well as requiring evidence that GAM has the capability to pay any due compensation. The Council of Ministers’ approval is not provided until agreement has been reached between GAM and the relevant land owners on an appropriate compensation package. According to Article 9 of the law, direct negotiation between GAM and land owners may be conducted until agreement is reached. In the event that an agreement cannot be reached between the two parties, the cases are referred to the Primary Court that has jurisdiction in this area, and to higher courts if necessary.

The land needed for the transfer stations is not at this stage identified as being community owned or the subject of any designation that would preclude its development for the intended use. However, after their determination, an initial consultation exercise will have to be undertaken by GAM and the Project Affected Peoples (PAPs) representatives in the areas...
affected by the project until those negotiations lead to a fair compensation according to the land value at the sites of the transfer stations, which are acceptable by both GAM as well as PAPs.

Internal monitoring will be conducted by qualified persons within GAM to ensure that the payment to PAPs is fair and that prompt payment is made. GAM has an internal division to deal with the acquisition/confiscation of land associated with GAM projects and whose responsibility it is to negotiate appropriate payment for parties affected by GAM projects.

External monitoring will be conducted through World Bank supervision missions.

In the event that there are grievances with regard to the level of compensation provided to land owners or the payment of money promised then the case can be referred to the Primary Court of jurisdiction for arbitration, and to higher courts as necessary to ensure that the any acquisition of land is fair and in accordance with Jordanian law.
RESETTLEMENT POLICY FRAMEWORK

A- Project Description:

The fulfilment of Greater Amman Municipality’s (GAM) objective of enhancing Municipal Solid Waste Management (MSWM) includes strategic planning, policy-setting and regulations, in addition to increasing the private sector participation involved in Municipal Solid Waste services provision. As a result of discussions carried out between GAM and the World Bank, the project components are defined as: (i) Institutional Strengthening and Capacity Development, which includes strategic planning and Private Sector Participation; development of information systems to track the performance of the MSWM services; public information, education and communication program, as well as training and capacity development in the Clean Development Mechanism (CDM) framework; (ii) Infrastructure Investment, including the construction and operation of Cells 2 & 3 at the landfill site, which is land owned by GAM, and upgrading of the leachate treatment; construction of two new transfer stations, the locations of which are yet to be determined; and construction of the landfill gas recovery system, which will take place also at the landfill site, which is also owned by GAM; (iii) a project management component.

The Resettlement Policy Framework (RPF) is a World Bank Safeguard requirement for projects that may require resettlement and/or land acquisition. It sets the basis for any subsequent Resettlement Action Plan (RAP). It also represents good project development practice. This RPF has been prepared according to Decree (12) of 1987 (the Land Acquisition Law) of Jordan, and GAM’s internal resettlement principles with due consideration of World Bank Operational Policy (OP) 4.12. GAM’s commitment to such principles is based on the laws of Jordan which ensure that Project Affected Peoples (PAPs) are fairly compensated for any necessary confiscated land. GAM’s principles should include the following aims and objectives:

1- Involuntary resettlement should be avoided, or minimized where unavoidable.
2- Where resettlement is unavoidable, resettlement plans and activities should be part of the project development process.
3- Resettled persons should be provided with sufficient investment resources and opportunities to share in project benefits (i.e. proper compensation for confiscation of lands should be paid).
4- Displaced persons should be fully consulted, and participate in planning and implementation of resettlement programs.
5- Displaced persons should be compensated for their losses at full replacement cost. In accordance with World Bank OP 4.12 this should be before the affected parties are displaced.
6- The resettled persons should be assisted in any necessary relocation and provided with support during the transition period.
7- Resettled persons should be assisted with their efforts to improve, or at least restore, their former living standards and income earning capacity.
B — Guiding Principles for Resettlement:

GAM will bind itself to the following principles in regard to any resettlement and/or land acquisition as part of the proposed works:

PRINCIPLE 1. Resettlement Must Be Avoided/Minimized
Action: GAM will demonstrate that no resettlement will occur with regard to the construction of the new cells in the landfill since it is owned by GAM. However, when the locations of the two new transfer stations are determined, and if they are not owned by the Government, the need for land confiscation will be investigated, and if deemed necessary, it will be conducted in full accordance with the Jordanian Land Acquisition Law (LAL) No. 12 of 1987 and its Amendments.

PRINCIPLE 2: Genuine Consultation and Participation Must Take Place:
Action: Compensation requires negotiation and communication with any project affected peoples (as the landfill will not require resettlement, etc., this can be confined to those stakeholders who might be affected after determining the locations of the two new transfer stations). As part of initial consultation, the confiscation of land – if needed – will be advertised in two newspaper announcements which should be followed by visits from representatives of the project management team to the individuals affected.

PRINCIPLE 3: A Pre-resettlement Data Baseline will be established:
Action: When the locations of the two new transfer stations are determined, and if land confiscation cannot be avoided, and in order to support the successful re-establishment of potentially affected households/landowners, GAM will compile an inventory of landholdings, crops in agricultural land, and buildings – if any - to determine fairly and identify what is considered to be a reasonable level of compensation. As the landfill is located on Government land, there will be no need to consider these areas further.

PRINCIPLE 4 Assistance for Relocation must be Made Available
Action: When the locations of the two new transfer stations are determined, and if land confiscation cannot be avoided, and in order to support the successful relocation of any potentially affected households/buildings, GAM will provide assistance to the PAPs – if any - in the relocations process if needed. As the landfill is located on Government land, there will be no need to consider these areas further.

PRINCIPLE 5: A Fair and Equitable Compensation Must be Negotiated:
Action: Through the LAL of 1987 it is stated that direct negotiation between land owners and the relevant purchasing party (in this case GAM) should occur to allow for agreement to be made on a fair and just level of compensation of any confiscated land (articles 3, 9B and 10). The possibility of confiscated lands associated with the project are limited to those associated with the construction of the two new transfer stations, with the landfill being located on Government land with no resettlement required.

PRINCIPLE 6: Resettlement Must Take Place as a Development That Ensures That Directly Affected Communities Benefit:
Action: There will be a national benefit from the project as a result of the establishment and development of a Solid Waste Management System that will enhance the existing conditions
of MSWM in Amman. The aim of the project includes institutional strengthening and capacity development of GAM to establish and manage a cost effective and sustainable Municipal Solid Waste System, enhancing the transfer services and improving the environmental conditions at the Ghabawi Landfill.

PRINCIPLE 7: Vulnerable Social Groups Must Be Specifically Catered For:
Action: Since the project plan does not include the resettlement of any households so far, no further action is likely required to fulfil this principle for the activities associated with the proposed project. However, GAM will take any such groups into consideration in the event that they are identified during the consultation and negotiation with PAPs for any compensation that might be deemed necessary after the determination of the locations of the two new transfer stations in the case that they are not on Government land.

PRINCIPLE 8: Resettlement Must Be Seen As An Upfront Project:
Action: GAM will ensure that confiscation and compensation costs – if any - are built in the overall project budget as an up-front cost, and that the confiscation budget is ‘ring fenced’. This will prevent under budgeting and treating such costs as a peripheral to the overall project. This principle might be necessary to be implemented in the case of the two new transfer stations, as the landfill itself is located on Government land and will not require any resettlement or confiscation of land.

PRINCIPLE 9: An independent Monitoring and Grievance Procedure Must Be In Place.
Action: GAM will ensure that compensation for land that might be needed in the case of the two new transfer stations, is directed to the PAPs or placed under bank accounts in their names in accordance with the LAL of 1987 (article 16). Grievance procedures are set according to articles 10-14 of the LAL and these will be adhered to as necessary. There should be no grievances associated with the lands where the landfill itself is located, as it is situated on Government land. However, GAM will identify an individual – as needed – to liaise with the public as necessary on any possible complaints that local people might have regarding the locations of the two new transfer stations after their determination.

PRINCIPLE 10: The Developer Will Accept Responsibility For Resettlement and Ensure That “Best Practice” Is Adopted:
Action: Since the project plan does not include the resettlement of any households so far, no action is required except to assure that fair and just compensation for any confiscated land that might occur in the case of the two new transfer stations, is delivered to the PAPs.
C- Process for Developing the Subsequent RAP:

The World Bank safeguard policy on resettlement (OP 4.12) paragraph G, states:

‘Where large-scale population displacement is unavoidable, a detailed Resettlement Plan, timetable, and budget are required. Resettlement Plans should be built around a development strategy and package aimed at improving or at least restoring the economic base for those relocated. Experience indicates that cash compensation alone is normally inadequate. Voluntary settlement may form part of the Resettlement Plan, provided measures to address the special circumstances of involuntary resettlers are included. Preferences should be given to land-based resettlement strategies for people dislocated from agricultural settings. If suitable land is unavailable, non-land based strategies built around opportunities for employment or self-employment may be used.’

So far, resettlement will not occur as the landfill is located on Government land and will therefore, not require the resettlement of residents or confiscation of lands. The locations of the two new transfer stations are yet to be determined.

After the determination of the locations of the two new transfer stations and if resettlement and/or land confiscation becomes necessary and unavoidable, a Resettlement Action Plan/Land Acquisition Plan will be required in accordance with the World Bank OP 4.12, detailing the manner in which it is proposed the PAPs are to be compensated.

Within the framework of a process of public consultation and disclosure, the Land Acquisition Plans that will be developed by GAM – if needed - will be subject to scrutiny by PAPs, the local authorities and the World Bank. The Land Acquisition Plan shall include a survey/census of all those who will be affected by the land acquisition. The land acquisition survey shall contain information as provided in the table in Annex 1. To facilitate this involvement/scrutiny GAM will ensure that the document is made available to the following parties, for comment and consideration:

- Project Lenders
- Relevant Government Departments as well as local government and the relevant district assemblies.
- PAPs and their political representatives.

In terms of ensuring that the PAPs are sufficiently empowered so as to be able to make meaningful input to the development process, it is essential that the consultative mechanisms referred to above are put in place. The levels of literacy of the PAPs should be taken into consideration, and if needed, the document will be presented to the PAPs in the form of verbal presentations, to ensure that consultation is as robust as possible.
D — Estimated Population Displacement Band Likely Categories of Displacement:

Although the project so far does not require the resettlement of any people, the need might arise when the locations of the two new transfer stations are determined. Categories of impact and estimated cost in this case need to be summarized as per table D-1 below. The locations of the two new transfer stations are yet to be determined, thus the affected parties are yet to be fully identified.

In the case of the landfill itself, it is located on Government land and therefore, there are no resettlement or confiscation issues associated.

Table D-1. Categories of Impact and Estimated Cost

<table>
<thead>
<tr>
<th>Category of Impact</th>
<th>Estimated No. of PAPs</th>
<th>Estimated Average Value</th>
<th>Total Cost (JDs)</th>
</tr>
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<tbody>
<tr>
<td>Residences</td>
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<tr>
<td>Religious Structures</td>
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<td></td>
<td></td>
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<tr>
<td>Permanent land loss, Agricultural fields</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>(transfer stations)</td>
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<td></td>
<td></td>
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<tr>
<td>Temporary land loss, Agricultural Fields</td>
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<td></td>
</tr>
<tr>
<td>(transfer stations)</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Trees</td>
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E- Eligibility Criteria for Displaced Person:

This section of the RAP details the types of people who will qualify for resettlement assistance and the associated eligibility criteria for assessing this eligibility. These parties include:

- **Loss of Land**: People who will lose land over which they have established ownership or rights of use to allow for the construction of the transfer stations. These people will be compensated for their losses according to LAL of 1987. There will be no such loss of land associated with the landfill.
- **Loss of Communal Resources**: So far, this is not applicable to any of the project activities.
- **Loss of Places of Worship**: So far, this is not applicable to any of the project activities.

The locations of the two new transfer stations have not been determined yet. If land confiscation is deemed necessary and unavoidable after their determination, preliminary consultations (that will be on-going to identify the appropriate level of compensation) will identify the land potentially affected by the project and if it is occupied by any tenants. Therefore only direct negotiations with land owners is required to ensure that fair compensation is provided to the PAPs.
F — Legal Framework:

GAM Framework and Authority:

GAM has been afforded under Jordanian law the authority to confiscate land for public benefit on the understanding that it provides fair and just compensation to any PAPs. In doing so GAM must ensure that any Land acquisition is undertaken in accordance with Decree (12) of 1987, commonly referred to as the LAL and its amendments. The LAL applies in all cases of land acquisition and to all concerned institutions.

The LAL lists two main conditions for acquisition/confiscation. According to article 3 of the LAL, it is stated that no land can be confiscated unless it is for public benefit and that there is fair and just compensation for any PAPs.

Land confiscation is dependent on the approval of the Council of Ministers, which requires public benefits and fair compensation results for the works to be undertaken, as well as requiring evidence that GAM has the capability to pay any necessary compensation. To this end, GAM has to provide any required documents and maps demonstrating this. The Council of Ministers’ approval will not be provided until agreement with land owners on proper compensation is reached. According to article 9 of the LAL, direct negotiations between GAM and land owners should be conducted until agreement is arrived at. In the event that agreement cannot be found, cases are referred to the Primary Court that has jurisdiction in this area. On referral to the court, it will resolve the issue according to article 10 of the LAL. The article states that the court can be assisted by governmental experts from the Ministry of Finance, Directorate of Land, or others as necessary to assist in establishing the proper amount of just and fair compensation. Articles 11-26 of the LAL state the legal basis for compensation are set out the following key principles and stages for the process:

1- Land value is essentially dependent on the amount of land confiscated, the purpose of confiscation, the percentage of land confiscated, and status and size of the leftover land. Such details will be taken into account in setting the proper amount of compensation.
2- The land owner is responsible for paying any previous taxes on the property concerned prior to compensation.
3- Upon final agreement upon compensation, approval and authentication by the Directorate of Land followed by an authentication of the Council of Ministers is required.
4- The relevant party (GAM) is required to pay the compensation to the land owner directly or deposited in the Treasury under their names within three months. Non-payment results in a 9% annual interest being added to the compensation starting the day after the three months period. (As the World Bank requires payment prior to acquisition this will be accommodated by GAM)

The implications of the LAL on specific groups is summarised below.

Land Owners

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

In the case of multiple ownerships, it is the general practice of the government that GAM deals with the owners as a body and to ask them to select a representative to act and negotiate on their behalf. Nonetheless, all owners (shareholders) will be entitled to property compensation according to their shares.

**Compensation for Improvements and Water Rights**

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

The LAL in Article 10 states clearly that compensation should be fair to all PAPs both owners and tenants. Owners should be compensated for their properties including (buildings, improvements, trees, etc) at full replacement cost. In principle, any damage or injury may be compensated. Judgements on the LAL in 1996 confirm this position: “The property appropriated is the land and the buildings, trees and other fixtures on it including the water tank built in the land. Claiming for equitable compensation includes all that is in the property”.

The loss of water rights also attracts compensation: “That the appropriation of the land which includes water spring by the Water Authority does not include the waters of that spring. The owners, if the land was irrigated from the spring, shall have the right to claim for compensation due to harm accrued to their land as a result of depriving it from the right of irrigation.”

There are no identified impacts to this group from the project or associated infrastructure at this time.

**Crops and Trees**

Under the LAL, tree and annual crops are subject to compensation but no guidelines are defined expect that the expropriation shall be in consideration of a suitable level of compensation.

Under past practice in Jordan, confiscation of tree crops has been compensated on the basis of a flat rate single payment defined according to a schedule developed for this purpose based on the type and age of tree.

There are no identified impacts to this group from the project or associated infrastructure at this time.

**Amount of Compensation Payable to Renters**

As there are no tenants identified at this stage, the provision of compensation to such parties is not required. In the event that such individuals are identified after the determination of the locations of the two new transfer stations, the following compensation will be awarded (as required by the LAL) to tenants proportionately as a percentage of the compensation for the plot. The maxima are:
• 15% if the compensation is for occupation for industrial or commercial purposes, and,
• 5% if the property is occupied for any other purpose.

The LAL does not preclude private agreements between tenants and owners. In conjunction with other laws, a settlement without the agreement of the renter is extremely unlikely.

**Policies of the World Bank and IFC**

In addition to the consideration of the National Legal Framework, the policies of the World Bank need to be addressed given that the Bank will provide a guarantee to the commercial lenders of the project.

OP 4.12 sets out three underlying policy principles:

• Involuntary resettlement is avoided wherever feasible, or minimised, exploring all viable alternative project designs;
• Where it is not feasible to avoid involuntary resettlement, activities are conceived and executed as sustainable development programs, providing sufficient investment resources to enable people adversely affected by the project to share project benefits. Displaced persons are to be meaningfully consulted and have opportunities to participate in the planning and implementing of resettlement programs affecting them; and
• Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living, or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

The project is in compliance with OP 4.12 regarding the locations of the new cells in the landfill, thus minimising the number of affected persons whilst also ensuring that there is no need for resettlement of households.
G — Valuation Methods:

According to the LAL of 1987, valuation methods will include the following steps:

1. Demonstration of public benefit from the project concerned.
2. Assessment of replacement values of confiscated land.
3. Establishment of compensation rates for all assets to be confiscated.

Table G-1. The Process for the Valuation of Land.

<table>
<thead>
<tr>
<th>Asset</th>
<th>Process</th>
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| Land, Agriculture fields | As the locations of the two new transfer stations have not been determined yet, it is not specified so far if they will result in any resettlement or confiscation of land. Therefore, there is no established impact significantly on any one homestead or community. After the determination of the locations of the two new transfer stations, and if the need for land confiscation arises, and in order to ensure that impact is minimal and just compensation agreed, a designated division of GAM will undertake the following:  
① **Inventory**: As part of any Land Acquisition Plan (LAP) that might be needed, GAM will acquire the names and contact details of all persons that might be affected by the construction of the two new transfer stations.  
② **Compensation**: A summary of how each person or household is affected will be prepared and the level of compensation that will be paid for land, crops, and trees lost identified.  
③ **Monitoring**: GAM through their dedicated land acquisition division will insure that appropriate compensation is delivered to its rightful people. |
H- Entitlement Delivery:

Once any compensation amounts have been negotiated and agreed upon, GAM will deliver the compensation to the land owners directly or place it in the Treasury under their names according to the requirements of the LAL of 1987 articles 14 and 16D. The officials at GAM or the Directorate of Land will verify the delivery of the negotiated amount of compensation. GAM’s land acquisition team will monitor the delivery of such funds so as to ensure that all amounts reach all intended beneficiaries.
I — Implementation Process:

The fundamental responsibility for delivery and implementation of the resettlement actions rests with GAM. Current protocol for the land confiscation process lies within the LAL of 1987 and its Amendments.

Implementation of any land acquisition starts with identification of the required land and its owners or PAPs that have any use rights upon that land. GAM has the responsibility of announcing the need for such confiscation and identifying the associated public benefit through two daily newspapers and is then required to allow for a period of 15 days for any responses.

The second step is then the application to the Council of Ministers for approval of any necessary confiscation, which will not be given until it is proven that such project is for public benefit, agreement on the appropriate level of compensation with the PAP’s is achieved, and the capability of GAM to pay the agreed compensation is assured. Agreement upon compensation may be achieved through direct negotiation or through the Primary Court of Jurisdiction. Any agreement made by GAM must be agreed by the Council of Ministers.

GAM, as developer of the project, is required to work with local officials to identify the public benefits of the project as well as agree to the appropriate level of compensation with the PAPs. Agencies that could provide assistance in this as necessary include:

- Ministry of Finance
- Ministry of Municipalities
- Directorate of Land
- Ministry of Agriculture
- Ministry of Environment.
J- Funding Arrangements:

The overall responsibility of implementation of the confiscation and compensation plan lies upon GAM, and it should provide funding for compensation as part of the project financing. Current practice is for GAM to work closely with different government agencies in Jordan to calculate compensation and make sure that such compensation reaches the appropriate parties.

On successful completion of negotiations GAM will provide each PAP with a Compensation Statement. The Statement will record the precise loss of property (type, physical dimensions, and replacement value) or livelihood and state the compensation due for this loss to each property holder. Copies of each Statement will also be sent to the relevant municipalities, if any. If the PAPs confirm the content of the Statement and his/her acceptance of the compensation offered, he/she will sign the Statement.

All cash payments will be made by cheque, made out in the name of the PAP. Copies of all records of payments will be attached together with a copy of the PAP’s national identity document. Once the Compensation Statement is countersigned by the PAP to confirm his receipt of the agreed compensation, it will be placed in a personal file containing the documentary record of entire RAP process. One complete copy of this file will become the property of the PAP. Cases referred to the courts will be handled as per present due legal process.

For those PAPs who are unable for any reason (e.g. because they are overseas) to collect their cheques within a short period of these being issued, compensation will be held by the Treasury until such a time as the rightful recipient can claim the money.

GAM will provide both financial as well as additional administrative and technical expertise to the confiscation and compensation processes. To this end, GAM will be required to:

- Coordinate the implementation of the confiscation and compensation processes.
- Ensure that the Guiding Principles are adhered to.
- Ensure maximum participation of the PAPs.
- Obtain sufficient funds to finance just and fair compensation to PAPs.
- Accept financial responsibility for payment of compensation to PAPs.
- Ensure monitoring and evaluation of the implementation stages and undertaking of appropriate action to deal with any grievances.
K — Consultation and Participation:

The identification of an appropriate level of compensation requires negotiation and communication with all PAPs. Consultation with affected communities will take place in the form of visits by the GAM project management team to various individuals identified as being potentially affected by the proposed development. The project should also be advertised in the press to raise public awareness.

An integrated program of consultation was undergone to engage with the general public regarding the construction of the new cells in the landfill. Similar consultation should take place once the locations of the two new transfer stations are determined in order to gain a clearer understanding of the PAPs’ opinions on the proposed projects and to allow them to express any concerns. This can start with house to house meetings with local people in the locations of the two new transfer stations to explain the nature of the project and the expected effects and benefits of the project on the surrounding environment and local peoples. Involved parties can be asked to fill a survey questionnaire form in Arabic language. Illiterate persons can be aided by the consultants and other local literate people from the community to fill in the forms. The survey questionnaire can register the areas of concern and provide GAM with those that need to be given more extensive consideration.

Based on the results of consultations and such a survey, recommendations can be established for a fair level of compensation where confiscation of lands is unavoidable.

The Next Steps

This section outlines the implementation programme for the preparation, approval and implementation of the RAP.

VALUATION AND NEGOTIATION

Where necessary, GAM will prepare a compensation package for the PAPs. PAPs have the right under LAL to appeal the valuation within 28 days from receipt of notification of the valuation from GAM. A period of 28 complete days from notification is allowed to all parties for any negotiation on the compensation package. At the conclusion of this process one of three situations will be reached:

No Appeal. If no intent to appeal is received by the end of the 28 days period, the affected person is requested to sign a document agreeing to the compensation offer. This final agreement is forwarded for official approval and implementation.

Appeal Lodged. If an appeal is lodged, GAM representatives may seek to negotiate with the affected person for the remainder of the 28 days to seek a compromise. If no agreement is reached and ratified by the end of 28 days, the case is referred to the Compensation Review Board (CRB) [subject to their agreement to act in this project]. An affected person may also request appeal to CRB without further negotiation. Negotiations are undertaken on a case-by-case basis, with regard to the Jordanian guidelines in place. These seek to ensure appropriate and fair redress at acceptable cost.

No Response. If the person concerned does not respond to the initial valuation and no further response is obtained within the 28-day period, and provided that reasonable effort is shown
to have been made by GAM to contact the person concerned, the draft compensation offer is referred to the CRB for approval. In this case letters of notification of approval of the compensation will be served.

In the “no response” case, when compensation is awarded but the entitled person has not been identified, the funds allocated for this particular compensation will be retained within the Ministry of Finance (MoF) in the project’s name until such a time as the rightful recipient can be identified.

**Grievance Redress Procedures (Disputes)**

Appeals of four types may be made at the respective stage.

**Appeal Against the Intent to Expropriate.** Up to 15 days after publication of the intent to acquire land in the newspapers, written appeals against the project may be lodged with relevant municipalities. All appeals will be acknowledged in writing and considered by relevant municipalities –if any - and GAM. Those that may be accommodated through design modification will be taken into account.

**Appeals on the ground of Disputed Ownership.** Disputes may arise over who is entitled to compensation. Lack of formal documentation over the status of a piece of land or tenancy agreement may lead to such disputes, affecting the project implementation. In such cases the further verification of status of the entitlement by GAM/the relevant parties will be necessary. This may include consideration of a variety of documentation:

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

GAM will attempt to facilitate an agreement within the project framework, failing which the case will be referred to the CRB for resolution. However, the PAP has the right and may wish to appeal through court proceedings. In these cases, the compensation process will proceed through to valuation irrespective of the status of the land. Compensations due will be assessed and funds made available to the PAPs.

**Appeal against the Compensation Valuation.** Appeals against assessed levels of compensation will be heard by the CRB. Article 10 of the Jordanian LAL states that failure to agree on levels of compensation at this stage could lead to the matter being referred to the Courts. The CRB will review each case put to it and reach one of three recommendations:

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

If agreement is still not reached under revised guidelines, GAM will confirm the details of the last offer in writing to the person concerned and refer the matter back to the CRB. If the CRB do not wish to revise their offer, either party may refer the matter to the Courts.
Appeal to the Courts. Once referred to the Courts the acquisition process is taken out of the hands of GAM. The judgment of the court is binding on all parties. However, if the land to be acquired is not classed as directly affecting a residential unit, either by demolition or in making the property uninhabitable, the acquisition process will proceed on the basis of the last valuation made by the CRB. Any changes on that compensation ordered by the Courts will be settled as required.
L- Monitoring of Confiscation and Compensation

GAM is responsible for the implementation of any confiscation and compensation plan. GAM will be responsible for providing financing, for compensation and its delivery to the rightful people, and grievances will be properly dealt with. Such financing will be provided for as part of the project cost.

Internal monitoring will be conducted through qualified persons within GAM. GAM has a division that deals with the acquisition/confiscation of land associated with GAM projects and whose responsibility it is to negotiate appropriate payment for parties affected by GAM projects. They will carry out the work under the direction of the Project Manager.

External monitoring will be conducted through World Bank Supervision missions. Both monitoring levels should assure that fair and just compensation was delivered to the right individuals.

In the event that there are grievances with regard to the level of compensation provided to land owners or the provision of money promised, then the case can be referred to the Primary Court of jurisdiction for arbitration and to higher courts as necessary (see Section K).
M — Budget:

No budget is required in relation to the construction of the cells at the landfill itself, as it is located on Government owned lands.

For the transfer stations, the locations of the two new ones are not yet determined at this stage, thus, the actual amount of compensation – if needed - is not defined yet. When defined, compensation will be based on land use.
## Annex - 1

**Information of Land Acquisition Survey**

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Name</th>
<th>Identity No</th>
<th>Current Utilization and Tenure</th>
<th>Definition of Entitled Person (EP)</th>
<th>Mode of Acquisition and Amount</th>
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<td>Mode of Acquisition</td>
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**Totals**

Action by GAM: Surveyed/Assessed by (Name): ____________ Position: __________ Date: ________

Site ready for disbursement ___ Rejected____ Action to be taken__________________________