

## **ANNEX C24: LAND ACQUISITION AND RESETTLEMENT POLICY FRAMEWORK**

### **1 PROJECT INTRODUCTION**

The proposed Disi-Mudawarra to Amman Water Conveyance System Project in Jordan is being constructed to supply additional domestic water to the Greater Amman area from the deep fossil aquifer in Disi. The project involves construction of:

- 1- A 325 kilometre pipeline to convey water from Disi-Mudawarra to Amman.
- 2- Water intake structures at Disi.
- 3- 3 water pumping stations.
- 4- A new reservoir at Abu Alanda, 10 km from Amman.
- 5- Five turnouts at key locations along the route to help provide water under emergency conditions and for short duration.

### **2 LAND ACQUISITION / RESETTLEMENT DUE TO THE PROJECT**

Most of the land required for the project is in the right of way of the existing Disi-Amman highway, and therefore, does not need to be acquired. The land required for structures/facilities that are not to be constructed in the existing right of way has already been acquired. Details of such lands are given in **Annex C20**. However, some additional land acquisition/ resettlement impacts are anticipated during project construction due to the following:

- 1- Need for selective land acquisition in some locations
- 2- Temporary impacts on structures/properties constructed by residents in the right of way along the highway
- 3- Loss of income from businesses due to the disruption caused by project construction
- 4- Potential closure of agricultural farms or other facilities due to project construction.

Since the precise scope and location of these impacts is not known at this stage, a resettlement plan cannot be prepared to propose measures to mitigate these impacts. Therefore, a Resettlement Policy Framework is being prepared, which outlines the nature of anticipated impacts, the proposed mitigation for each type of impact and the associated institutional arrangements. As and when precise impacts are identified, a resettlement plan or abbreviated resettlement plan (henceforth called resettlement instruments) will be prepared, depending on the number of people likely to be affected by land acquisition, and submitted to the World Bank for its approval. The process of preparation of the resettlement instruments is described in **Section 4** below.

### **3 LEGAL FRAMEWORK FOR LAND ACQUISITION AND RESETTLEMENT**

The legal framework and entitlement policies for the land acquisition and resettlement to be carried out for the proposed project are derived from the provisions of the Land Acquisition Law No.12 of Jordan and from the World Bank's Operational Policy on Involuntary Resettlement (OP 4.12). The following section summarizes the objectives and principles of the resettlement program and provides the detailed entitlement framework for different types of impacts anticipated under the project. Compensation/assistance will be under the specific provisions of this resettlement framework.

**Objective:** The key objective of the land acquisition and resettlement program for the proposed project is to ensure that the people affected by land acquisition and resettlement are able to improve or at least restore their incomes and standards of living after land acquisition/ resettlement.

**Principles:** The key principles to be followed in the design and implementation of the land acquisition and resettlement program are as follows:

- 1- Land acquisition and involuntary resettlement will be avoided, as far as possible, or minimized, exploring different design and location options for project infrastructure during project construction.
- 2- Assets and properties belonging to affected people will be compensated at their replacement value.
- 3- Compensation for affected assets will be paid prior to the initiation of civil works in a given location.
- 4- Affected people will be consulted on, and provided opportunities to participate in, the design and implementation of the land acquisition and resettlement program.
- 5- Affected people will be assisted to restore their incomes and standards of living, regardless of the legality of their land tenure.

**Entitlement Framework:** Table 1 below is an entitlement framework that lists the possible categories of impact and the compensation and other forms of assistance the affected people will be entitled to:

**Table 1: Entitlement Framework**

| Type of Impact   | Policy Entitlement   | Institutional Responsibility  |
|--|--|---|
| Temporary Loss of Land   | Cash compensation for use of land  | If the loss of land is due to the construction process the contractor will be responsible to compensate the effected people. If the loss is due to the design of the pipe of the route of the pipe MWI is responsible for the compensation. If additional access roads need to be constructed during project construction, compensation provisions for such acquisition will be responsibility of the contractor. |
| Permanent Loss of Land   | Cash compensation at replacement cost or allocation of alternative land of equivalent productive potential | If the loss is due to the design of the pipe of the route of the pipe MWI is responsible for the compensation.  |
| Loss of assets / properties constructed in the right of way or in public land  | Replacement of asset in its original condition after project completion                                    | Any loss of assets and proprieties constructed near the right of way as result of the construction process will be compensated by the contractor. This will be explicitly agreed on the legal agreement with the contractor. However, if there is any loss of assets, properties or land due to the change in design, MWI will be responsible to compensate this loss.  |
| Loss of business income due to disruption of commercial activities (in cases where access to commercial establishments cannot be provided during project construction) | Compensation for the loss of business income for the duration of the disruption                            | Loss of income will be compensated by contractor if it is due to contractor negligence otherwise it will be compensated by the project.   |

**Table 1: Entitlement Framework (contd.)**

| <b>Type of Impact</b>                                 | <b>Policy Entitlement</b>   | <b>Institutional Responsibility</b>  |
|---|---|--|
| Temporary loss of land due to construction activities | Compensation based on the productive value of land for the duration of disruption | Contractor based on valuation of temporary losses to be made by the contractor:  |
| Loss of trees or crops                                | Compensation at market rates  | If this loss is a result of a land acquisition, the institution which acquired the land will take the responsibility of compensation.<br>If the loss is a result of the construction process, it will be the responsibility of the contractor to compensate. |

#### **4 PROCESS FOR PREPARATION AND APPROVAL OF RESETTLEMENT PLANS/ ABBREVIATED RESETTLEMENT PLANS**

At the beginning of each construction year, and preferably along with each construction design package, the MWI, in consultation with the contractor, will make an assessment of the extent of land acquisition and/or resettlement likely to be required for the project. Based on this assessment, the MWI will prepare either a resettlement plan (if the number of people likely to be affected by land acquisition is greater than 200, and some of them require physical relocation or change of occupation) or an abbreviated resettlement plan (if none of the affected people are likely to require physical relocation or change in occupation, or if the total number of people affected is likely to be less than 200). The resettlement plan/abbreviated resettlement plan will be submitted to the World Bank for approval prior to the initiation of any civil works at the respective site.

#### **5 INSTITUTIONAL RESPONSIBILITY FOR IMPLEMENTING LAND ACQUISITION/RESETTLEMENT MEASURES**

The institutional responsibility for implementing the resettlement plans/ abbreviated resettlement plans rests with the MWI, who will carry out this responsibility in coordination with the project contractor and with the local government councils. The MWI will be responsible for preparation of resettlement instruments, payment of compensation and provision of other assistance to affected people, covering the cost of the land acquisition/ resettlement program, consultations with and participation of affected people in the design and implementation of the land acquisition and resettlement program, establishing and managing the grievance redress program, and monitoring and evaluation of resettlement implementation.

#### **6 COSTS AND BUDGET**

The cost of the land acquisition and resettlement program for each year of implementation will be included in the resettlement instrument prepared for the respective year. The cost of land acquisition and resettlement will be a part of the overall project cost.

#### **7 GRIEVANCE REDRESS MECHANISMS**

A project specific grievance redress mechanism will be established under which affected people with complaints related to the land acquisition and resettlement process can approach the manager of the land acquisition and resettlement program for redress of their claims. The claims will be settled within a period of one month from the date they are lodged. If the affected person is not

satisfied with the results, he/she can approach the project coordination committee for a decision. The decision of the project coordination committee will be provided in one month. If the affected person is still not satisfied, they can lodge a case with the civil court of law.

## **8 CONSULTATIONS, PARTICIPATION AND DISCLOSURE**

The people likely to be affected by the proposed project will be consulted in the preparation and implementation of the resettlement program. Their entitlements under the agreed resettlement framework for the project will be explained to them. If there is any substantial physical relocation or change of occupations involved, the project will provide the affected people opportunities to participate in the design and implementation of the physical relocation/ income generation program.

The resettlement framework will be disclosed in Arabic in the office of the project management unit at various locations in Amman, Disi and other locations. The availability of the resettlement framework will be made public through an advertisement in a popular local newspaper or through a radio broadcast.

## **9 MONITORING AND EVALUATION**

The project implementation unit will prepare a report on the monitoring of the implementation of the land acquisition and resettlement program and submit it to the Water Authority, Housing and Urban Development Corporation, and the World Bank at least once every year, either as a stand alone document or as part of the monitoring of the environmental monitoring report. The report will include a quantitative report on the amount of land acquisition and resettlement completed and provides a qualitative evaluation of implementation, based on interviews with the affected people.

## **10 PROPOSED OUTLINE OF A LAND ACQUISITION/ RESETTLEMENT PLAN**

The scope and level of detail of a land acquisition/resettlement plan would depend on the nature and scope of impacts. The following outline is only indicative, and should be modified based on the specific context, the number of people affected and the type of impacts it addresses.

### ***Project Description***

- Give a general description of the project, its location, the nature of components that require land acquisition, and the type of mitigation measures proposed.

### ***Objectives and Principles of the Land Acquisition and Resettlement Program***

- Clearly state the main objective of the land acquisition/ resettlement program, which is to “assist the affected people in a manner that helps them improve their incomes and standards of living to pre-Project levels, or at least to restore them.”
- Key principles of the land acquisition and resettlement program as described in the resettlement framework.

### *Census and Socioeconomic Survey of the Affected Population*

- Provide categories of impacts for example “loss of agricultural land,” “loss of residential land”, “loss of residential structure”, “loss of crops and trees”, etc. The categories of impact would depend on the nature of the components under the sub-project.
- List the number of families and individuals affected under each of the categories of impact.
- Summarize the findings of the socioeconomic survey of a sample of the affected people, describing health and education levels, occupational structure, access to services and presence of vulnerable groups such as women headed households, the disabled, elderly etc.

### *Policy and Legal Framework*

- Clearly note that the resettlement program will be implemented in accordance with the provisions of the resettlement plan.
- For each of the impact categories identified in **Section 3-Point 1**, describe the specific resettlement entitlements that the affected families can expect to receive under the resettlement program.
- The section should also state that resettlement assistance will be provided to those who do not have full legal tenure to lands affected under the project.

### *Income Restoration Programs*

- For affected people who require assistance in improving their incomes after land acquisition/ resettlement (those that have had to change their occupations or have suffered significant land loss), plans for restoration of their incomes should be discussed in this section. The section should discuss the technical, economic and financial feasibility of the proposed income restoration measures as well as the capacity and willingness of the affected people to undertake the activities proposed.

### *Institutional Responsibility*

- The section will describe the institutions responsible for delivering each of the entitlements described under **Section 3-Point 2** above. The experience of the respective institutions in implementing resettlement and their capacity to effectively perform their task will also be discussed. The plans, if any, for strengthening their capacity for resettlement implementation should be discussed.

### *Participation and Consultations*

- The section should describe how affected people and their representatives have been involved in the preparation of the resettlement plan, and will be involved in its implementation.
- This section should also describe the arrangements for disclosing the draft resettlement plans in the affected villages before they are finalized, as well as after their finalization.

### *Schedule of Implementation*

- The section should provide the schedule of resettlement implementation and clearly state that resettlement related to any given component will be completed prior to the initiation of construction of the respective component.

### ***Grievance Redress***

- The section should clearly describe the project specific or general mechanisms available to the affected people to resolve their grievances related to delivery of resettlement entitlements, or other aspects of resettlement implementation. The section should describe the various stages in the process and who can be approached and how during each stage of the grievance redress process. The final right to approach a civil court on the matter should also be discussed.

### ***Monitoring and Evaluation***

- The section should describe the form, frequency and contents of regular internal monitoring reports to be prepared by the agency in charge of coordinating resettlement implementation.

## **11 PROPOSED OUTLINE OF AN ABBREVIATED LAND ACQUISITION/ RESETTLEMENT PLAN**

The abbreviated plan is prepared when all of the affected people lose less than 10% of their land and none of them is physically relocated.

### ***Project Description***

- Give a general description of the project, its location, the nature of components that require land acquisition.

### ***Objectives and Principles of the Land Acquisition / Resettlement Program***

- Clearly state the main objective of the resettlement program, which is to “assist the affected people in a manner that helps them improve their incomes and standards of living to pre-Project levels, or at least to restore them.”

### ***Census of the Affected Population***

- List the number of families and individuals affected by land acquisition and the amount of land lost. Confirm that land acquisition does not result in reducing the size of land holding of any affected family below the minimum economically viable holding.

### ***Legal Framework for Resettlement***

- Clearly state that compensation will be paid in accordance with the provisions of the resettlement plan.
- Note that resettlement assistance will be provided in lieu of compensation to those who do not have full legal tenure to lands affected under the project.

### ***Rates of Compensation***

- Describe the national, provincial and other local laws that form the basis of calculating compensation. Also note that compensation for affected assets is being provided at their replacement cost.
- For each type of land, non-residential structures and other assets affected, list the unit rates of compensation to be paid.

### ***Institutional Responsibility***

- The section will describe the institutions responsible for providing compensation to affected people.

### ***Schedule of Compensation Payment***

- The section should clearly state that compensation will be paid to the people affected by any given component prior to the initiation of construction of the respective component.

### ***Grievance Redress***

- The section should clearly describe the project specific or general mechanisms available to the affected people to resolve their grievances related to rates of compensation or the timing of payment. The section should describe the various stages in the process and who can be approached and how during each stage of the grievance redress process. The final right to approach a civil court on the matter should also be discussed.

### ***Monitoring***

- The section should describe the form, frequency and contents of regular internal monitoring reports to be prepared by the agency in charge of coordinating resettlement implementation.