



Ministry of Water and  
Irrigation



Millennium Challenge  
Account - Jordan



Millennium Challenge  
Corporation

# PREPARATION OF THE FEASIBILITY STUDY AND ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT FOR ZARQA GOVERNORATE WATER SYSTEM RESTRUCTURING AND REHABILITATION

## DETAILED ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT

### Final Resettlement Action Plan Report (RAP)



June 2012

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الجمعية العلمية الملكية  
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## **ABBREVIATIONS**

<b>DA</b>	Distribution Area
<b>DESIA</b>	Detailed Environmental and Social Impact Assessment
<b>DMA</b>	District Metering Area
<b>GOJ</b>	Government of Jordan
<b>IFC</b>	International Finance Corporation
<b>IR</b>	Income Restoration
<b>IMP</b>	Investment Master Plan
<b>LAL</b>	Jordanian Land Acquisition Law
<b>MCA-J</b>	Millennium Challenge Account - Jordan
<b>MCC</b>	Millennium Challenge Corporation
<b>MWI</b>	Ministry of water and Irrigation
<b>NOD-ACEPO JV</b>	Nicholas O' Dwyer Ltd-Amman Consulting Engineering and Planning Office Joint Venture
<b>PAPs</b>	Project Affected Persons
<b>PIU</b>	Project Implementation Unit
<b>RAP</b>	Resettlement Action Plan
<b>ROW</b>	Right of Way
<b>R&amp;R</b>	Resettlement and Rehabilitation
<b>RSS</b>	Royal Scientific Society
<b>SI</b>	Strategic Infrastructure
<b>TOR</b>	Terms of Reference
<b>WAJ</b>	Water Authority of Jordan
<b>WSA</b>	Water Supply Area
<b>WSRR</b>	Water Supply Restructuring and Rehabilitation

## **EXECUTIVE SUMMARY**

This Resettlement Action Plan (RAP) report is part of the Detailed Environmental and Social Impact Assessment (DESIA) for the Zarqa Governorate Water Supply Restructuring and Rehabilitation (WSRR) Project, which is funded by Millennium Challenge Corporation (MCC). This RAP report outlines the extent of displacement impacts on communities due to the proposed project works, and sets out measures to ensure that those impacts do not reduce livelihoods and standards of living of affected persons below their pre-displacement levels.

The RAP report is set out in accordance with the guidance provided in the World Bank Operational Manual, OP 4.12 - Involuntary Resettlement and in compliance with Jordanian regulations, particularly Jordanian Land Acquisition Law (LAL) decree 12/ 1987.

A socio-economic assessment of the affected community was carried out, and this included consultation, participation of local communities and potentially affected groups. The assessments contributed to the preparation of the resettlement and rehabilitation measures and implementation procedures for those who may be displaced or suffer loss of assets and/or income as a result of project activities.

Engineering designs of the project reflect collaboration to find the best practical solutions to construction work conditions. Not only have negative impacts, especially displacement, been minimised, but the project's positive impacts on communities have been extended and increased. Major efforts have been made to reduce the potential direct negative impacts of the project on the social environment. Social concerns were considered carefully in project design and preparation for the construction stage, along with more conventional technical and economic considerations. A strategy has been followed to minimise the use of private lands to the maximum extent possible, throughout the designs for both pipelines and facilities.

The project will not require the taking of residential or commercial structures to the extent that either resettlement or relocation will be necessary. Also the entire path of excavations for the constructions of the pipelines and all other construction

works will be in public land, except the construction of a new reservoir and pumping station at Al-Basateen, where some private land will be required. The required area of the private land is 2.941 dunum (2941 m<sup>2</sup>). The losses in this case are permanent, and the impact is individual based. Ownership of this land is recognized by legal title.

Interviews and contacts with Project-Affected Persons (PAPs) were conducted to provide baseline information and other relevant socio-economic information. The analysis covered the needs and resources of different groups and individuals.

In this project, the cost of Resettlement is the cost of the land and the compensation for the farmer. The total budget depends on the negotiation between Millennium Challenge Account - Jordan (MCA-J) and the owners for the value of the land and the estimation of the value of compensation for the farmer. The staff in MCA-J will provide coordinating nodes for land acquisition and compensation, relocation and resettlement, distribution of most project-provided assistance, and PAP access in the entitlement package. MCA and Water Authority of Jordan (WAJ) are responsible for land acquisition and for compensation of landowners; the contractors will be advised accordingly. The contractor has a responsibility for liaison with and notification of landowners, and occupiers and the residents and businesses in the works areas.

## 1. INTRODUCTION

The Zarqa Governorate Water Supply Restructuring and Rehabilitation (WSRR) Project is being conducted for the benefit Ministry of Water and Irrigation (MWI)/ Water Authority of Jordan (WAJ). The Investment Master Plan (IMP) has been completed by Nicholas O'Dwyer Ltd. – Amman Consulting Engineering and Planning Office Joint Venture (NOD-ACEPO JV).

NOD-ACEPO JV are now in the process of preparing the contract documents For the Design-Build construction of the Priority Works set out in the IMP. The Priority Works will be carried out over a 5-year period, from October 2011 to October 2016. These works are being funded by the Millennium Challenge Corporation (MCC) of the United States of America. The project is being implemented by the Millennium Challenge Account – Jordan (MCA-J).

The Detailed Environmental and Social Impact Assessment (DESIA) for the Priority Works is currently being undertaken by the Royal Scientific Society (RSS), as a subcontract to NOD-ACEPO JV.

This Resettlement Action Plan (RAP) report addresses works to be performed as part of the project. According to World Bank Operational Manual, OP 4.12 - Involuntary Resettlement, direct economic and social impact can result from the project, and is caused by:

- The involuntary taking of land resulting in relocation or loss of shelter, loss of assets or access to assets, or loss of income sources or means of livelihood and whether or not the affected persons must move to another location, or
- The involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.

This RAP report outlines the extent of resettlement impacts on communities due to the Zarqa WSRR project, and the mitigation of the potential impacts. Further, it details necessary implementation procedures for resettlement and rehabilitation measures.



This RAP report has been prepared according to the World Bank Operational Manual, OP 4.12- Involuntary Resettlement, and in compliance with Jordanian regulations, particularly Jordanian Land Acquisition Law (LAL) decree 12/ 1987.

The RAP covers the following sections as relevant:

- Scope of the RAP.
- Description of the project.
- Potential resettlement impacts.
- Objectives of the RAP.
- Socio-economic studies.
- Legal framework.
- Institutional framework.
- Eligibility.
- Valuation and compensation.
- Resettlement measures.
- Site selection, preparation and relocation.
- Housing, infrastructure and social services.
- Environmental protection and management.
- Community participation.
- Integration with host population.
- Grievance procedure.
- Organizational responsibilities.
- Implementation schedule.
- Costs and budget.
- Monitoring and evaluation.

## **2. SCOPE OF THE RESETTLEMENT ACTION PLAN**

This RAP report outlines the extent of resettlement impacts on communities due to the Zarqa WSRR project, and the mitigation of the potential impacts. The spatial scope of the RAP will be the area covered by the project activities, and will be concentrated in the 2 most densely-populated Water Supply Areas (WSAs) of Zarqa and Russaifah.

The RAP preparation steps include the identification of Project Affected Persons (PAPs), the conducting of consultations with PAPs, the collection of socio-economic data, and the assessment of land acquisition requirements. Following data collection and identification and analysis of the impacts, an implementation schedule and budget is set out, together with a monitoring and evaluation plan.

### **3. DESCRIPTION OF THE PROJECT**

The project will cover some of Zarqa Governorate areas. The Zarqa Governorate is located in the north eastern part of central Jordan. Its area is approximately 4,080 square kilometres. 95.3% of the Governorate citizens live in urban areas representing the largest percentage of urban population among the governorates of Jordan. The Governorate is characterized by the presence of heavy industries such as oil refining, and light industries such as small scale food factories and workshops. There are one public and one private university, two public hospitals and some other private hospitals in addition to many health care centres, pharmacies, private clinics. Irrigation and farming activities are practiced in some localities within the Governorate. One of the major wastewater treatment plants in Jordan, As-Samra, serving Amman-Zarqa Governorates, is located in this area. The water service connections are rapidly increasing at a rate of about 4.0% per annum.

Zarqa Governorate consists of three main districts, these are:

- Zarqa Qasabah District.
- Russaifah District.
- Hashemeyeh District.

The most populated areas in Zarqa Governorate are Zarqa city, Russaifah, Hitteen camp, Dhulail, Hashemeyeh and Sukhna. Approximately 83% of population of the Zarqa Governorate lives in the cities of Zarqa and Russaifah.

The greater Zarqa / Russaifah area is currently divided into 78 water supply zones. Due to the limited water resources, water supply is rationed across the entire supply area so that each area receives a supply for a certain period each week.

In the Zarqa Governorate, there is considerable variation in elevation within the existing water supply zones and there is a lack of water storage facilities within the network. This has led to a situation where large areas of the water supply network are served by direct pumping. The result is an inefficient supply system where

water pressures are insufficient in the higher areas and excessive pressures are experienced in the lower areas.

The Investment Master Plan (IMP) for the project proposed to divide the network of Zarqa Governorate into 9 discrete water supply areas (WSAs) to replace the existing open network arrangement. In turn, these WSAs will be further subdivided into discrete Distribution Areas (DAs). The works in the 9 WSAs would be undertaken over three phases.

It is anticipated that the Phase 1 priority works will be carried out over a 5-year period, from 2012 to 2016 and are the only works dealt with by this RAP.

The Phase 1 works, will be concentrated in the 2 most densely-populated WSAs of Zarqa and Russaifah. Within the 2 WSAs, the works will be very extensive, and will include:

- Restructuring and rehabilitation of the entire existing pipeline network.
- Construction of new pipelines.
- Upgrading and refurbishment of existing reservoir and pumping station facilities.
- Construction of new reservoir and pumping station facilities at Al Basateen area in the Russaifah WSA.

The projected scope of priority construction works is as follows:

- Design-Build Contract 1: Russaifah High Distribution Area (DA) and Russaifah Low DA
- Design-Build Contract 2: Batrawi DA
- Design-Build Contract 3: Zarqa High DA and Strategic Infrastructure (SI)

The project funding will be provided by the Millennium Challenge Corporation (MCC). This project fund is part of an MCC compact consisting of several water and wastewater projects, which will be implemented in Zarqa Governorate over 5 years of the compact. The compact is managed and implemented by the Millennium Challenge Account – Jordan (MCA-J), which is a company owned by the

Government of Jordan. The Preliminary Design of the works includes only one location, at Al-Basateen, within the Russaifah WSA, where land outside of the ROW will be required for the works. This land acquisition at Al-Basateen will entail the permanent acquisition/displacement of agricultural activities. At all other locations, it is anticipated that the losses associated with this project will be temporary and the impacts will be individual or community based.

Social and environmental mitigation measures will be incorporated into the construction works contracts for the selected areas. The civil works will begin after the implementation of resettlement, which is to be implemented over a period of time.

## **4. POTENTIAL RESETTLEMENT IMPACTS**

This section presents the identification of the following:

- The project components or activities that give rise to resettlement
- The zone of impact of such components or activities
- The alternatives considered to avoid or minimize resettlement and
- The mechanisms established to minimize resettlement, to the extent possible, during project implementation.

### **4.1 The Project Components or Activities that Give Rise to Resettlement**

There will be three proposed Priority Works contracts; these will be procured as Design-Build contracts. The project components or activities that might give rise to resettlement, directly or indirectly, are as follows:

- Design-Build Contract 1: Russaifah High and Russaifah Low Distribution Areas (DAs):
  - Construction and rehabilitation of large diameter pipelines (typically 300 mm to 700 mm diameter): 20 km length in public ROW.
  - Construction of new small diameter pipelines in (typically 63 mm to 280 mm diameter): 200 km length public ROW.
  - Installation of new customer meters at customer properties: 23,100 no.
  - Construction of new pumping station and 500 m<sup>3</sup> reservoir facility on existing agricultural lands at Al-Basateen.
- Design-Build Contract 2: Batrawi DA.:
  - Construction and rehabilitation of large pipelines in public ROW: 34 km.
  - Construction of new small pipelines in public ROW: 329 km
  - Installation of new customer meters at customer properties: 23,500 no.

- Design-Build Contract 3: Zarqa High DA and Strategic Infrastructure (SI):
  - Construction and rehabilitation of large pipelines in public ROW: 7 km.
  - Construction of new small pipelines in public ROW: 131 km.
  - Installation of new customer meters at customer properties: 7,600 no.
  - Installation of new flow-meters within existing WAJ facilities sites: 32 locations.
  - Installation of SCADA/Telemetry monitoring outstations: 98 no.
  - Inspection excavations at large diameter transmission pipelines: 131 no.

## **4.2 Zones of Impact**

Restructuring and rehabilitation of the entire existing pipe network will involve the inspection and assessment of every existing distribution pipe, property connection pipe and customer meter in every street, and the replacement of the infrastructure by laying new pipes and installing new meters. The zones of impact of the project will be all residences, businesses, agricultural lands, public buildings, and infrastructure in the Zarqa and Russaifah WSAs.

Resettlement measures will be required only where residential or commercial buildings must either be fully destroyed in order to facilitate the construction works, or taken to the extent that they are uninhabitable. Rehabilitation measures will be required where project impacts result in lost livelihood or income.

The project will not require full demolition or the taking of residential or commercial structures to the extent that either resettlement or rehabilitation will be necessary at any location.

All the commercial structure in Zarqa and Russaifah could be affected partially during the period of construction work, including the commercial business of many traders. These works may have impacts across the frontages of many business properties during the construction work, and also may cause interruptions to water supply, electricity and other utility services, thereby affecting large numbers of people. The losses in this case would be temporary, and the impacts would be

individual based. In many cases there would be no losses, as the works would not prevent the full use of and access to the business premises. A shift in alignment of the works on a street may mean the difference between whether a person is affected by the project or not.

#### 4.2.1 Right of way and land acquisition

The main tasks involved in the preparation of the Right of Way (ROW) based on the Priority Work are to verify the legal boundaries of the ROW along with documenting existing structures, land plots and other physical assets, and verification of project affected persons and the amount of their compensation and assistance.

The ROW is the lawfully acquired passage of public land for the transit of the pipelines. The corridor of impact is the path of excavations for the construction of the pipelines. The objective of the social review of the project design was to ensure that pipeline routes and associated works were selected to minimize general project impacts, and in particular displacement of persons and businesses. There are no structures within the ROW or corridor of impact, which would create a need for land acquisition. New pipelines will be constructed entirely within public streets and roads and roadside land.

For this project the entire path of excavations for the construction of the pipelines and all other construction works will be in public land, except for the construction of a new reservoir and pumping station at Al-Basateen, where some private land needs to be acquired.

#### 4.2.2 People affected by the project

All Businesses and Households in the Zarqa and Russaifah WSAs will have improved standards of water supply after the project is completed. There will be more water available to customers, for longer durations each week. There will be less frequency of interruptions to supply due to emergencies and burst pipes.

Businesses and Households will be disrupted throughout the Zarqa and Russaifah WSAs during the construction of the works because of the works along their street frontage, and the occasional interruptions to water supply, electricity and other



utility services. The construction works will create temporary problems in relation to transportation, noise, dust, and general nuisance and hazard in neighbourhoods.

Land will be acquired at Al-Basateen for the construction of a new reservoir and pumping station, which will affect the owners and occupier of the land.

### **4.3 Minimising Resettlement**

Resettlement has been minimised by ensuring that the pipelines are located within the existing public streets and roads and roadside land, and that other works are undertaken either within or immediately adjacent to existing water network facility sites: reservoirs and pumping stations. The project will not require full demolition or the taking of residential or commercial structures to the extent that either resettlement or rehabilitation will be necessary at any location.

#### **4.3.1 Land acquisition for the project**

A new reservoir and pumping station are required to support the existing facilities in Russaifah area. The existing public site is not large enough to accommodate these structures. NOD/ACEPO JV scanned the area for another plot, and identified a nearby site which belongs to WAJ, which might possibly be suitable. After studying all possible options to accommodate the required structures on this land, it was found that it was too narrow and on the opposite side of the road to the existing pumping station, which meant that it was not suitable. After further investigation, a more convenient and suitable private plot of land was identified adjacent to the existing pumping station. Figure (1) shows the site plan of the suggested new Al-Basateen reservoir and pumping station.

The estimated area of the needed private land that needed is 2.941 dunum (2941 m<sup>2</sup>). The losses in this case are permanent, and the impact is individual based. Generally, ownership of these lands is recognized by legal title.

The land shall be acquired by MCA and WAJ before starting the project implementation.

The socio-economic team obtained the names of the land owners from the Department of Land, and visited the land several times to identify the land use

during July and October, 2011. The land is owned by three persons, who do not currently use it, but another person currently uses the land for planting vegetables. The appropriate socio-economic information about them has been collected.



**Figure 1: Location plan of proposed land for new reservoir and pumping station at Al-Basateen**

#### **4.4 The Mechanisms Established to Minimize Resettlement**

Resettlement has been minimised by the following mechanisms:

- Minimising the use of private lands, and ensuring that all new pipes and associated fittings are constructed entirely within the public ROW. Most of the existing network is located in public property, generally in roadways and road edges. Where the existing network is in satisfactory condition, it will be retained and will continue in use. Where the existing network is in unsatisfactory

condition, it will be replaced or reinforced with new pipes and fittings, which will be located in public property, generally in roadways and road edges. The requirement for location in public property is written into the contract documents. The Design-Build contractor will design the precise location of new pipes and fittings on a street-by-street basis. The contractor's precise location design will take into account the local situation which his investigations will determine, including the ground conditions, the presence and location of other utility services, and the need for minimal disruption to traffic and businesses during construction. In accordance with the contract documents, the contractor's design will be required to locate all new pipes and fittings in public property, generally in roadways and road edges.

- Ensuring that the new facility which is required at Al-Basateen is located in a position where it will cause the least practical disruption during construction and operation.
- Requiring that the contractor synchronise his works with the WAJ water rationing arrangements, in order to minimise the disruption to customers' water supplies.
- Requiring that the contractor provides alternative water supplies to customers where he causes prolonged water supply interruption in any area.
- Requiring that the contractor liaises and co-operates with roads and utility agencies in order to minimise disruption to other services.
- Requiring that the contractor provides advance notice of works by general advertisement, and by individual notification to directly-affected properties.
- Placing construction-stage constraints on the contractor, to ensure that works activities are not excessive in terms of noise, dust, nuisance, extent, timescale or other impact.

## **5. OBJECTIVES OF THE RESETTLEMENT ACTION PLAN**

The overall objectives of the resettlement action plan, to address involuntary resettlement, are as follows:

- Avoiding, where feasible, involuntary resettlement, or minimizing involuntary resettlement where avoidance is not feasible, by exploring all viable alternative project designs.
- Where it is not feasible to avoid resettlement, conceiving and executing sustainable resettlement activities as development programs, and providing sufficient investment resources to enable the persons displaced by the project to share in project benefits.

## **6. SOCIO-ECONOMIC STUDIES**

This section discusses the results of socio-economic survey and interviews with PAPs undertaken during the period August – November 2011 for the Priority Works of the project.

The general demographic background is necessary to understand the pattern of socio-economic characteristics of the Project Affected Persons (PAPs) and assess the social impacts.

The socio-economic survey is required in order to generate necessary data/input for preparing the RAP and for its successful implementation.

A census of households and individuals located within the project's area was undertaken, to register and document the status of the potentially affected population within the project impact area. It provides a demographic overview of the population served by the RAP, and profiles household assets and main sources of livelihood. It covers the potentially affected population within the likely zones of impact for the project.

A socio-economic survey was conducted in conjunction with the census of the project-affected population keeping in view the design requirements for the Priority Works. This has provided a baseline against which potential impacts and mitigation

measures have been worked out. For this purpose, comprehensive information related to people's assets and other relevant socio-economic information has been collected. The analysis has covered the needs and resources of different groups and individuals.

A sample of 50 interviewees was selected. The interviewees were traders with shops in the area of the project, who will be the most critically affected people during the implementation of the project. The survey was conducted through face-to-face interviews, using standardized questionnaires, with adults who are working in or own a shop in the area. Sampling of information was based on a stratified random sampling plan. About 20-30 interviewees were randomly selected from each of the Zarqa and Russaifah areas. This survey was carried out to evaluate people's perceptions of any positive and negative impacts of the project, and their reactions to the impacts of construction work. The random selection approach of interviewed people was attempted as much as possible.

The survey results are summarised in sections that follow.

## **6.1 Data Collection**

The following methods were employed in the data collection phase:

- Household level contacts and interviews with each affected person for completing the household socio-economic profile.
- Discussions with a cross-section of affected population in particular helped in understanding their problems and preferences.

Structured and standardized questionnaires were designed to collect the primary data. The questionnaire covered the knowledge of people of the effects of the project. It started with a short and simple description of the project activities, and the problems of water supply in the Zarqa Governorate region. It covered also socio-economic data about the interviewee and his/her family, and their preferences for alternative solutions and plans of action that can reduce the effects of construction work. Socio-economic factors which were considered in the analysis

were the level of education, field of work, size of the family, education and work situation, and the age of the head of the family.

Also, two focus-group meetings were conducted with the traders and the owners of businesses in the planned area of the construction works. At each meeting, at least 8 persons participated.

## **6.2 Socio-Economic Analysis of Business PAPs Affected in the Works Area**

Most of the construction work will be in the roads and streets throughout the project area. Therefore, the main affected persons are the traders who conduct their own businesses in these roads. Survey results are summarised in the sections that follow.

### 6.2.1 Demographic and Socio-Economic Profile of Business PAPs Affected

The main categories of business affected by the project are: supermarkets 30%, computers and mobile shops 10%, restaurants and soft drinks 8%, garments 8%, pharmacy 6%, and the rest are different services 38%.

The results of the survey show that the average age of the PAPs is 38 years and 88% of them have families while only 12% are bachelors. In addition to the socio-economic characteristics elaborated above, a few more variables have been analysed to highlight the socio-economic status of the PAPs.

The level of education of PAPs affects their perception of the negative impacts of the project, and this hinders their ability to suggest reasonable solutions for the expected problems. The results show that 2% of PAPs are illiterate, 10% of PAPs completed the middle school while the majority (44%) finished the high school. 22% of PAPs studied in colleges and another 22% studied in universities.

About 30% of all members of the families have education up to middle-school, another 30% up to high school, 14% up to college level and 22% to university level.

Table 6.1 shows that the average family size of PAPs is 5.86 and 51% of all family members are males, with 49% females. The ages of 65% of family members are

between 14-60 years, which reflects the high percentage of the family that is in the workforce. The average number of working people in the family is 1.64, and 89% of them are males.

**Table 6.1 – Average Demographic Data and Age Distribution of PAPs**

Family size	5.86	100%
Male	2.98	51%
Female	2.86	49%
Male (14-60)	1.94	33%
Female (14-60)	1.9	32%
Male >60	0.04	1%
Female >60	0.06	1%

*Source: results of the survey*

### 6.2.2 The Opinion of the Interviewees about the Project Impacts

The results of this part are analysed from the survey and have been confirmed by the results of the focusing groups meetings and key persons interviews.

92% of the interviewees have agreed with the idea of implementing such a project and they think that the project is very important for them. They believe -after learning the details of the project- that they will obtain many benefits from the project, 80% of them have an opinion that there will be no negative impacts after completing the construction works of the project.

One of the main goals of the project is to improve the living standard of the people through increasing the availability of water with good quality. The availability of water will save time and money, but many of the PAPs do not understand the relation between the water and improving the living standard. Only 20% of the interviewees believed that the project will improve their living standards (see Table 6.2).

**Table 6.2: The opinion of PAPs about the Contribution of the Project in Improving the Living Standard of the People**

The answer	No. of answers (out of 50 interviewees)	The percentage
Nothing	18	36%
Little contribution	15	30%
High contribution	10	20%
Don't know	7	14%

Source: results of the survey

### 6.2.3 The Expected Impacts During the Construction Work

The interviewees believe that there will be many adverse impacts such as such dust and air pollution during the construction work. About 78% of the interviewees think that there will be negative impact associated with construction activity. 48% of the interviewees think there will be problems in using transportation during the period of construction work. 46% think there will be difficulties in accessing the mosques, hospitals and schools, and emphasise the importance of providing access to these places to enable worshippers, students, patients, workers and visitors.

20% are afraid that the project will not be implemented within the scheduled time and will take longer period of time.

Based on the result of the discussion with the focus group and key persons, it is concluded that most of the traders expect that during the construction work they will lose part of their income as a result of the difficulties for the customers to reach their business places.

### 6.2.4 The Positive Impact of the Project

All of the interviewees believe that water will become more available after the implementation of the project. The majority believe that the project will be a main factor to solve the problems of disagreements between neighbours over water distribution.



### 6.2.5 Interviewees Suggestions to Avoid Negative Impacts of the Project

The interviewees proposed many suggestions to avoid the expected problems and to minimise the negative impacts. However, 36% think there is no solution for the expected problems. 56% of them requested to complete the construction work as quickly as possible. Some people proposed other suggestions, such as implementing the construction work during the nights (especially in the main commercial areas where there are no close residents), and others suggested that the project should provide access to businesses and residential units that would be otherwise impacted by construction. These recommendations of mitigation measures from business owners have been incorporated into the ESMP.

## **6.3 Socio-Economic Analysis of the Owners of the Land at Al-Basateen**

The land is owned by three partners; their names:

1. Osama Abdel-Azeez Atyani; his share is 1.95 Dunum. He has the largest share of the land at 66.25 %.
2. Ehab Abdel-Khader Saleem, his share is 0.66 Dunum (22.5%).
3. Nezar Saleh Mosa, his share is 0.33 Dunum (11.25 %).

### 6.3.1 Age and Gender

All the owners of the land are males and they are relatively young. The first owner is 40 years old while the other two are both 37 years old (table 6.3). This means that they are economically active. They didn't use this land for any economic purposes such as agricultural or commercial activities, they bought this land as a long term asset investment (to sell it when they got good price).

### 6.3.2 Martial and Family Status of the Owners of the Land

The first owner is married and has three sons and one daughter. The ages of his sons are: 4, 6 and 8 years, they are learning in schools and the youngest is in a Kindergarten. The age of his daughter is 8 months.

The second owner is married and has three sons. The ages of his sons are: 2, 4 and 7 years, they are learning in schools except the youngest one.

The third owner is married and has two sons and two daughters. The ages of his sons are: 1.5 and 6.5 years, the eldest is learning in a school. The age of his eldest daughter is 4.5 years and she is in a Kindergarten, while the other daughter is 3 months old.

**Table 6.3: Demographic Data of the owners of Al-Basateen land**

<b>Names of land owners</b>	<b>Gender</b>	<b>Marital Status</b>	<b>Number of Sons and Daughters</b>	<b>Level of Education</b>
Osama Abdel Azeez	Male	Married	Three sons and one daughter	B.Sc.
Ehab Abdel hader	Male	Married	Three sons	B.Sc.
Nezar Saleh Mosa	Male	Married	Two sons and two daughters	University Student

### 6.3.3 Level of Education

All the owners are well educated; the first one is an architect, holding a B.Sc. Degree, the second one is an electrical engineer, holding a B.Sc. Degree and the third one is studying now in a university. These levels of education give them a good chance to get good businesses and a good income. The selling of this land will not affect them negatively, and they will use the value of the land to extend their business.

### 6.3.4 Employment and Living Standard

The first owner has a consultant engineering office in Amman. From his business he gets a good level of income which reaches more than 1500 JD per month. He has a two-apartment house in Russaifah; one is occupied by his family, while the other

one is occupied by his brother's family. In addition, he owns the above mentioned share in Al-Basateen land.

The second owner is working for a private trade company in Saudi Arabia. He gets a good level of income which reaches more than 3000 JD per month. He is living with his family in Damdi Arabia where he is working. He has another land holding besides the Al-Basateen land.

The third owner has a shipping company in Amman. From his business he got a good level of income which reaches more than 1500 JD per month. He has his own house and lives in a building owned by his father in Amman. He does not own any other land.

The level of income of the owners and their businesses reflect a good level of living standard.

#### 6.3.5 Land Exchange

The land owners were consulted to determine whether there is a suitable land in the immediate vicinity or in other parts of the city to exchange it with their land, however, it was found that they prefer to sell their land.

#### 6.3.6 The Impact and Ability of Selling the Land

All the owners emphasized that this land is not currently used and is considered as a long term investment. The owners intend to sell the land to use the income for establishing new businesses or extending the current ones. Since they did not use this land, which is an agricultural land, for any investment, they prefer to sell it and not to exchange it with other lands. However, they want to sell the land not because the project needs it, but because they want to invest the money. All the owners emphasize that they will not experience any social or economic problems if they sell the land.

All the owners have been asked if their wives know about this land and if the wives agree to sell it. They state that their wives know about the land and about their

decision to sell it. The wives do not mind selling the land because the income will be used to improve their families' living standards.

#### **6.4 Socio-Economic Analysis for the User of the Land at Al-Basateen**

The required land for the project is used by a farmer who lives at about 300 meters away from the land. His name is Saif Al-Deen Hasan Bawarshey. He uses two dunums (2000 m<sup>2</sup>) of the land for free; he pays nothing to the owners, as he and the owners confirmed. He cultivates vegetables three times a year; the socio-economic analysis of the farmer's family could be summarized as follows:

- The farmer is about 65 years old, has two sons and one daughter. His wife helps him in farming and both are not educated. His sons and daughter are married. All, both the sons and the daughter, are living in the same building (3 floors building) owned by the farmer. The land is 440 m<sup>2</sup> and the building is built over the entire area.
- The farmer is making 1500 to 2500 JD's per season, in average 2000 JD as a total income per season. A season is a three month period for the farmer, 90 to 100 days. His net profit ranges between 400 to 600 JD's therefore, in average 166 JD's per month.
- Different seasons with different plants such as ladies fingers, potatoes, parsley, mint, etc.
- His three kids are married:
  - First son have 3 children's all boys
  - Second son have 3 children's, 2 boys and one girl
  - The daughter has 2 children's, all girls.

Thus total number of people living in the house is 16.

- One of the sons has small shop that sells IT accessories at Russaifah and the second son does not work right now. He used to be selling paints but the father, farmer, said that he is sitting in the house since months now with no work.

- The farmer mentioned that the house income is about 900 JD per month in total. This income includes his son income from the shop which is estimated at 400 to 450 JD's plus his income from the other lands he cultivates.
- At the time of harvesting, the farmer brings females workers to help him, not males, since a female worker will accept a rate of 7 JD/day while male workers will ask for 15 JD/day. Farmer also provides food (lunch) and transportation.
- The farmer cultivates another land in the same area. The total area is about 40-50 Dunums. These lands are owned by others and he pays the half of the farm income to them. The net income he gets from these lands is about 4000 JD per year.

## **6.5 Cut-off Date**

The cut-off date for land acquisition (only one site in Al-Basateen area) is divided into the cut date for the owners and for the farmer who is using the land.

The cut-off date for the owners of the land, as they have legal title, is the date of contact with them. The date of the first contact with the owners is 23<sup>rd</sup> August 2011. This date is considered as the cut-off date for entitlements under the project.

The date of the socioeconomic interview with the farmer is considered the cut-off date for the user of the land which was on 25<sup>th</sup> October 2011. This date is considered as the cut-off date for using of the land for agricultural activities.

Any person who was not enumerated but can show documentation or evidence that he/she is rightfully an entitled person will also be included. MCA-J would be responsible for such verification.

## **7. LEGAL FRAMEWORK**

Based on the World Bank OP 4.12 Involuntary Resettlement, the findings of an analysis of the legal framework shall cover the following:

- The scope of the power of eminent domain and the nature of compensation associated with it, in terms of both the valuation methodology and the timing of payment

- The applicable legal and administrative procedures, including a description of the remedies available to displaced persons in the judicial process and the normal timeframe for such procedures, and any available alternative dispute resolution mechanisms that may be relevant to resettlement under the project
- Relevant law (including customary and traditional law) governing land tenure, valuation of assets and losses, compensation, and natural resource usage rights; customary personal law related to displacement; and environmental laws and social welfare legislation
- Laws and regulations relating to the agencies responsible for implementing resettlement activities
- Gaps, if any, between Jordanian Law covering eminent domain and resettlement and the Bank’s resettlement policy, and the mechanisms to bridge such gaps
- Any legal steps necessary to ensure the effective implementation of resettlement activities under the project, including, as appropriate, a process for recognizing claims to legal rights to land—including claims that derive from customary law and traditional usage.

The resettlement policy for the project is prepared according to the principles of the World Bank OP 4.12

- The policy is based on the principle that the population affected by the project will be assisted to improve their former living standards. The policy emphasizes that involuntary resettlement will be avoided or minimized where possible by exploring other alternative project designs. Where displacement is unavoidable, people losing assets, livelihood or other resources shall be assisted in improving their former living standards.
- The policy identifies categories of expected project impacts, including loss of property and assets, loss of livelihood, and other social and economic impacts on groups and roadside communities. All people, households and groups

adversely affected by the project would be registered and support will be given in accordance with these policy provisions.

- The policy addresses the direct and indirect impacts of project construction and operation on affected persons, families, households, communities, and groups. The most direct and immediate impacts are those associated with project construction, mainly land acquisition. Other losses include loss of shelter, and other assets within the project's corridor of impact; as well as roadside structure, business establishments and public facilities. Mitigation is provided through compensation and assistance to project-affected persons, families, households, and groups. These social units are entitled to compensation and assistance on the basis of this policy framework adopted by the project. The policy provides mitigation for:
  - Loss of assets, including land and house or work place.
  - Loss of livelihood or income opportunities.
  - Collective impacts on groups, such as loss of community assets, common property resources, and others.
- Loss of assets and livelihood are impact categories that represent direct project impacts on an identified population. The people likely to be affected will be surveyed and registered, and project monitoring and evaluation will compare long-term impact against baseline socio-economic data.
- Collective impacts on groups represent direct and indirect impacts, where group members need not be individually registered. Group-oriented gains and losses in this category are less quantifiable in terms of impacts on the individual. Mitigation and support mechanisms are collectively oriented, and the monitoring of these efforts will examine the impact and benefits for the groups involved.

## **7.1 Jordanian Law**

The following are the main conditions and regulations of the Jordanian land acquisition Law (LAL) 12/ 1987:

1. The project should be for the public benefit and meet with fair compensation principle.
2. An advertisement should be placed in at least two daily local newspapers to declare its intention to proceed to the Cabinet for land acquisition purpose.
3. To submit a request to the Cabinet to outline the acquisition required and reveal the total compensation and thus proving the financial ability to pay within three months from the date of the advertisement
4. If the Cabinet accepts that the project is for the public benefit and that the acquirer has the ability to pay the compensation, the Cabinet will decide for either permanent land acquisition or temporary use for a limited period. This Decision of Expropriation should be issued within six months from the date of the declaration and published in the official newspaper.
5. If the acquirer is one of the ministries or departments or institutions of the official public government or municipalities, the Cabinet may decide to approve the use of the property for any other form of public benefit
6. After the Decision of Expropriation of the Cabinet, the acquirer must do the following:
  - Submit a copy of the Decision and planned acquisition to the Director of Land Registration, including the decision of ownership, and refrain from conducting any transaction on the property. If the property is not registered, the names of the acquirers and their addresses, in addition to the decision of acquisition, should be submitted.
  - The real estate must be examined by a Committee formed by the acquirer to establish the situation before the Decision of Expropriation was made. The Committee's report is considered as evidence of a preliminary situation for the purposes of assessing compensation estimation of the



property. Upon the request of the acquirer, the Committee can include in its report the amount of compensation estimated for the property.

7. If there are people having the use or leasing right of the property, the owner must write their names and their rights during 30 days from the date of publication of the Decision. Also, the right-holder should do the same within the 30-day period.
8. The acquirer must publish an advertisement in at least two daily newspapers, including a summary of the acquisition decision, a description of the property, and the names of owners, administrators, and owners of any property rights. Within thirty days from the date of publication of the advertisement, the acquirer shall engage with the owner and negotiate the amount of compensation to be paid to him.
9. If the owners do not agree on the compensation amount they can appeal to the court to have fair compensation.
10. The following principles should be taken into account in assessing compensation for any real estate taken under this law:
  - Fair compensation for the property or its use is considered to be the price that could be obtained if sold publicly in the market, or the value of rental which would be paid, on the day of publication of the Declaration.
  - Fair compensation for the damage caused by the creation of any restriction on the ownership of the property is considered to be the reduction in the market price of the property due to the damage or restriction.
  - Fair compensation for a renter or user of property other than the owner is considered to be a maximum of 15% of the owner's compensation where the property occupied for commercial or industrial purposes, and not more than 5% if the property is occupied for other purposes.

- If the owner wants to take all or some of the materials and assets on the property, like trees and the ruins of buildings, then the exact value of these extractions will be deducted from the total value of the compensation, and he must remove the extractions from the property at his own expense. The transfer of the extractions should be within the period specified by the acquirer. If it is not removed by the owner, then the acquirer will transfer it with appropriate methods, and deduct the transportation costs from the compensation.
- One or more of the following assessment methods of compensation should be considered:
  - Cost: this means the comparison to the cost of the establishment of new real estate similar to the acquired one in specifications, and based on construction costs at the time of acquisition, as approved and published by the Department of Lands and Survey, and also taking into account the age of the structures, and their condition and suitability for use.
  - Comparison: This means to estimate the value from the market prices of similar properties of the property and real value.
  - Income: This means the expected return or capitalization of net income from the property and the safe interest rate over the remaining useful life of the property.
- A report is prepared using the compensation rates from the Department of Lands and Survey. The report should include the method for determining the amount of compensation.

## **7.2 Gaps between the Jordanian and the World Bank Legal Framework**

The gaps between World Bank rules and the Jordanian Law could be summarized as follows:

- The World Bank considers many steps before the resettlement, some of them are not considered in the same way in the Jordanian Law; these steps are:
  - The World Bank emphasizes that the involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs.
  - Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits.
  - Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.
  
- The World Bank gives more consideration to the living standard of the people in the estimation of the compensation and requires that the 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.
  
- In the policy of the World Bank, impacts covered are direct economic and social impacts that result from investment projects, and are caused by the involuntary taking of land resulting in:
  - relocation or loss of shelter;
  - lost of assets or access to assets; or
  - loss of income sources or means of livelihood, whether or not the affected persons must move to another location.

While in the Jordanian Law, acquisition refers to involuntary acquisition of assets, loss the right to use them and loss of their benefits. Any felled tree,

destroyed crops and vegetable fields, either inside or outside the acquired land, should be compensated for.

- The World Bank procedure is more extensive than Jordanian Law, but the provisions of the two are consistent with each other. For the relatively small scale of resettlement impacts which will be encountered on this project, the recommendation is to follow the World Bank procedure through MCA-J and in cooperation with WAJ. If there is any problem in the application of the resettlement process, or in the grievance mechanism, then the procedures within Jordanian Law can deal with them.

## 8. INSTITUTIONAL FRAMEWORK

Based on the World Bank OP 4.12 Involuntary Resettlement the findings of an analysis of the institutional framework shall cover:

- The identification of agencies responsible for resettlement activities and NGOs that may have a role in project implementation
- An assessment of the institutional capacity of such agencies and NGOs
- Any steps that are proposed to enhance the institutional capacity of agencies and NGOs responsible for resettlement implementation.

The following are the main institutions involved in implementing the resettlement activities:

- Millennium Challenge Corporation (MCC): The MCC is an independent U.S. foreign aid agency that is helping lead the fight against global poverty. The water system rehabilitation and restructuring project of Zarqa Governorate will be funded by MCC as part of an MCC program consisting of several water and wastewater projects, which will be implemented in Zarqa Governorate over 5 years of the Compact.
- The Millennium Challenge Account – Jordan (MCA-J): The (MCA-J) is a private company owned by the government of Jordan. It has been established in June 2010 to manage and implement the program funded by MCC in accordance with the Compact Agreement and international best practices. The program consists of several water and wastewater projects in Zarqa Governorate, which has been identified by the country as priority projects that can effectively contribute to the poverty alleviation in Jordan.

MCA-J is responsible for managing and implementing the project in accordance with the Compact Agreement. The DESIA which includes the RAP has been prepared for the MCA-J. Also, MCA-J will be responsible for and participate in the implementation of the RAP. MCA-J will be a member of the ad hoc committee to negotiate the price of Al Basateen land with its land owners.

- Water Authority of Jordan (WAJ): WAJ carries full responsibility for the public water supply, wastewater services and related projects as well as for the

overall water resources planning and monitoring, construction, operations and maintenance.

WAJ will be responsible for the day-to-day management and operation of the water distribution network in the project areas, WAJ will participate in the implementation of the RAP and will be a member of the ad hoc committee to negotiate the price of Al Basateen land with its land owners.

- Contractors: The contractors will undertake the construction works. They will be responsible for implementing all the RAP mitigation measures, and monitoring program. The contractors will also be responsible to identify the need for additional land acquisition and ROW and communicate that to the MCA through the Engineer.
- Engineer (Program Management Consultant, PMC): The Engineer will be hired by MCA-J to follow up and supervise the contractors for implementing the ESMP (which includes RAP mitigation measures and monitoring) in a proper manner. The Engineer should conduct regular audits provide MCA-J with periodical reports presenting the audit results.
- Department of Land and Survey: This department will provide information regarding the owners of the lands, names of the owners and estimate of the land value.

For the extent of measures required for the project, the institutional capacity of MCA-J and WAJ is considered to be sufficient, and no further steps are recommended to enhance this capacity.

## 9. ELIGIBILITY

Land will be acquired at Al-Basateen for the construction of a new reservoir and pumping station. The socio-economic team obtained the names of the land owners from the Department of Land and Survey, The land is owned by three partners; their names are:

1. Osama Abdel-Azeez Atyani; his share is 1.95 Dunum. He has the largest share of the land at 66.25 %.
2. Ehab Abdel-Khader Saleem, his share is 0.66 Dunum (22.5%).
3. Nezar Saleh Mosa, his share is 0.33 Dunum (11.25 %).

The land owners are eligible as they have a registration document that proves their ownership and their share in the land

The land is used by a farmer who lives at about 300 meters away from the land. His name is Saif Al-Deen Hasan Bawarshey. He uses two dunums (2000 m<sup>2</sup>) of the land. He is eligible, as a user of the land, for compensation to restore his income since acquisition of the land will be permanent and will result in losing the income generated from cultivating it.

## **10. VALUATION AND COMPENSATION**

The cost of resettlement is the cost of the land and the compensation for the farmer. The land value was based on the primary estimated cost of the land from the Department of Lands and Survey based on the classification of using the land (commercial area), The Department of Land and Survey considers the primary value as an indicator but to estimate the real value they have to estimate it at the time of selling. Additionally Key local persons provided an estimate of the value of land.

The net compensation for the farmer has been valued based on his estimate of the total income of cultivating the land three times per year (harvesting is carried out in May, August and November) and deducting his estimate to the cost of cultivation. The estimated cost paid by the farmer to plant vegetables in this land comprises of fertilizers, pesticides, seeds, irrigation water and labours and transportation costs. The losses of the farmer could be for a maximum of one year because he mentioned that easily he could move to cultivate another land in the same area and he has already other lands. But he used this land for free (he does not pay for the owners). Thus, the compensation equivalent to his net income from cultivating this land for Two years would assist him to replace this land with another one and get the same level of the income as before.

Finally, a contingency amount has been added to the total compensation of the land owners and the farmer.



## **11. RESETTLEMENT MEASURES**

Because the project will not require full demolition or the taking of residential or commercial structures to the extent that either resettlement or rehabilitation will be necessary at any location, no resettlement measures are required or proposed for the project.

## **12. SITE SELECTION, PREPARATION AND RELOCATION**

Because no permanent or extended temporary resettlement measures are required or proposed for the project, alternative relocation sites are not considered in this RAP.

## **13. HOUSING, INFRASTRUCTURE AND SOCIAL SERVICES**

Because no permanent or extended temporary resettlement measures are required or proposed for the project, housing, infrastructure and social services are not considered in this RAP.

## 14. ENVIRONMENTAL PROTECTION AND MANAGEMENT

A comprehensive Detailed Environmental and Social Impact Assessment (DESIA) are currently in preparation for the Priority Works, which will set out clear measures for environmental protection and management.

The recommended environmental and social impact mitigation measures in the DESIA include the following:

- Works will be undertaken within existing public roads and streets and existing water supply facility sites, with the exception of one private site at Al-Basateen.
- Avoidance of residential and commercial structures thus minimising resettlement and loss of livelihood.
- Controlling of levels of noise and dust.
- Placing restrictions on permitted days and times of construction work.
- Reducing impacts on existing worships, hospitals and schools.
- Removing the soil and dusts of excavations from the side of roads during the constructions works.
- Providing temporary access to businesses and residential units that would be otherwise impacted by construction works.
- Providing temporary water supplies and utility connections to minimise interruption of services.
- Providing advance notification of works to all local residents, institutions and businesses.
- Liaising with other contractors and utility service providers in the area.
- Traffic management.
- Waste reduction and management of waste disposal.

## **15. COMMUNITY PARTICIPATION**

According to the requirements of the ESMP, the community and affected businesses should be kept up-to-date on the construction activities in order to reduce negative impacts.

## **16. INTEGRATION WITH HOST POPULATIONS AND CONSULTATIONS WITH HOSTS**

Because no permanent or extended temporary resettlement measures are required or proposed for the project, integration between resettlers and host communities, and the associated host community consultations are not considered in this RAP.

## **17. GRIEVANCE PROCEDURES**

A project-specific grievance redress mechanism should be established under which affected people with complaints related to the land acquisition and resettlement process can approach the responsible organization/person to redress of their claims.

### **Possible / Expected Grievance Categories**

Grievances expected to include one or more of the following:

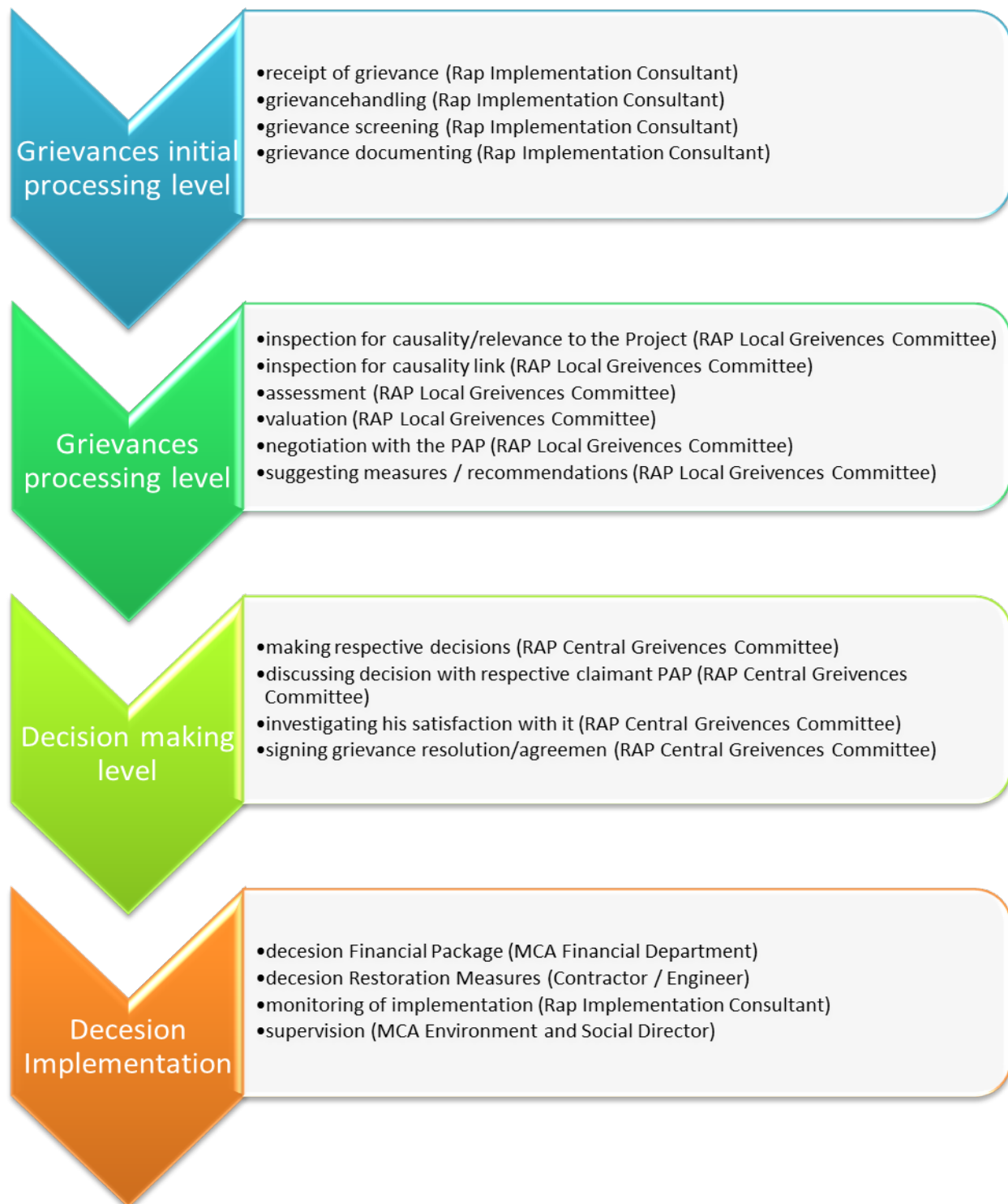
1. Amount of compensation allocated/offered for acquisition of land
2. Amount of compensation allocated/offered for livelihood of farmer; and
3. Delay in payments

Other type of grievances are possible but are assumed to be more related to the overall performance of the contractors and as will compliance with the environmental and social management plans. This includes loss of services and infrastructure like electricity cut, cut of water supply, loss of sanitary services, etc.

### **Grievances Management Arrangements**

#### **Functional Structure**

Functional organization for the management of grievances includes four main levels, as illustrated in the Figure below:



**Figure 2: Proposed functional organization levels and responsibilities for the management of grievances**

## **Grievance Committees Establishment and Responsibilities**

Two committees are suggested to be established for the management of RAP grievances, those are (1) RAP Central Grievances Committee, and (2) RAP Local Grievances Committee

The RAP Central Grievances Committee is composed of the following members:

1. MCA Chief Executive Officer (CEO) (Committee Chairperson)
2. MCA Environment and Social Director (Member)
3. MCA "P1" Project Manager (Member)
4. Rap Implementation Consultant (Committee Secretary)
5. Representative of respective Governorate Office (Member)

The local committee meetings include two types of meetings:

1. Scheduled monthly meetings
2. Emergency meetings

Establishing Project RAP Grievances Committee for each package area which is composed of the following members:

1. MCA Environment and Social Director (Committee Chairperson)
2. Rap Implementation Consultant (Committee Secretary)
3. Project Engineer – Environmental and Social Management Leader (Member)
4. Representative of respective District (Member)

The local committee meetings include two types of meetings:

1. Scheduled bi-weekly meetings
2. Emergency meetings

It is the responsibility of the Rap Implementation Consultant to receive, document and file all grievances received on daily basis. This process should include screening of these grievances to assess the need for immediate action or for calling for committee emergency meeting.

Scheduled meetings agenda shall be:

1. Discussing progress, efficiency of grievances measures and PAP's satisfaction respective to grievances cases dealt with following management decisions,
2. Reviewing new grievance applications received by the project and recommending actions / measures to the top management, and

### 3. Preparing summary report on grievances management to MCA management.

Emergency meetings are suggested whenever there is urgent cases in need for immediate action (cases which are cases require immediate action to allow contractors immediate proceeding of his work.

#### **Grievance Mechanism**

The Figure below illustrates the grievance mechanism for this Project. It illustrates key processes and responsibilities, in addition to the time framework.

All claims shall be addressed to the RAP Implementation Agency which is in the case of this Project the MCA, and shall be submitted to MCA Environmental and Social Director or a third party hired by MCA (RAP Implementation Consultant). Related contact details and procedures shall be announced and informed to the respective PAP's. Such claims shall properly document, reported and filed using a standardized form

Whenever the query/claim is communicated by the respective PAP to other MCA employee, contractor or sub-contractor then the communicated person should establish contact between the claimant PAP and the RAP Implementation Consultant in order to:

- Ensure proper documentation and reporting of the query/claim
- Ensure proper documentation and reporting of the PAP information (identity and contact information)
- Ensure that the PAP provide all needed information and details, and sign the form
- Proving the claimant PAP with proof of receipt of the claim

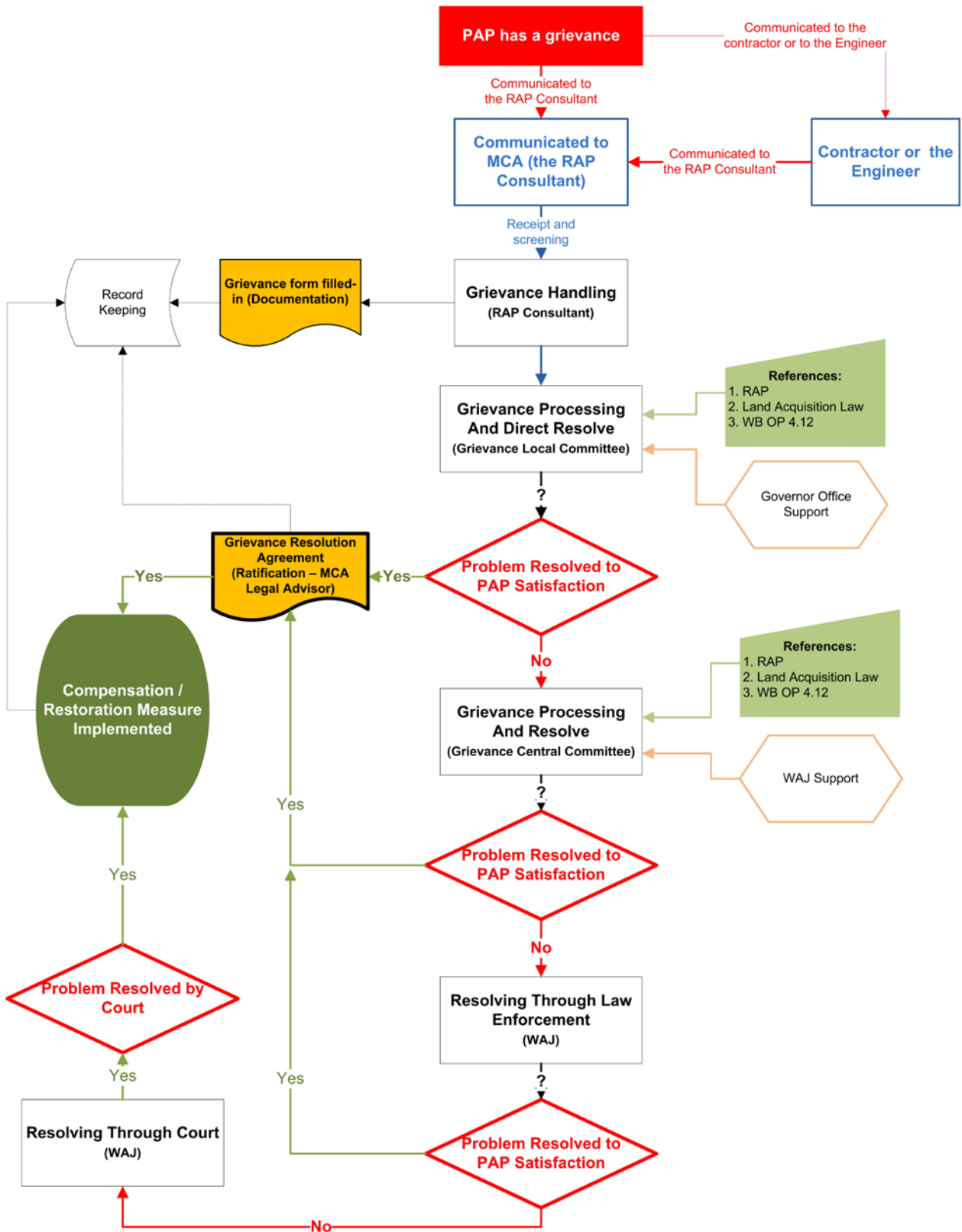


Figure 3: Proposed grievance mechanism

Claims shall be reported by the MCA representative (RAP implementation person and recipient of the claim) along with the RAP implementation person recommendation to the MCA Environmental and Social Director for compliance check with applicable MCC/MCA guidelines, World Bank OP 4.12 and with national legislations. Subject to compliance check, MCA Environmental and Social Director comment on the RAP implementation person recommendation and suggest decision which shall be submitted to MCA CEO for final decision.

If the affected person is not satisfied with the results, he/she can approach the MCA Environment and Social Director for negotiation. Such negotiations shall be made in the presence of MCA legal representative (Attorney of Law) who needs to explain applicable national legislations and World Bank requirements to the claimant, and to arrange for the official ratification of compensation agreement following the negotiations to be signed by the two parties. The agreement shall be signed in the presence of the lawyer.

In particular for grievances related to PAP's un-satisfaction with land acquisition negotiations and those related to the amount of compensation, the negotiation with the claimant PAP shall be arranged in the presence of the Project Involuntary Resettlement Committee discussed in the Organizational Framework below.

Committee decisions are considered binding to the Project as long as it fulfils respective national legislations, MCC/MCA guidelines and World Bank OP 4.12. Decisions should be made consistent with the RAP and in compliance with WB OP 4.12.

The decision of the Project Involuntary Resettlement Committee shall be provided in a maximum duration of one month and always before the commencement of construction activities. If the affected person is still not satisfied, they can lodge a case with the civil court of law.

## **Training**

Since there is limited experience with OP 4.12 implementation in Jordan, two batches of training are suggested to be delivered by the RAP Implementation Body to the Grievance Committee, as follow:

1. The first training will provide case studies on potential grievance issues faced by PAPs and explain the terms of reference and duties for each of the committees. The main area of training is on the parameters governing acceptable compensation and introducing members to the principles of OP 4.12.
2. The second training will be on the use of the grievance forms.



## **Awareness and Communication**

PAP's should be informed about RAP grievance mechanism through direct communication and through distributing summary sheet presenting to the grievances steps and the related contact information. Their level of awareness about their rights under applicable national legislations and WB OP 4.12 is to be raised through workshop and publications.

Communication should be maintained between the RAP Implementation Consultant and the PAP's from one side, and between the Grievance Committees, MCA Environment and Social Director, Project Manager and the RAP Implementation Consultant from the other side.

## **Record Keeping and Reporting**

Grievances redress cases, procedures applied, decision made and actions implemented shall be reported by the RAP Implementation Consultant on monthly basis to the MCA Environmental and Social Director. Summary of this report capturing pending cases, priority actions to be taken, results, financial issues and plans for the following month shall be reported on monthly basis to MCA CEO by MCA Environmental and Social Director.

Quarterly reports shall be prepared and submitted following the above listed flow of reporting responsibility to MCC for information and compliance check.

Grievances management reports should be also copied to the Project Engineer for information and monitoring. Another copy is to be filed at MCA.

Record keeping and documentation of the grievances management documents shall be the responsibility of the RAP Implementation Consultant.

The Engineer has the responsibility of oversight on RAP implementation. Related record keeping shall be maintained by the Engineer.

## **Timing**

The claims shall be settled within a period of 30 days from the date they are lodged.

Once the RAP Implementation Consultant receives a written submission from a PAP then he needs to process the application and communicated to the local committee. The local committee must convene and answer the query within 14 days. If the query is not answered to the PAP's satisfaction they can proceed to the next level – Central Committee – and this committee must give a written response within 14 days.

## 18. ORGANISATIONAL RESPONSIBILITIES

### 18.1 Roles and Responsibilities of Involved Entities

The following are the entities involved in implementing the RAP and their roles and responsibilities in that regard:

- Millennium Challenge Corporation (MCC): MCC will have overall supervision to ensure that the RAP is implemented in compliance with World Bank OP 4.12 and in compliance with the MCC policies and guidelines.
- The Millennium Challenge Account – Jordan (MCA-J): The DESIA which includes the RAP has been prepared for the MCA-J. Also, MCA-J will be responsible for and participate in the implementation of the RAP. MCA-J will be a member of the ad hoc committee to negotiate the price of Al Basateen land with its land owners as described below.
- Water Authority of Jordan (WAJ): WAJ will participate in the implementation of the RAP and will be a member of the ad hoc committee to negotiate the price of Al Basateen land with its land owners.
- Contractors: The contractors will undertake the construction works. They will be responsible for implementing all the RAP mitigation measures, and monitoring program. The contractors will also be responsible to identify the need for additional land acquisition and ROW and communicate that to the MCA through the Engineer.
- Engineer (Program Management Consultant, PMC): The Engineer will be hired by MCA-J to follow up and supervise the contractors for implementing the ESMP (which includes RAP mitigation measures and monitoring) in a proper manner and report the results to MCA-J.
- Department of Land and Survey: This department will provide information regarding the owners of the lands, names of the owners and estimate of the land value.
- Other entities: other entities could be involved during the land acquisition process. Zarqa Governorate, Zarqa and Russaifah Municipalities and influential persons could be involved in the negotiation process

## 18.2 Negotiation Mechanism

To enable MCA-J and WAJ effectively undertake the land acquisition and compensation of landowners an ad hoc committee will be set up. Membership of this Committee will be drawn mainly from MCA-J and WAJ, other members could be added as needed.

The committee has the responsibility to negotiate with the land owners, starting from accepting the idea of selling, up to the legal form of entitlement, including the negotiation of the compensation value. The contractor has a responsibility for liaison with and notification of landowners and users.

The negotiations with PAPs will involve the following main steps:

- Conduct a meeting with owners and discuss with them the selling of their land and the value of it.
- If owners agree to sell, and accept the suggested value, then the legal adviser of MCA-J will prepare the agreement and implement the entitlement process.
- If owners refuse to sell, then MCA-J will ask the Governor or some other influential persons in the area where they live, to negotiate with the owners.
- If the owners still refuse to sell, then WAJ will take the responsibility for the acquisition and follow the steps of Jordanian Law of Land Acquisition No 12/ 1987.

## 19. IMPLEMENTATION SCHEDULE

The only permanent resettlement activities in the project are for Al-Basateen land. From the result of the surveys, the owners of the land are willing to sell the land at market price. They do not want to buy new land because they want to invest the money in their private business. The user of the land (the farmer) has other lands, and he pays no rent to the owners. He cultivates the land every year, but he has the ability to cultivate other land at any time. The only thing that he could lose is the crop, if the land is sold before the harvest time.

The expected time for land acquisition will be before October, 1<sup>st</sup>, 2012.

## 20. COSTS AND BUDJET

It's concluded that the total estimated budget for the compensation is between **213-339** thousand JD, the cost estimate is shown in Annex A.

## 21. MONITORING AND EVALUATION

Monitoring and evaluation of the RAP is proposed to be carried out to ensure its effective implementation and to assess the outcomes of the implementation. This has to be done in comparison with the World Bank OP 4.12 and Jordanian land acquisition law No 12/1987.

Monitoring is proposed to be carried out by a third party contracted for this purpose by MCA-J. The contracted third party will prepare regular reports for MCA-J during the implementation of the RAP.

In general, the Monitoring and Evaluation will include the following:

- Administrative monitoring to ensure that implementation is on schedule and that problems are dealt with on a timely basis;
- Socio-economic monitoring during and after implementation utilizing the baseline established by the PAP socio-economic survey undertaken during project preparation to ensure that the identified project adverse impacts are minimized to the extent possible;
- Impact evaluation to ensure that the measures and actions proposed by RAP have been indeed taken place and, in time and succeeded.

With regards to this RAP, the following should be monitored:

- The process of land acquisition at Al-Basateen, and compensation for the farmer who currently cultivates the land:
  - Documentation of the process including negotiation with landowners, agreements, etc.
  - If agreement with the land owners has not been materialized the acquisition steps according to the Jordanian LAL No 12/87 shall be monitored, this includes publishing in at least two newspapers, etc.

- Monitoring the impact on the land owners and the farmer (as main PAPs in this project) including socio- economic impact i.e. fair compensation has been received by the owners and the farmer.
- Monitoring of the livelihood restoration of the farmer’s income.
- Monitoring of PAP and business satisfaction with the program.
- The mitigation measures to minimize socio-economic impacts on PAPs including the traders and businesses are implemented effectively.
- Any unexpected impacts or high residual impact after implementation of the mitigation measures on PAPs, in particular, vulnerable persons should be taken into consideration. Those PAPs should receive appropriate compensation from the RAP contingency budget.
- Grievance procedure, including:
  - The grievance procedure has been effectively communicated to the public.
  - All cases are addressed and documented according to the procedure.
  - The procedure is effective in resolving all cases.

## **22. RESETTLEMENT POLICY FRAMEWORK**

The project will be implemented through Design Built contracts. So, the contractors are required to prepare a detailed design before starting the construction activities. As such, there is a possibility that an additional acquisition of land or ROW is deemed necessary and as a result a new RAP should be prepared.

The following steps and principles should be followed:

- The contractor should communicate to MCA (through the Engineer) the need to acquire a land or a ROW. The contractor should provide MCA with a brief description of the activity/subproject for which land acquisition and resettlement are required and explanation why that was not identified during the preparation of the overall design of the project.

- MCA will assign the preparation of the new RAP to a party (such as a consultant) and to provide MCA with the prepared RAP for review and approval.
- The new RAP should be in compliance with the provisions of OP 4.12
- Socio-economic information (census) of PAPs should be collected.
- Eligibility criteria of PAPs will be according to the OP 4.12. This includes the land owners, tenants, users of land, etc.
- Legal framework, institutional framework and organisational responsibilities shall be the same as described in this RAP report.
- Methods of valuation of affected assets and loss of income: the same method of valuation to the land as described in this RAP could be followed. Additionally the loss of income, cost of involuntary resettlement should be estimated based on the principles of OP 4.12.
- Establish a budget and time schedule in line with the construction activities and schedule
- Description of the new RAP implementation procedure: the same arrangements for land acquisition as described in this RAP should be followed including a description of the negotiation mechanism with PAPs.
- Description of grievance mechanism: the same mechanism and arrangements as describe in this RAP report should be followed.
- Monitoring and evaluation: the same arrangements as described in this RAP report should be followed. The Engineer (as a third party) should monitor the RAP implementation and report the results to MCA.