



LAND, HOUSING AND PROPERTY IN JORDAN

A REVIEW OF THE LEGAL, INSTITUTIONAL, AND ADMINISTRATIVE FRAMEWORKS

A WORLD WHERE EVERYONE ENJOYS SECURE LAND RIGHTS



الاراضي العربية
مبادرة
Arab Land Initiative



Land, Housing and Property in Jordan: A Review of the Legal, Institutional, and Administrative Frameworks.
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THE GLOBAL LAND TOOL NETWORK – GLTN is a multi-sectoral alliance of international partners committed to increasing access to land and tenure security for all, with a focus on the poor, women and youth. The Network's partners include international rural and urban civil society organizations, research and training institutions, bilateral and multilateral organizations, and international professional bodies.

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LAND, HOUSING AND PROPERTY IN JORDAN

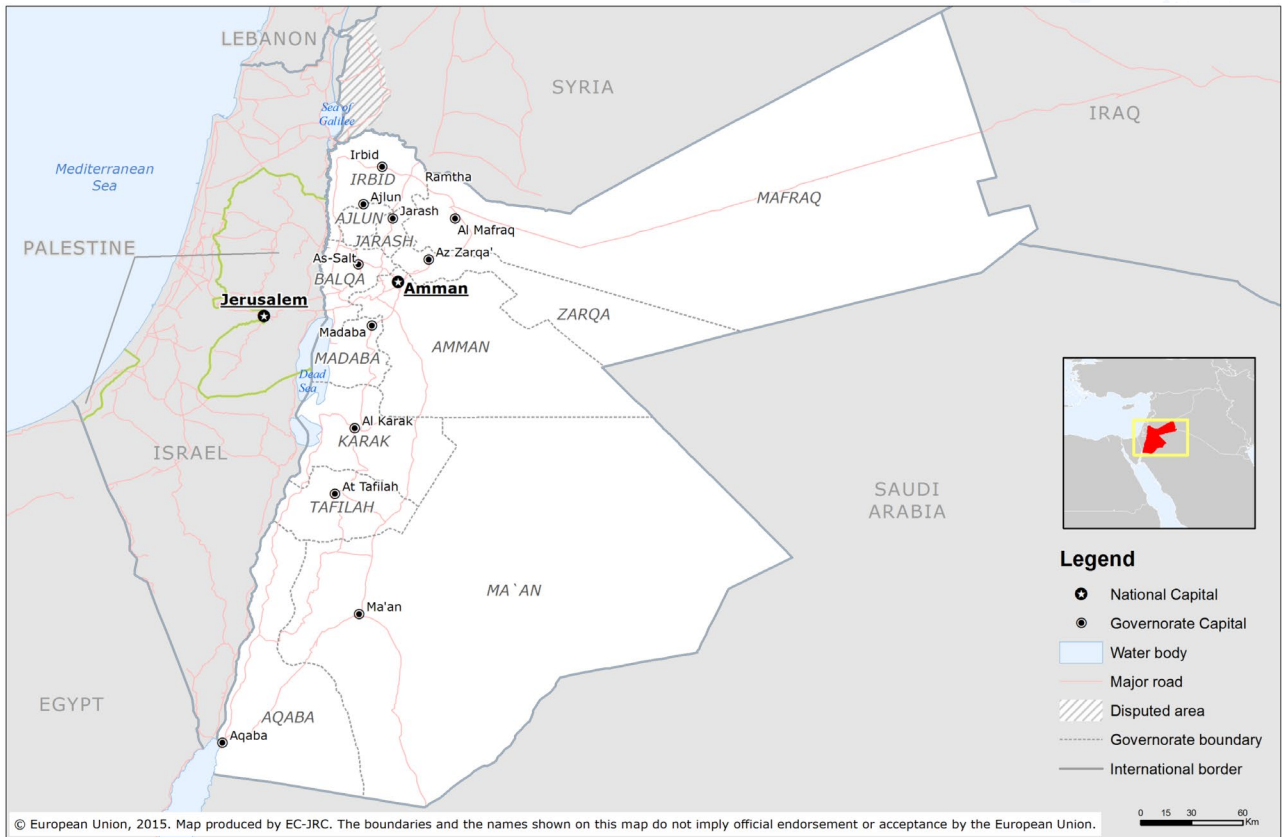
A REVIEW OF THE LEGAL, INSTITUTIONAL, AND ADMINISTRATIVE
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Figure 1: Map of Jordan.



Source: Joint Research Centre, ECHO, European Commission

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ABBREVIATIONS AND ACRONYMS

A

AC	Administrative Court
ACC	Agricultural Credit Corporation
ACCHEPJ	Association for Climate Change and Environmental Protection of Jordan
ADR	Alternative Dispute Resolution
AEA	Agricultural engineers Association
ASEZA	Aqaba Special Economic Zone Authority

B

BAU	Al- Balqa' Applied University
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C

CC	Constitutional Court
CCP	Climate Change Policy
CIS	Cadastral Information System
CPC	Civil Procedure Code
CPF	Country Programming Framework
CPI	Corruption Perceptions Index
CVDB	Cities and Villages Development Bank
CVPD	Cities and Villages Planning Directorate

D

DLDD	Desertification Land Degradation and Drought
DLS	Department of Lands and Survey
DOA	Department of Antiquities
DOS	Department of Statistics in Jordan

E

EASB	Environment Association for the Southern Badia
EB	Encyclopedia Britannica
EEPA	Earth and Environment Protection Association
EVS	European Valuation Standards
EPC	Economic Policy Council

F

FAA	Friends of Archeology Association
FAH	Friends of Archaeology and Heritage
FAO	Food and Agriculture Organization of the United Nations
FMI	Fonds Monétaire International
FOE	Friends of the Environment

G

GACDP	Greater Amman Comprehensive Development Plan
GAM	Greater Amman Municipality
GBC	Green building council
GDP	Gross Domestic Product
GEF	Global Environment Facility
GG-NAP	Green Growth National Action Plan
GHG	greenhouse gas

ABBREVIATIONS AND ACRONYMS

GJU	German Jordanian University
GLTN	Global Land Tool Network
GOJ	Government of Jordan
GUJF	General Union of Jordanian Farmers
H	
HAC	Higher Administrative Court
HBTF	Housing Bank for Trade and Finance
HC	Housing Corporation
HFDJB	Hashemite Fund for Development of Jordan Badia
HPC	High Planning Council
HPD	Holistic Planning Directorate
HTU	Al Hussein Technical University
HUDC	Housing and Urban Development Corporation
I	
IDLO	International Development Law Organization
IECA	International Engineering Consultants Association
ILC	International Land Coalition
IUCN-ROWA	International Union for the Conservation of Nature – Regional Office for West Asia
J	
JAA	Jordanian Arbitrators Association
JACDBD	Jordanian Association for Combat of Desertification and Badia Development
JAHP	Jordan Affordable Housing Program
JAREV	Jordanian Association for Real Estate Valuers
JBA	Jordan Bar Association
JCC	Jordanian Civil Code
JCC	Jordanian Cooperative Corporation
JCCA	Jordanian Constructions Contractors Association
JEA	Jordan Engineers Association
JEC	Jordan Environmental Committee
JEGP	Jordan Economic Growth Plan
JES	Jordan Environment Society
JGA	Jordanian Geologists Association
JHDA	Jordanian Housing Developers Association
JJC	Jordanian Judicial Council
JMRC	Jordan Mortgage Refinance Company
JNBC	Jordanian National Building Council
JNUP	Jordan National Urban Policy
JOD	Jordanian Dinar
JOF	Jordanian Official Gazette
JPF	Jordanian Planning Forum
JREDS	Jordan Royal Ecological Diving Society
JSDCBD	Jordanian Society for Desertification Control and Badia Development
JT	Jordanian Times
JUST	Jordan University of Science & Technology
JVA	Jordan Valley Authority

ABBREVIATIONS AND ACRONYMS

L

LAL	Land Acquisition law
LD	Land degradation
LDN	Land Degradation Neutrality
LPT	Land and Property Tax

M

MAISHP	Ministry of Awqaf Islamic Affairs and holy Places
MEMR	Ministry of Energy and Mineral Resources
MoA	Ministry of Agriculture
MoD	Ministry of Defense
MoE	Ministry of Environment
MoF	Ministry of Finance
MoJ	Ministry of justice
MoLA	Ministry of Local Administration
MoMA	Ministry of Municipal Affairs
MoPIC	Ministry of Planning and International Cooperation
MoPWH	Ministry of Public Works and Housing
MoTA	Ministry of Tourism and Antiquities
MoWI	Ministry of Water and Irrigation

N

NAP	National Adaptation Plan
NBSAP	National Biodiversity Strategy and Action Plan
NCARE	National Agricultural Research center
NGGP	National Green Growth Plan
NHS	National Housing Strategy
NIS	National Information System
NPC	National Planning Council
NRC	Norwegian Refugees Council

O

OECD	Organization for Economic Co-operation and Development
OCHA	United Nations Office for the Coordination of Humanitarian Affairs

P

PDTRA	Petra Development & Tourism Regional Authority
PM	Prime Minister
PMO	Prime Minister's Office
PPP	Public-Private Partnership
PRA	Property Right Alliance
PRS	Poverty Reduction Strategy

ABBREVIATIONS AND ACRONYMS

R

RJGC	The Royal Jordanian Geographic Center
RSC	Resettlement Support Center
RSCN	Royal Society for Conservation of Nature

S

SDG	Sustainable Development Goals
SEC	Surveying Engineers committee
SEM	Swiss State Secretariat of Migration
SJD	Supreme Judge Department
SLM	Sustainable Land Management

T

TI	Transparency International
TAG	Talal Abu Ghazle Global

U

UDD	Urban Development Department
UNCITRAL	United Nations Commission on International Trade Law
UNDP	United Nations Framework Convention on Climate Change
UNFCCC	United Nations Development Programme
UN-Habitat	The United Nations Human Settlements Programme
UNHCR	United Nations High Commissariat for Refugees
UNRWA	United Nations Relief and Works Agency
UoJ	University of Jordan
USAID	United States Agency for International Development
USPAP	Uniform Standards of Professional Appraisal and Practice

V

VGGT	Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security
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W

WAJ	Water Authority of Jordan
WBG	World Bank Group
WIF	Weinstein International Foundation
WJP	World Justice Project

Y

YU	Yarmouk University
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EXECUTIVE SUMMARY

Land is one of the most valuable assets in Jordan. Rapid population increase, uncontrolled urban sprawl, land degradation and desertification, changes in consumption patterns, and the additional pressure caused by the influx of refugees have strained Jordan's land resources, including water, pastures, and ecosystems. These factors have also impacted the sustainable use of land for economic development and access to affordable housing and public services.

Governmental land stakeholders are aware of the land administration challenges that Jordan faces, and over the last decades they have taken several important steps to improve land management and administration and better protect housing, land and property rights. Institutions and processes dealing with land management are generally well established, although some challenges remain, both in terms of legal and institutional frameworks and of implementation.

This report is part of the research work carried out by the Arab Land Initiative aimed at improving knowledge and developing capacities of a wide range of stakeholders on land governance, land administration and housing, land and property rights. It is intended to form a basis for guiding further reform of the land sector and improving its delivery to the people of Jordan. The report analyses the legal, administrative and institutional set-up of the land sector. It describes policies, laws, regulations, practices, trends and challenges pertinent to the key functions of land administration, namely land tenure, land value, land use, land development and land disputes resolution.

Information and data collection was finalized in 2021; changes that took place after this date are therefore not reflected in the report.

Land tenure

The Jordanian land tenure system is comprised of a plurality of land rights that include statutory, customary (tribal), religious and informal rights. Private land,

encompassing both *miri* and *mulk*, can be officially registered. Jordan's rangelands and tribal territories, known as *wajehat el-ashayeria*, were historically governed by customary property rights. Religious land tenure, known as *waqf*, pertains to land endowed to religious institutions. There are also different types of informal land tenure arrangements, including squatters, *hujja*, *tawsiya* and informal rental arrangements frequently used by refugees.

State land in Jordan, which accounts for 80 per cent of the country's total land, is poorly defined and documented (USAID, 2018). The Ministry of Finance is the custodian of public lands that are not registered in the name of other public institutions.

Land and property registration is handled by the Department of Lands and Survey (DLS) under the Ministry of Finance (MoF). DLS is responsible for cadastral surveying, registration of land and property, and management of treasury (State) lands. Jordan has invested significantly in the modernization and improvement of its cadastral services, which led to an admirable improvement of its International Property Right Index ranking: the country is the 78th position (out of 190 countries), ahead of Egypt, Iraq and Lebanon and behind only UAE, Qatar, Oman, and Saudi Arabia in the Arab region.

Nonetheless, DLS still faces many challenges. For example, not all privately held land in Jordan is formally registered with DSL (World Bank, 2020). Registration of property is also constrained by the need to obtain a building tax clearance certificate from the relevant municipality beforehand (World Bank, 2020). There is also insufficient transparency withing the DLS and the land market in general.

There has been a positive trend in the protection of women's land rights, but the gender gap in accessing, using and controlling land, properties and other productive resources remain.

EXECUTIVE SUMMARY

The influx of refugees from neighboring war-torn countries has affected the land tenure of Jordanian citizens. The forced migration caused by the crisis in Iraq in 2003 and Syria in 2012 created high demand for rental housing and resulted in a sudden increase of houses and land prices beyond the financial capabilities of Jordanian citizens, created a gap between housing supply and demand and rendered owning a house more difficult due to the poor sustainability of housing credit support programmes and the lack of small residential land plots (UN-Habitat, 2014). Syrian refugees in Jordan currently have the most precarious land rights, with those living in rented housing facing the highest risk of eviction and displacement. Many refugees live in rented apartments, but do not have formal and fair lease agreements, and therefore do not have security of tenure.

Land value

Land value functions include the assessment of the value of land and properties, the calculation and gathering of revenues through taxation and the management and adjudication of land valuation and taxation disputes. Several legislations regulate land valuation in Jordan, including the Land Registration Fee Law No. 28 of 1958 as amended, Regulation No. 4 of 2019 related to the committee for estimating the values of immovable properties, the Property Sale Tax Law No.21 of 1974 as amended, the State Land Management Law no.17 of 1961 as amended, and the Law of Planning Cities, Towns, Villages and Buildings No. 79 of 1966 and its amendments, among others.

The Department of Lands and Survey (DLS) uses several valuation approaches to assess the real value of property. These include the sales comparison approach, the income approach and the cost approach (Article 4/a of Regulation No. 37/2020). Inaccuracy is a key challenge in property valuation in Jordan, due to the fact that DLS only calculates average values across quite large enumeration areas and the individual plot is not the unit of observation. Average values are likely to neglect significant variations in local neighborhood

characteristics. Furthermore, properties valuations tend to be infrequent (Haas and Kriticos, 2019).

With respect to the land and property tax (LPT), the contribution of the LPT (with other sources), towards the total tax revenue is low (1.052 per cent) and its contribution to the GDP (0.5 per cent) is insignificant and lower than the average in emerging and developing countries (IMF, 2015). The main legislation regulating the LPT in Jordan are law No. 11 of 20 March 1954 the Buildings and Land Tax Law within Municipalities and its amendments related to the real property tax (*Musaqafat*); law No. 21 of 1974 and its amendments related to the Real Estate Sale Tax Law; the Real Estate Ownership Law No. 13 of 2019 which regulates the betterment tax; and the income tax law No. 34 of 2014 as amended which regulates the tax on land and property leases, among others. There is no inheritance or estate tax in Jordan (Deloitte, 2020), but a transfer fee is charged by DLS upon the transfer and registration of the estate shares to the names of the heirs.

Land use

Land use in Jordan is characterized by shifting land uses, primarily related to urbanization, leading to conversion of agricultural land driven by population growth, growing scarcity of water, and exacerbated by climate change. Only 11.9 per cent of the country's total land area is categorized as agricultural and less than three per cent is arable. Less than 10 per cent of agricultural land is irrigated, and forests comprise a mere one per cent of total land uses (USAID, 2018).

In 2019, the Food and Agriculture Organization of the United Nations (FAO), in line with the Country Programming Framework (CPF) 2016-2020, developed the land use/cover classification in close consultation with competent Jordanian agencies. In all, 34 land cover classes have been defined, aggregated into 23 major classes, based on the visual interpretation of satellite imagery and previous land use maps, along with ancillary information (FAO, 2019).

Land use in Jordan is regulated through the Land Use Regulation No. 6 of 2007. Its overall objective is to control the construction process and steer investment towards areas outside the boundaries of the scheme. It regulates land use within the areas included in the land use map approved by the Council of Ministers and attached to the regulation. Only the High Planning Council (HPC) may authorize the change of land use based on the instructions issued by the Council of Ministers (Article 4).

In 2019, The Ministry of Local Administration (MoLA) began updating the 2006-2008 land use plans based on new standards and principles that take climate change mitigation measures into account. Despite the process of decentralization, the preparation of these plans demonstrates the continued lack of municipal and public participation. The updates were completed in a short period of time, which resulted in some inconsistencies in land classification at governorate borders, due to the lack of verification at the national level. Nevertheless, they are used to issue buildings permits (UN-Habitat, 2020).

Badia constitutes 80 per cent of Jordan's land. The *badia* is different from the desert, as there is much more extensive plant and animal life in these areas than is found in deserts (HFDJB, 2022). The subdivisions of land ownership within the *badia* of Jordan include: (i) privately owned land, (ii) state owned land/Treasury of the Hashemite Kingdom of Jordan, and (iii) land registered in the name of some government institutions and the Jordanian Armed Forces.

Traditionally, pastoral land is considered to belong to tribes, who have full rights of use of the land, although it is also claimed as state land. This contributes to the mismanagement of natural resources, leading to overgrazing and desertification, and results in land use conflicts (MoA and IUCN, 2013/2014).

Land development

Urban planning policies in Jordan have not kept up with the high level of urbanization and rapid urban sprawl. Spontaneous or reactive land-use planning decisions and partial initiatives, in addition to market and land speculation forces, are the norm in managing and servicing urban growth.

Jordan lacks a National Urban Policy or Strategy for Spatial Planning that guides the planning process. There are no recent national or regional plans, strategies for spatial planning, or a national Geographic Information System, so all zoning and subdivision plans are created and approved without these tools. Public participation in the planning process is also limited, as is the engagement of private sector actors in urban development in the country (UN-Habitat, 2015).

Physical Planning in Jordan is undertaken mainly according to the Law of Planning of Cities, Towns, Villages and Buildings, No. 79 of 1966, and its various amendments, which define three levels of planning authorities (Tarrad, 2014): 1) national planning is undertaken by the Higher Planning Council (HPC), 2) regional planning is administered by the regional council, which shall be granted all the tasks and powers granted to the Higher Regulatory Council, and 3) local regulatory commissions, as the case in the Petra zone Authority, the Aqaba Special Economic Zone, the Jordan Valley Authority and the development Zones Commission.

However, planning at the regional level is weak and there are no regional plans to enhance the development process. This is evidenced by the regional-urban disequilibrium, where only 40 per cent of the population live in Amman, yet more than 70 per cent of services and investments are concentrated in that city. This over-concentration of services in Amman contributes to the migration of investments from other Jordanian cities to the capital (Alnsour, 2015).

EXECUTIVE SUMMARY

Physical planning at the local level is done by the departments of planning and organization in the Greater Amman Municipality (GAM) and all other municipalities in the Kingdom which are responsible for proposing a master plan for the city. In 2008, Greater Amman Municipality (GAM) approved the 2008 Master Plan as a base for the future development of the city. It aimed to respond to two major challenges: a projected growth of approximately four million new residents by 2025, and the continued flow of foreign capital into real estate development (Beauregard and Marplillero-Colomna, 2011). Preparation for the 2008 Master Plan included the definition of policies and strategies, reviews of land policy, legislative frameworks and institutional arrangements and the creation of a participatory framework that aimed to address the planning concerns of all stakeholders. However, some planning experts argue that the 2008 Master Plan does not balance policy issues between Western and Eastern Amman. The quality of services and life in Western Amman, which hosts people belonging to the upper economic class, is better than that of Eastern Amman, which hosts people belonging to the working class and those with lower incomes (Alnsour, 2015), resulting in the phenomenon known as the “two Ammans” cityscape (Farhan and Al-Shawamreh, 2019). Effective urban policies are required to reduce this gap.

With respect to housing, the Jordanian building sector is relatively strong; however, it is hampered by many impediments such as high land prices and excessive bureaucracy. Building permits are difficult to secure, and it is estimated that builders pay up to a third of a project’s value in taxes and fees (Brown, 2020). A study from 2018 conducted by the Housing and Urban Development Corporation (HUDC) on the effect of the new Amman Buildings and Zoning bylaw on housing costs found that GAM increased fees for housing building permits for all types of residential buildings to 3.5 times for residential buildings (D) and four times for popular housing, which is expected to result in increased housing costs (HUDC, 2018).

Another important challenge to providing housing to the market is low availability and high cost of land. Jordan does not have significant amounts of land in urban areas that has not already been built up. The available urban land that does exist consists largely of small parcels in isolated areas (USAID, 2018). Additionally, in 2017 the Jordanian government removed a previous hold on sales tax for many steel products used in construction, resulting in a tax rate increase from 8 per cent to 16 per cent for affected materials (WBG, 2018).

In 1980, in response to increasing housing demand in the country, the Jordanian Government established the Urban Development Department (UDD) which would be responsible for two key tasks: 1) implementing a programme to upgrade squatter settlements, which involved improving the standards of the physical and social services and enhancing the living conditions of the target groups; and 2) implementing site and services projects for low-income households in the urban areas (AlDaly, 1999).

In 1989 Jordan adopted the National Housing Strategy (NHS) with the objective of enabling all citizens to have access to affordable housing. Based on the strategy recommendations, the UDD was merged with the Housing Corporation in 1992, forming the Housing and Urban Development Corporation (HUDC), regulated by law No. 28 of 1992. The HUDC became a fully independent government agency responsible for the housing and urban sectors. Its mandate includes providing housing to address the needs of different groups, in particular, low- and middle-income groups, reforming the housing sector, developing partnership initiatives with the housing private sector, and improving the living and housing conditions of the poor areas across the country (AlDaly, 1999).

On the legislative front, the Jordanian government took several measures to ease the burden of rising home prices on citizens such as exempting apartments with an area of less than 150 m² from the property transfer

and registration fee, applying reduced registration fees and tax until the end of 2021, introducing structural changes to the Landlords and Tenants Law to balance the relationship between owners and tenants and encouraging investors to invest in housing for the purpose of leasing (UN-Habitat, 2014).

A gender gap in housing ownership still exists in the country according to Jordan's Department of Statistics (DOS). In 2014, Jordanian women owned 24.7 per cent of registered apartments (or 92,760 units), men owned 70 per cent (262,889 units), and the remainder was co-owned by men and women (5.3 per cent).

59.8 per cent of the population live in informal areas, developed as extensions of UNRWA Palestinian refugee camps (UN-Habitat, 2020). The concept of informal settlements in Jordan is broad and changing. Informal settlements can exist inside cities and villages (as defined by the master plans), around cities and villages or outside the main structures and designs of cities and villages (HUDC, 2011). But the term *sakan ashwai* refers almost exclusively to areas inhabited by Palestinian refugees and is not used for informal settlements of rural or Bedouin populations, which are referred to as "poor areas".

Before 1980, Jordan had no policy on informal settlements. The creation of the Urban Development Department (UDD) in 1980 aimed to develop an urban renewal project of informal settlements located in the east of Amman. Its "slum upgrading programme", funded by the World Bank, followed the new ideology of renovation through the participation of target populations (Ababsa, 2010). The East *Wehdat* camp is considered an example of global best practices for participatory upgrading (UN-Habitat, 2020). The main concept behind the effort of UDD was twofold: minimum destruction and the participation of the entire population. After the success in East *Wahdat*, a

total of 13 squatter sites were upgraded by the UDD between 1981 and 1991: the project renovated 11,665 units housing 114,000 inhabitants (Ababsa, 2010).

Land disputes resolution

The formal justice system is the main mechanism for resolving land-related disputes in Jordan. It includes the regular courts, composed of the Peace courts and the First Instance Courts, the courts of Appeal and the Cassation Court, which is the highest judicial authority over regular courts (JJC, 2021). Special Courts managed by Regular Courts' Judges also have jurisdiction over some specific land disputes determined by the law. These courts include Lands and Water Settlement Court, the State Property Conservation Court and the Municipalities Courts. The administrative justice system in Jordan is composed of the Administrative Court and the Higher Administrative Court (HAC). The Administrative Court has jurisdiction to receive any appeal or request for annulment against final administrative decisions, such as the decision of the Council of Ministers to expropriate a private land for public interest. Its decisions are open for appeal before the HAC (JJC, 2021).

With respect to alternative dispute resolution mechanisms, limited data on land disputes resolved through alternative dispute resolution mechanisms (arbitration, conciliation or mediation) is available. However, the Jordanian Arbitration Act No. 31 of 2001 as amended by law No. 16 of 2018 permits resolution of land related disputes through Arbitration. In June 2006, the first mediation center was established at the First Instance Court of Amman as a first step towards creating similar mediation centers in all courts in Jordan in accordance with the Mediation Law for the Settlement of Civil Disputes No. 12 of 2006 as amended by law No. 25 of 2017 (MoJ). Despite the use of mediation for several years, interest in mediation faded and it is no longer perceived as a reliable mechanism for

dispute resolution. There is therefore a strong need to re-establish mediation as an effective dispute resolution mechanism in the country (IDLO, 2019).

Property rights over tribal land (or *wajahat elAshayeria*) is a main driver of land conflicts in Jordan where tribal communities pre-date both Islam and the monarchy. Despite the laws that govern ownership, exploitation and investment of land, there has not been much advancement. Tribes like Beni Hassan and Beni Sakhar still claim ownership of tribal land, considering it as their land (ILC, 2017). In 2021, the issue emerged again in the course of ratifying the new draft law of State Land Conservation. Few members of the Jordanian Parliament believe that the passing of this law forecloses any solution to the problem of customary tribal land rights (Alarab, 2021).

The land-related legal framework

In 2019, Jordan's land-related legal framework underwent a major reform with the passing of the new Real Estate Ownership Law No. 13 of 2019 which unified more than 13 land administration related legislations and 19 bylaws into one code. The new Real Estate Ownership Law has also repealed outdated laws such as the Ottoman Land Code of 1858 and the Lands and Water Settlement Law No. 40 of 1952, among others. The new law is supplemented by laws specific to certain regions in the Kingdom, including the Aqaba Special Economic Zone, the Petra Region Tourism Development Law and the Investment Law.

Despite the above legislative reform, much land-related legislation in the country still needs to be reviewed to bring it in line with the new Real Estate Ownership Law and to improve land management administration in Jordan. This includes the Jordanian Civil Law No. 43 of 1976, the Law of Planning Cities, Towns, Villages and Buildings, No. 79 for the year 1966 as amended (the urban planning law) and the Building Code No. 7 of

1993 and amendments, among others. In addition, a housing law should be enacted as Jordan does not yet have one.

The current Jordanian Constitution is protective of land rights. However, it does not provide for the right to water, the right to adequate housing, the right to be protected from displacement, the right to a safe environment, ownership of the country's natural resources by the people or explicit prohibition of discrimination based on sex.

Jordan follows the codification system wherein all legal rules that are applicable by the courts are codified. Within this codification system, the constitution is considered the highest legal instrument, whereby all other laws must observe its general principles and rules. The laws enacted by parliament come second, and after that come regulations that are made by the executive authority by virtue of the laws themselves. An overview of the main Jordanian land-related legislation is provided in the annex to this study.

Institutional framework and stakeholders

In Jordan eleven ministries are engaged in various land-related functions. They are the Ministry of Finance (MoF), the Ministry of Local Administration (MoLA), the Ministry of Agriculture (MoA), the Ministry of Planning and International Cooperation (MoPIC), the Ministry of Public Works and Housing (MoPWH), the Ministry of Environment (MoE), the Ministry of Water and Irrigation (MoWI), the Ministry of Tourism and Antiquities (MoTA), the Ministry of Defense (MoD), the Ministry of Energy and Mineral Resources (MEMR) and the Ministry of Awqaf Islamic Affairs and Holy Places (MAISHP). In addition, the Prime Minister oversees the work of some of the departments and independent entities with land related functions (JOF, 2021).

Professional organizations such as Jordan Engineers Association (JEA) and the Jordanian Association for Real Estate Valuers (JAREV), private and cross-sector non-profit organizations such as the Jordanian Planning Forum (JPF), academic institutions such as the University of Jordan (UoJ) and financial institutions such as Jordan Mortgage Refinance Company L.T.D (JMRC) are important land stakeholders in Jordan but the coordination between them, as well as between the state land related sub-entities, is weak due to constraints such as overlapping of responsibilities, data availability and access to information.

Conclusions

This report draws some important conclusions related to Jordan's land management and administration. Official land stakeholders in Jordan are aware of land administration related challenges and constraints and have taken several steps to achieve a more efficient and sustainable land management administration, including for protecting property rights. Jordan has adopted several strategies and action plans covering housing, environment, the agricultural sector and combatting desertification, including by setting national land degradation neutrality (LDN) targets and integrating LDN concepts and approaches in environmental and agriculture bylaws to achieve the related Sustainable Development Goals (SDGs). There are, however, there are areas where further action is required.

Land registration and land tenure security

Jordan's legal framework protects private property. A major contribution to the improvement of land administration has been the modernization of the Department of Lands and Survey (DLS) which has technical and administrative capacities to offer quality cadastral services. Efforts in maintaining and continuously improving the cadastre should be sustained and continued, to build on these positive trends.

On the other hand, the improvement of land tenure security along the continuum of land rights should be strengthened. The various types of land tenure rights should be recognized, adequately protected and better regulated, including informal rights and customary property rights (such as grazing rights). This would contribute to conflict reduction, environmental restoration and socio-economic development in rural areas.

There has been a positive trend in the protection of women's land rights, such as the registration of properties in women's names and combating the renunciation of inheritance. Efforts on this front need to be continued and enhanced, particularly to eliminate inheritance renunciation practices, increase women's access to disputes' resolution and rebalance gender dynamics related to access to, use of and control over land, housing, properties and other productive resources.

The management of state land should be improved, including optimizing revenues by modernizing legislation related to investments, improving state land valuation techniques and enforcing legislation protecting state land from encroachment.

Housing

Jordan has made some advances in the provision of adequate housing for all, despite the inability of several sections of Jordanian society to access housing in appropriate locations. It is important for the right to adequate housing to be recognized and included in the Jordanian constitution and for Jordan to enact a housing law through participation of all public and private stakeholders, as legislation is a clear expression of sustained national commitments. The National Housing Strategy (NHS) of 1989 should also be updated.

Current building codes, zoning regulations and the National Building Law No. 7 of 1993 need to be updated to help address the challenge of rapid urbanization and shortage of affordable housing. Reasonable tax rates on building materials should be applied. The partnership between the public and private sectors (PPP) should be incentivized to increase the delivery of infrastructure and affordable housing projects.

Urban planning and urban development

Jordan has failed so far to control urban sprawl and to sufficiently guide urban growth. The legal and institutional fragmentation of the urban planning sector should be addressed. All urban planning rules should be unified under one planning code that clearly assigns urban planning responsibilities to specific institutions vested with defined mandates to avoid overlapping of responsibilities, improve stakeholders' communication and ensure the proper implementation of adopted plans. The co-ordination and communication among planning stakeholders and across all levels of government in the planning and development process should be enhanced.

The Urban Planning law should be updated to adapt to internationally recognized good planning practices and its application should be extended to the entire country. Land use regulations should be revised, including to restrict the construction of building on agricultural land, now permitted by the regulation. Urban planning should better integrate resilience and other urban planning considerations, such as investment policies for service and infrastructure development, industry, tourism and valorization of archaeological sites, and agriculture (UN-Habitat, 2020).

On the positive side, the Ministry of Local Administration (MoLA) with support from UN-Habitat has worked on a national urban policy (JNUP), the first in Jordan, to guide and improve urban planning and achieve the JNUP vision: "Integrated and resilient urban systems that guarantee equitable distribution of development

gains for all," to be followed by the updating of outdated regulations by the various planning entities (UN-Habitat, 2021a).

Investments should be made in developing the human resources dedicated to urban planning to harness the opportunities offered by new technologies, introduce environmental considerations and integrate considerations from other development sectors (e.g. housing) into planning. The role of the Engineering syndicate should be enhanced and strengthened.

Property valuation and taxation

The rules related to land valuation should be unified into one code or by-law. The contribution of property taxes to the GDP should be increased by applying progressive tax rates to real estate tax (*musaqafat*), real estate sale tax and property registration fees, instead of the currently applied flat rates. Property tax collection should be increased by promoting transparency and fighting corruption to encourage self-compliance of taxpayers. The unclarity regarding the amounts to be paid in property tax and the exemptions should be eliminated.

The accuracy of current national valuation techniques should be improved, and property values should be constantly updated. The cooperation and coordination between DLS and the Jordanian Association for Real Estate Valuers (JAREV) should be increased.

Agricultural lands

Agricultural land should be preserved by reducing encroachment on pastoral areas; developing land use plans and practices in the *badia*; updating the national land use plan and enforcing it to prevent any informal construction on agricultural land; halting the sprawl of urban areas over agricultural lands; and managing the competition on agricultural land from other land uses through allocation of land according to land use classification.

The fragmentation of agricultural land should be curbed through regulatory measures (legislative and administrative). Incentives for farmers who achieve better integration between livestock and plant production should be introduced to enable them to improve their livelihood and reduce poverty.

The degradation and desertification of agricultural lands should be halted and reversed by enhancing soil health, implementing sustainable land management technologies and long-term programmes to fight land degradation. The quality of agricultural soil and its productive capacity should be maintained and all necessary measures to protect ground and surface water resources from pollution should be introduced.

Land degradation

Efforts have been made to combat desertification by setting national land degradation neutrality (LDN) targets, integrating LDN concepts and approaches in environmental and agriculture bylaws and fast-tracking the achievement of Sustainable Development Goal 15¹. The strategies put in place should be implemented and the results carefully monitored.

Land disputes resolution

The resolution of land-related disputes through ADR (arbitration, mediation and conciliation) should be promoted and encouraged to ensure a faster and more accessible resolution of land disputes and to reduce court congestion and case backlog. This could be done by placing increasing attention on mediation, institutionalizing its processes, and increasing the numbers of specialized land disputes mediation and arbitration institutions and centers, strengthening their role.

Land information

Jordan was the first country in the region to pass an Access to Information Law making land data widely available, as open data provides numerous public and societal benefits. Improvements should be made in the implementation of the law and the development and accessibility of land-related datasets is required, ensuring that responsible entities provide regular updates (UN-Habitat, 2021a).

¹ Goal 15: Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss.

INTRODUCTION

1.1 OBJECTIVES OF THE STUDY

This report aims at improving knowledge and developing capacities of a wide range of stakeholders on land governance, land administration, and housing, land and property rights as a basis for guiding the reform of the land sector and improving its delivery to the people of Jordan.

The report analyses the legal, administrative and institutional set-up of the land sector. It describes policies, laws, regulations, practices, trends, and challenges pertinent to the key functions of land administration, namely land tenure, land value, land use and land development, and land disputes resolution.

It is part of the research work carried out by the Arab Land Initiative under the Arab Region Programme on Good Land Governance in Support to Inclusive Development, Peace and Stability funded by the Federal Ministry of Economic Cooperation and Development of Germany (BMZ) under the management of UN-Habitat and the Global Land Tool Network (GLTN).

1.2 RESEARCH METHOD

The approach used in the preparation of this report relied on the collection of land related data about Jordan including key land policies, legal and institutional/administrative frameworks, and analyzing and assessing them against internationally recognized best practices and land-related international frameworks. No field assessment was carried out as this research is a desk study. However, interviews of some stakeholders and key informants were used in preparing this report to get a sense of existing land challenges in the country. The collection of information and data was finalized in 2021. The changes that took place after this date are therefore not reflected in the report.

Limitations to this research included limited access to data, people, and official institutions as the research is a desk study and no validation visit to the country

was carried out. This limitation was mitigated through close cooperation and networking with national and international experts in reviewing and assessing the materials used in the report and weighing its outcomes.

1.3 COUNTRY OVERVIEW

Jordan is an Arab country located in the rocky desert of the northern Arabian Peninsula, in Southwest Asia. It is bounded to the north by Syria, to the east by Iraq, to the southeast and to the south by Saudi Arabia, and to the west by Israel and the West Bank (EB). The total land area of Jordan is 88,780 Km² (34,278 sq. miles). In 2021, Jordan has a population of 10,290,844 people, 91.5 per cent of whom were living in Urban areas in 2020 (Worldometer, 2021).

Jordan is a highly urbanized country. The population is largely concentrated in the west, northwest, inside and around the capital Amman, while a sizeable number reside in the southwest along the coast of the Gulf of Aqaba (FAO, 2019). In 2020, Jordan demonstrated an annual urbanization rate of nine per cent, with its urbanization level rising to 91 per cent (Worldometer 2021), compared to 2014's annual urbanization rate of 3.79 per cent, with urbanization level of 83.7 per cent, according to the Department of Statistics in Jordan (DOS) (Al-Fugara, Al-SHabeeb, and others, 2018).

The land that is now Jordan became part of the Ottoman Empire in 1516 and remained under Ottoman rule until 6 August 1924 (date of the ratification of the Lausanne treaty) after the defeat of the Ottoman Turks in World War I and the dismantling of their empire. Transjordan then became an emirate under the British mandate, full independence was finally achieved after World War II by a treaty concluded in London on March 22, 1946, and Abdullah subsequently proclaimed himself king. A new constitution was promulgated, and in 1949 the name of the state was changed to the Hashemite Kingdom of Jordan (EB).

The country is divided into 12 governorates (muhafazat)² further subdivided into 51 districts (liwa). The capital city is Amman.

Jordan is a constitutional monarchy with a representative government, based on the 1952 Constitution. The King is the head of state, the chief executive and exercises his executive authority through the Prime Minister and the Cabinet. The Cabinet, meanwhile, is responsible to the (elected) House of Deputies which, along with the House of Notables (appointed by the King), constitutes the legislative branch of the Government. They both serve four-year terms (OCHA, 2012).

In recent years, Jordan has encountered a number of geopolitical and economic challenges including the 2008 financial crisis that led to a slowing global economy, the wave of uprisings throughout the Arab region in 2011 and the armed conflicts in Iraq and

Syria (OECD, 2018). Jordan hosts approximately 660,262 Syrian refugees, in addition to the already settled refugee communities from Palestine, Iraq, Sudan and Yemen (UNHCR, 2020).

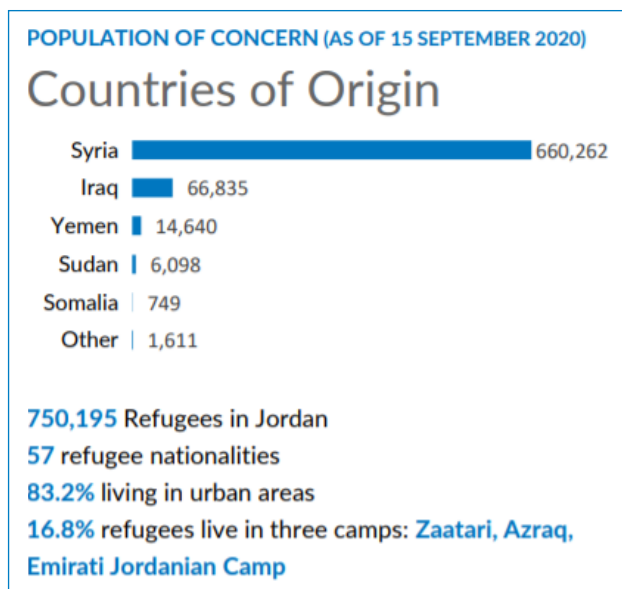
The establishment of the first institution dealing with land registration can be traced back to 1857 when the Ottoman government created the *Tapu*³, or land registry offices. The Ottoman government's main objective was to develop a land inventory for taxation purposes. To this end it created the 'Tapu books', which recorded key land-related information, such as its value or rent (yield), its owner or beneficiary (user), neighboring owners, and a general description of the roads and its geographical features (Madanat, 2010).

Based on the Treaty of Lausanne signed on 24 July 1923, the Emirate of Eastern Jordan obtained records and documents relating to private and public properties which were under the previous Ottoman land registration system. The government then commenced its attempt to reorganize the Ottoman cadaster. It issued the Land Liberation Bylaw and the Parcellation Law in 1923. In 1927, it issued the Land Liberation and Valuation Law. The name of the Department of Lands and Survey (DLS) appeared on 30 September 1927, under which the Department of Survey, the Department of State Property, and the Departments of land Registration and Land Liberation were merged into one entity.

Almost all rural areas were mapped and registered by 1950. Today more than 95 per cent of Jordan land is mapped and registered (Sayegh, 2016).

Modernization of DLS began in 1996 with support from the German government (GIZ) (DLS, 2018): between 1995 and 2001, all old maps and records were computerized (Sayegh, 2012). Since 2019, all

Figure 2: Area of origin and number of refugees settled in Jordan.



Source: UNHCR Jordan – Fact Sheet- September 2020

² The twelve governorates in Jordan are: Irbid, Mafraq, Jarash, Ajloun, Amman, Balqa, Zarqa, Madaba, Karak, Tafilah, Ma'an and Aqaba.

³ The term *Tapu* from the Ottoman Empire era is used interchangeably in some Middle East countries to mean, in appropriate context, either the land department or the title deed.

land-related transactions must by law be registered in order to legally transfer title (Article 63 of law no.13 of 2019).

Between October 2011 and March 2013, the DLS successfully implemented a twinning project with Sweden (Lantmäteriet) and Poland (GUGiK), which included the development of three key elements: a cohesive cadastral system, secure digitalized maps and registries, and precise land valuation techniques that align with global standards (DLS, 2011).

In 2016, the Jordanian Ministry of Planning and International Cooperation (MoPIC) signed a twinning project for the reinforcement of the real estate system in Jordan with the European Union (EU). The twinning project (2016-2018) also called "Reducing discrepancies between the physical reality and the graphical cadastral

information in Jordan" was executed in cooperation with the governments of the Netherlands and of Sweden and falls under the EU Technical Assistance Framework. The project's objective was to enhance the technical and administrative cadastral capacities of the DLS. It built upon previous EU funded efforts beginning in 1996 and envisaged development of a secure and integrated cadastral system including maps and land registers (USAID, 2018).

On 16 May 2019, a new Real Estate Ownership law (no. 13) was issued to enhance land administration and investment in Jordan. The new law repealed and merged 13 land administration related legislation including the Ottoman Land Code and another nineteen land administration bylaws. A further fourteen new land-related bylaws have been issued based on law no.13 of 2019.



LAND MANAGEMENT AND LAND ADMINISTRATION

Land administration refers to “the processes of determining, recording and disseminating information about the ownership, value and use of land, when implementing land management policies” (Williamson, Enemark and others, 2009). The definition of land management is broader than land administration. It covers all activities associated with the management of land and natural resources that are required to fulfil political objectives and achieve sustainable development. Land management can be considered as the processes by which a country’s resources are put into good effect.

Land administration can be considered to be composed of four key functions (Williamson, Enemark and others, 2009):

- Land tenure and land rights (securing and transferring rights over land and natural resources including public land);
- Land value (valuation and taxation of land and properties);
- Land use (planning and control of the use of land and natural resources);
- Land development (implementing utilities, infrastructure, and construction planning); and
- A cross-cutting land disputes resolution which is presented as a separate category in this report.

Table 1: Functions of land management and administration.

Four Functions of the Land Management Administration
<p>Land management and administration covers the processes and institutions related to:</p> <p>Land tenure:</p> <ul style="list-style-type: none"> • Securing access to land and the resources related to it, and their allocation, recording and security • Cadastral mapping and legal surveys to determine parcel boundaries • Transfer of property or use from one party to another through sale, lease or credit security • Management and adjudication of doubts and disputes regarding land rights and parcel boundaries <p>Land value:</p> <ul style="list-style-type: none"> • Assessing the value of land and properties • Calculating and gathering revenues through taxation • Managing and adjudicating land-valuation and taxation disputes <p>Land use:</p> <ul style="list-style-type: none"> • Control of land use by adopting planning policies and land-use regulations at the national, regional and local levels • Enforcing land-use regulations • Managing and adjudicating land-use regulations <p>Land development:</p> <ul style="list-style-type: none"> • Building new physical infrastructure and utilities • Planning Construction • Acquiring land for the public • Expropriating land • Changing land use by granting planning permission and building and land-use permits • Distributing development costs <p><i>Source: Adapted from Williamson et al. (2010) pp.119-22.</i></p>

2.1 LAND TENURE

Land tenure is the relationship, whether legally or customarily defined, among people, as individuals or groups, with respect to land. For convenience, “land” is used here to include other natural resources such as water and trees. Land tenure is an institution, a set of rules established by societies to regulate behavior. Rules of tenure define how property rights to land are to be allocated within societies. They define how access is granted to rights to use, control, and transfer land, as well as the associated responsibilities and restraints. In simple terms, land tenure systems determine who can use what resources for how long, and under what conditions (FAO, 2002).

2.1.1 Land tenure systems

The land tenure system in Jordan is pluralistic and includes statutory, customary (tribal), religious land tenure systems in addition to informal rights.

Private ownership

The statutory land system includes privately owned land (*miri* and *mulk*) that is registered and documented. All transactions, such as selling, exchanging and partitioning of land or water in settlements areas are considered null and void if such transactions are not registered with the Department of Lands and Survey (DLS). The new Real Estate Ownership law no. 13 of 2019 is the main legislation that governs the statutory land system in Jordan (USAID, 2018).

Customary land rights

Pastoral customary property rights, i.e., the enjoyment of some use of pastoral land, particularly grazing rights, that arises through customary, unwritten practice rather than through written codified law, used to be found on Jordan’s rangelands and tribal land (*wajehat el ashayeria*), which had been historically distributed by Sheiks. Communities have occupied land on a customary basis in Jordan for many years, in particular around the *Badia* region of arid and semi-arid land in the east of the country.

Bedouin tribes, the indigenous owners of the land, had a system of land tenure and grazing rights, with the term “*dirah*” describing the area through which a group migrated, which included areas for grazing, pasture and cultivated land. Within the *dirah*, certain families or clans would be recognized as having a right to certain preferred grazing areas. Customary rights supported mobility across large areas of communally held land, with no one person having absolute rights to property (Hogan Lovells Lawyers and CARE International, 2019). Customary law protected the resources within those lands and provided for their use in ways that promoted rangeland conservation. Upon the elimination of these systems and rights and the declaration of rangelands/tribal lands as State-owned in the Agriculture Law no. 20 of 1973 which conveyed their management to the Ministry of Agriculture, these customarily controlled areas are now open for new and often unsustainable land uses, thereby eroding much of the “authority” of these customary governance systems. Despite this, tribes continue to make de facto claims to these lands although they no longer divide and distribute lands among members (USAID, 2018).

Waqf

The religious land tenure system or *waqf*, relates to land endowed to religious establishments. *Waqf* is defined in Article 1233 of the Jordanian Civil Code, which is based on the Islamic Shari’a law, as “withholding the property owned from being disposed of and allocating its benefits for charity”. Moreover, article 2 of the Jordanian *Waqf* Law no. 32/2001 defines *waqf* as “withholding the property of the owner for Allah the Almighty in order to allocate its benefits for charity and for good deeds...”. *Shari’a* law describes three types of *waqf*: charitable, family, and common or *mushtarak* (for charity bodies and individuals) (Al-Manaseer, 2014).

Waqf matters were regulated in accordance with the *waqf* management system of the Ottoman Empire until 1280 A.H., when the main law for *waqf* was issued in 1928 under the Emirate of Transjordan. Article 61

of the 1928's law stated that the courts are the only authorities with the right to judge in any matters or issues related to *waqf* according to the principles of *Shari'a* law. After the accession of King Hussein ibn Talal, the Constitution of the Kingdom was proclaimed in 1952. It reaffirmed in Articles 105 and 107 the provisions of aforementioned Article 61 and the *Waqf* law passed in 1946 remained in effect until 1962. In 1966, the *Waqf* Law that currently applies was issued as Law no. 26 under the name of the *Waqf* Law based on Article 107 of the Constitution (Al-Manaseer, 2014).

Waqf funds contribute to solving some economic problems in Jordan such as inadequate housing problems and commercial buildings; they also play a role in the development of agriculture through agricultural projects and leasing agricultural lands aiming at creating revenue-generating activities for beneficiaries in accordance with the Islamic Sharia law.

One of these projects is the construction of the Shohada' Mosque community complex in the Governorate of Karak, an integrated project that includes a mosque, a market, a school, a multi-purpose hall and a library. A partnership was also established with the Ministry of Social Affairs to initiate a *waqf* project intended to provide housing to the poor in the El-Rasifa District. The Ministry of *Awqaf*, Islamic Affairs and Holy Places granted a parcel of *waqf* land spanning nearly 50 acres, stipulating that the Ministry of Social Affairs must construct housing units that will accommodate the poor until they can afford their own homes. Subsequently, they must vacate the *waqf* housing so that others in greater need may use it. The Ministry of *Awqaf*, Islamic Affairs and Holy Places has also designated *waqf* land to hospitals, health centers and pharmacies to provide medical care and medications to the poor, in cooperation with the Islamic Treasury (Al-Manaseer, 2014).

Land tenure in informal areas

There are different land tenure patterns in Jordan's informal areas: squats, the *hujja*, ownership (*mulk*) and *tawsiya*.

In the case of squats, residents built their shacks on government or private land, with no transaction at all. There is the special case of tribal pastoral land, which is not registered, and considered by the Government as State land.

Hujja contracts occur when a landowner sells his land by making an oral agreement, the *hujja* (proof). This is common throughout the Middle East. While such a transaction is not legal or officially recognized, it does provide grounds for asserting ownership in Court.

Mulk refers to either private or collective ownership. Collective ownership is most common, and falls under either *musha'a*, multi-household co-ownership with land shares and one legal title for all owners, or *musharak*, where many people who know each other purchase a 250m² plot of land to divide between them, which is the norm in East Amman. This parceling process, where each household under *musha'a* tries to obtain an individual land, title is complicated and requires the involvement of legal measures (Al Daly, 1999).

The Land and Survey Department also offers a document that recognizes ownership, called *tawsiya* (Ababsa, 2010).

Refugees in Jordan often find informal tenure arrangements such as lease contracts. These do not provide tenure security and leaves the refugees at the mercy of the landlord.

According to the VGGT general principles (3A), land administration services should support all types of land tenure and should be accessible for all people, including women, minorities, people with different legal status, and other vulnerable groups. Land challenges in Jordan include pastoral customary tenure and informal areas where people do not have access to formal security of tenure.

2.1.2 Property and ownership types

Land ownership in Jordan falls under three categories. Private land, encompassing both *miri* and *mulk* tenure, can be officially registered with owners receiving documentation for their property. Jordan's rangelands and tribal territories, known as *wajehat el-ashayeria*, were historically distributed by Sheiks. State land (*al mawat*), provides free access to all resources to land owned by the State. State land covers most uncultivated, so-called dead land (*al mawat*, which means "nothing will survive in the area") and which includes grazing lands operated under common property regimes (USAID, 2018).

Article 5 of the new Jordanian Real Estate Ownership Law no. 13 of 2019 divides real estate into four classes which are taken from the Ottoman Land Law⁴:

- *Mamluka* Real Estates: are freehold real estates.
- *Mawkufa* Real Estates: are real estates possessed in mortmain or endowment.
- *Matruka* Real Estates: are real estates abandoned without cultivation or ostensible owner. They are registered under the name of treasury and are regulated by the Management of State Property law.
- *Mawat* Real Estates: are dead, uncultivated, and unappropriated real estates. They are usually outside urban planning areas and far from urban activities.

The new Jordanian Real Estate Ownership Law no. 13 of 2019 canceled the *meeri* or (*Ameeri*) type of land stated in the Ottoman Land Code. *Miri* land is legally owned by the state but is under perpetual lease to the occupier, who has inherited right of disposal (*hak al-tasarowf*) and the state had the right to claim *meeri* land not cultivated for three years or more. Under the new Jordanian Real Estate Ownership law, *meeri* lands or real estates have become *mamluka* or private land and the disposition right over them was transferred into an ownership right (Article 8).

2.1.3 Private and State Land⁵

Private Land - In Jordan, privately owned land (*mamluka*) is land registered and documented. Freehold land sale or exchange transactions must be registered with the DLS otherwise they are not considered valid. In 2015, DLS estimated that a total of 11,604 km² of land in Jordan is privately owned, which represents 12.9 per cent of the country's total area (UN-Habitat, 2020).

Public Land or State-owned property - Article 2 of the State Lands and Properties Maintenance Law no.14 of 1961 defines state land as "all immovable funds registered in the name of the treasury or on behalf of those who have an interest in it, and any other lands and property of the state, even if they have not been registered, including (*Mawat*) dead lands, and save the forest lands which preservation is assigned to the Department of Forestry".

In the early days following the establishment of the Emirate of Transjordan, and the first land settlement works, the country's population was just a few hundred thousand people. Only a small part of the land was exploited by the people, and hence registered in their names. Other lands were considered state or "treasury" land. Most of the land in Jordan is treasury or state land which may be leased or accredited to lessees (Madanat, 2010).

⁴ The Ottoman Land Code of 1858 was repealed in Jordan by the new Real Estate Ownership law no. 13 of 2019.

⁵ State land in Jordan is also called "Treasury Land".

More than 800,000 titles for private lands are registered in Jordan, while the 80 per cent of land belonging to the State lacks documentation and is not well-defined (USAID, 2018). Most of the treasury lands are in the arid east of the country. There are parcels of public land administered by their respective municipalities, but these are relatively modest in amount (Bruce, 2012).

The Ministry of Finance (MoF) is the custodian of public lands not committed to other agencies. According to article 4(e) of the new Real Estate Ownership Law no. 13 of 2019, DLS' mandate includes the leasing, accreditation (privatization) and allocation to use by public bodies. DLS is also responsible for expropriation through its State Property Directorate in addition to monitoring and following up encroachment on state land.

Management of State land is carried out under a variety of laws, the most important ones being the Law no. 41 of 1953⁶ on changing the classification of land from *miri* (state) to *mulk* (private), the State Lands and Properties Maintenance Law no. 14 of 1961⁷, the Management of State Immoveable Funds no. 17 of 1974, as amended, as well as the Regulation of Treasury Lands Accreditation and Leasing no. 53 of 1977 and amendments.

According to article 4 of the Management of State Immoveable Funds no. 17 of 1974, accrediting and leasing of state real estate is handled by a "Central Committee" formed by the Minister of Finance as chairman and consisting of:

- The General Manager of the Department of Lands and Surveys, as vice-chair;
- Secretary-General of the Ministry of Interior;
- Secretary-General of the Ministry of Municipal Affairs;

- Secretary-General of the Ministry of Agriculture; and
- General Manager of the Agricultural Credit Corporation.

The Minister forms a sub-committee at every governorate and district to be called the "State Property Committee", formed by the Governor, the Director of Finance, and a representative of the Ministry of Agriculture (Article 4/d). The sub-Committee takes up applications for accreditation and leases of state real estate submitted to them by the Director-General of DLS, evaluate them, and makes recommendations (Article 5). The Council of Ministers, based on the recommendation of the Minister of Finance, is responsible for approving or canceling state real estate accreditations and leases (Article 6/a). Leases of public land for other than housing or agricultural purposes, however, can be made by the Minister of Finance on the recommendation of the Director-General of DLS (Article 7). In the case of certain dispositions of agricultural land, the approval of the Minister of Agriculture is required. In an exception to these procedures, the Ministry of Finance, based on the recommendation of the Central Committee, can allocate public land to ministries and other government agencies (Article 13).

Public land is also given on lease and then alienated through a process known as "accreditation". In that case, someone who has exploited the land can apply for a five-year lease, and after that five-year period, the land can be accredited to the lessee in return for a fee, but the procedure is lengthy and complicated (Madanat, 2010). Land accredited cannot be sold or disposed of for ten years after accreditation (Article 16). This tends to promote sporadic rather than planned land development (Bruce, 2012).

⁶ Canceled by the new Jordanian Real Estate Ownership law no. 13 of 2019.

⁷ In February 2021, the Jordanian House of Representatives approved the draft of law no.11 of 2021 which replaced the State Lands and Properties Maintenance Law no.14 of 1961.

2.1.4 Land and property registration

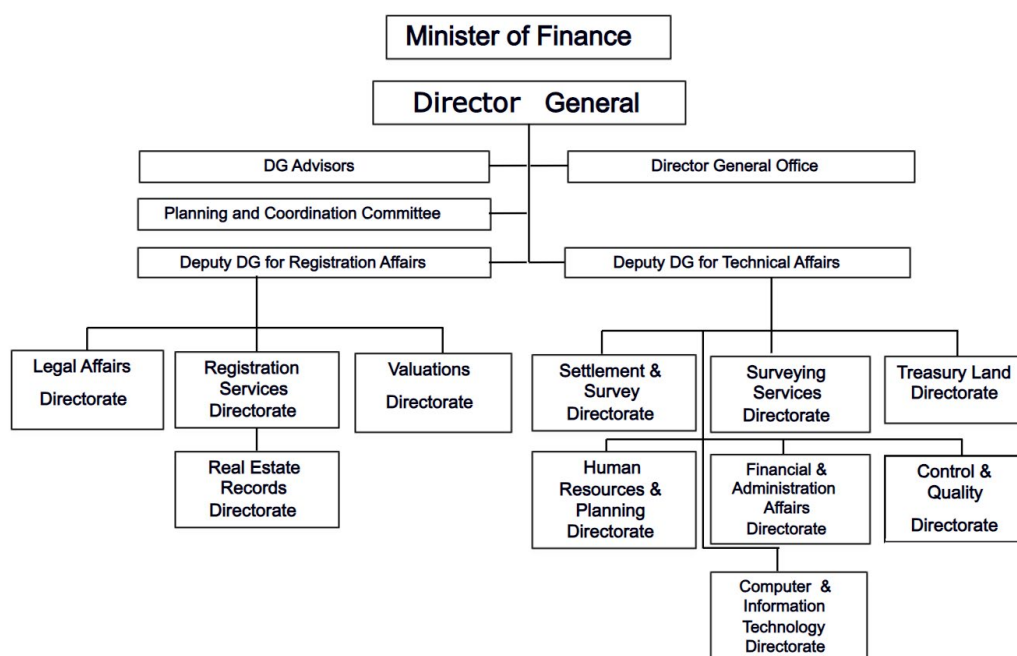
Jordan adopted a parcel-based title registration system, introduced under the British Mandate (Bruce, 2012). In 1927, the law of Land Boundary Establishment and Valuation was passed, defining boundaries of public and private properties, village boundaries and state forests, and establishing the Department of Lands and Survey (DLS)- the principal government department dealing with land registration and management. DLS sits under the MoF and is responsible for three main tasks: cadastral surveying, registration of land and property, and management of treasury (State) lands⁸ (USAID, 2018).

Most laws regarding land and water rights, settlement and registration were established in 1952 and 1953 and the DLS carried out its works in accordance with them. They included the Land and Water Settlement Law no.40 of 1952; the law on the Registration of

Unregistered Immoveable Property Law no. 6 of 1964, and survey responsibilities are governed by the Law on Land Survey and Appraisal no.42 of 1953.

Until 1968, DLS managed topographic and photogrammetric surveys in Jordan, a responsibility that was then passed on to the Military Survey, and in 1975 the Royal Jordanian Geographic Centre (RJGC). By 1988, in collaboration with the French Institut Geographique National (IGN), the RJGC had completed the establishment of the national geodetic network (1st, 2nd, and 3rd order). Alongside this development, a new projection system, the Jordan Transverse Mercator (JTM), replaced the Palestine Grid System. Cadastral maps also transitioned to the JTM projections, a departure from the old Cassini system (Madanat, 2010). The website of DLS indicates that the department is currently using 12 Global Positioning System (GPS) in its surveying works (DLS).

Figure 3: DLS organizational chart.



Source: Sayegh, 2016

⁸ The DLS's powers and responsibilities are set out in DLS's Administrative Organization Bylaw no.80 of 1999.

According to DLS records, in 1975, the surveyed area was 1,440,848 donum⁹ out of the total area of Jordan, 88,945,371 donums. The rest of land, 74,536,623 donum, was not surveyed and registered. About 50 per cent of the registered land was in Amman and Irbid governorates (Taimah, Chenini and Achouri, 2012). Moreover, in 2017 the property tax roll of the Ministry of Finance (MoF) revealed that 71.7 per cent of the housing units are registered in Jordan (but this statistic does not include GAM). Registration is highest in Tafila governorate, at 83.9 per cent, followed by Aqaba governorate, at 76.5 per cent, where Aqaba Special Economic Zone Authority (ASEZA) keeps strict control over housing production. Irbid and Zarqa have a relatively high percentage of registered properties at more than 73 per cent. Low and middle -income households avoid registering their property because of the affiliated costs (UN-Habitat, 2020).

The systematic land registration by DLS covered major urban centers and the arable areas in the west of the country. Later extending into the Western Desert, it has covered not only land under private titles but also treasury lands, registered as such, and public lands held

by other entities, such as municipalities and special development zones. The desert lands, used by Bedouin but considered public lands, were registered in large blocks as state-owned (Bruce, 2012).

The system is decentralized, with 34 Land Registration Directorates, six surveying groups and seven Land Registration Offices throughout the country (Sayegh, 2016). All Land Registry Offices are connected on-line through a centralized data base. The legally authoritative register is the “white” register in these offices, while the “red” register kept in headquarters is undated from those registers and serves as a backup copy. Additionally, the hard copy registers act as backups to the digital registries now in use (Bruce, 2012).

Land rights documentation, while accessible via the internet for those who can show a direct need or interest, is treated as private information and is not generally available to the public. Nonetheless, it is possible for the public to go online and obtain statistics about some of the services offered by DLS, such as the number of issued records, cadastral maps, number of approvals granted for foreigners to own property in Jordan, etc.

Table 2: Jordan area of surveyed and un-surveyed land in 1975.

Governorate	Surveyed	Non-surveyed	Total
Ma'an	1363926	34776987	36140913
Mafraq	1668637	25460168	27128805
Amman	3356899	7255610	10612509
Zarqa	1812688	3388257	5200945
Karak	1700889	2308963	4009852
Irbid	2550539	-	2550539
Tafila	855051	1346638	2201689
Balqa	1100119	-	1101119
Total	14408748	74536623	88945371

Source: Taimah, Chenini and Achouri, 2012

⁹ One donum equals 1,000 square meters (11,000 sq ft).

Table 3: Statistics of submitted e-services requests from 1 March 2020 to 31 January 2021.

Service	New	In Progress	Delivered	Total
Issuance of maps	0	569	21819	22388
Issuance of records	0	147	35920	36067
Approvals for non-Jordanians to own properties	3	1	0	4
Approvals for non-Jordanians to sell properties	0	1	0	1
On-site monitoring report	0	80	0	80
Issuing of exemptions	2	2	0	4

Source: DLS website

DLS has taken great steps in the direction of development, modernization, and computerization of its work in recent years, which has had a significant

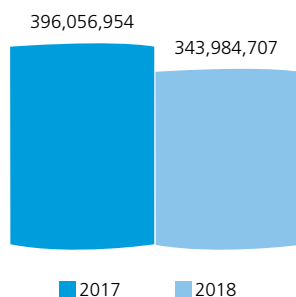
impact on facilitating transactions for citizens and completing their work quickly and easily (DLS). DLS has almost completed computerization of its cadastral and property data and has developed tools for internet access. All cadastral maps are in digital form. DLS maintains records of over 1.5 million parcels, 20,000 cadastral maps, and more than 3.5 million property ownerships (DLS, 2011).

The twinning agreements with Sweden and Poland (2011-2013) and the EU (2016) provided technical assistance to resolve some of the technical challenges faced by DLS.

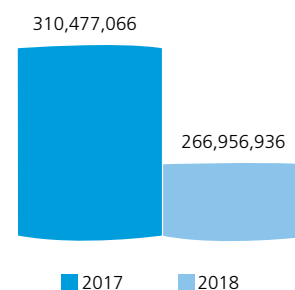
DLS Revenues during 2018 amounted to 266,956,936 JOD, decreasing by 14 per cent compared to 2017, as the value of the apartments' exemptions amounted to 77,027,771 JOD, for a total exemptions and revenues of 343,984,707 JOD, decreasing by 13 per cent compared to 2017. North Amman land registration directorate (LRD) ranked first, with revenues amounting to 49,117,275 JOD, second came Amman LRD with 31,969,274 JOD, followed by south Amman LRD with 30,481,344 JOD, and fourth came west Amman LRD with revenues amounting to 27,047,920 JOD (DLS, 2018).

Figure 4: DLS revenues in 2017 and 2018 (J.D).

The value of exemptions & Revenues in the years 2017-2018



DLS Revenues in the years 2017-2018 (J.D)



Source: DLS Annual Report 2018

In 2007 the Ministry of Finance proposed to the Cabinet a “unified law”, merging some nineteen enactments that affect land administration, but it was not approved (Bruce, 2012). The new Jordanian Real Estate Ownership law no. 13 saw the light of day in May 2019 and was finally issued as a culmination of DLS’ efforts to modernize land administration in Jordan and expanded the duties and the role of DLS¹⁰. The new bylaw no.8 of 2020 was also issued - based on law no.12 of 2019 - regulating procedures for maintenance of the real estate registry in case of damage to any of its documents.

According to the World Bank’s Doing Business, Jordan has significantly improved its ranking during the last decade. In 2010 Jordan ranked 106th out of 183 countries in registering property, whereas the World Bank’s Doing Business (2020) ranked Jordan 78th out of 190 countries in registering property, ahead of Egypt (Rank 130), Iraq (Rank 121) and Lebanon (Rank 110).

Challenges

In spite of the above progress, DLS still face some unresolved challenges:

- A major part of the country’s land is state or treasury land, which is considered under-exploited and many Jordanians do not have access to land, either for housing or for farming (Madanat, 2010).
- Many land-related procedures are unnecessarily time-consuming and complicated. For example, land and property registration must be done in person at the DLS headquarters or relevant Land Registration Directorate (Madanat, 2010).
- Property registration is tied up to obtaining a building tax clearance certificate from the relevant Municipality beforehand stating that there are no outstanding taxes (World Bank, 2020).
- DLS still requires two in-person witnesses for land sale transactions, adding to the complexity and difficulty of transactions (Madanat, 2010).
- Insufficient information in the cadastral maps which only show boundaries of land parcels without names, contour lines or buildings. Current cadastral maps do not even include buildings or street names (Madanat, 2010).
- Lack of transparency is affecting the security of tenure. Land property information is considered confidential and it is only accessible to the property owner, unless by court order (Madanat, 2010).
- Corruption affects DLS and the land market in general. Recent instances include the granting the mining and oil shale concessions to foreign firms, cement production, marble extraction, petroleum and natural gas exploration. Due to the significant and permanent impact industrial activities can have on land, the procedures for obtaining permits and authorizations are understandably lengthy and complex. However, the considerable economic influence and lobbying capabilities of large corporations often pave the way for corrupt practices (Madant 2020).
- The significant cost associated with property transfers has led to the prevalent concept of the ‘house for life’. Due to the financial strain involved in buying and selling houses, many Jordanian families opt to purchase larger homes, typically spanning 150m² or more, even if they do not currently (and may never) require such spacious accommodation, such as newly married. This trend often results in excessive and unnecessary expenditure on housing, leading to economic challenges for households, and consequently the country (Madanat, 2010). In October 2019, based on Law no.28 of 2006 related to the exemption from public funds, the Council of Ministers, in order to stimulate the real estate sector and enable limited income people to buy houses, decided to exempt Jordanian citizens only from all registration and ownership transfer fees on the first 150 square meters of apartments and lands. The space in excess was subjected to

¹⁰ Please refer to the land stakeholders’ section for more information about the role of DLS according to law no.13 of 2019.

lower fees and taxes, which total 50 per cent of the rates stipulated in the law. The decision also lowered land sale fees and tax on real estate sales by 50 per cent of the rate specified in the law, including transactions among relatives, partners, and others. The exemptions also include the fees related to ownership transfer, disassociation of heirs and land subdivision (Jordan Times, 2019). This exemption was first extended until the end of 2020 and later extended to 30 of June 2021 (Al-ghad, 2020).

- There is no specific and independent mechanism for filing complaints about a problem that occurs at DSL (World Bank, 2020).
- All privately held land plots in Jordan are mapped but not necessarily formally registered at DSL (World Bank, 2020).
- The law requires that all property sale transactions be registered at the immovable property registry to be valid and opposable to third parties (Article 63 of law no.13 of 2019).

Figure 5: Tabu or Title Deed document.

المملكة الأردنية الهاشمية
صورة قيد تسجيل الاموال غير المنقولة

رقم القيد: 2013-IR- [REDACTED] المديرية: اراضي اربد
اسم الحق: المسجلية الشمالية القرية: اربد
نوع الأرض: ملك اسم الحي:

يحتوي هذا القيد على 1 (صفحة)

رقم القطعة: [REDACTED]	المشروعات	رقم الخس: 0
رقم الحوض: 7		رقم اللوحة: [REDACTED]
رقم الشقة: 000		مجموع الحصص: 1
القيمة التسجيلية: 2.532		مقياس الرسم: 1/2500
رقم بيان التليبير: --		

متر مربع دونم
0 443.000

المساحة رقما :
المساحة كتابة : أربعمائة وثلاثة وأربعون مترمقرب

الرقم الوطني	اسم المالك	الجنسية	الجنس
[REDACTED]	[REDACTED]	الأردنية	كاملة

* المالك المشار اليه بالشاره (*) هو الشخص المعنى بهذا القيد

خاص بالدفتر:
نظم سنة التسجيل:

1 / 2 0009021IR--10.66.207.72--1188eq02-DL83705-11.03.98-13/08/2013

Form:qp-09-711-3 rev.b

Source: NRC, 2014

2.1.5 Implications of the Syrian refugee's crisis on land tenure issues

Jordan hosts a large refugee population from the country's conflict-ridden neighboring states: 83 per cent of them live in urban areas (Urbanet, 2021). The crises in neighboring Iraq and Syria have propelled the arrival of refugees to Jordan over the course of the last 15 years. In 2019, UNHCR recorded approximately 747,080 refugees in the country, with a significant share (83.5 per cent) living in urban areas. The vast majority of refugees come from Syria (654,692) and are concentrated in Jordan's most densely populated governorates: Amman (29.5 per cent), Mafraq (24.8 per cent) and Irbid (20.6 per cent).

The forced migration caused by the crisis in Iraq in 2003 and Syria in 2012 contributed to social and economic changes that have affected the housing market and infrastructure services. It created high demand for rental housing and resulted in a sudden increase of houses and land prices beyond the financial capabilities of citizens, created a housing gap between supply and demand, and rendered owning a house more difficult due to the poor sustainability of housing credit support programmes, and the lack of small residential land plots (UN-Habitat, 2014). The increase in rent prices impacted access to affordable and adequate housing for both host communities and refugees, with 70 per cent of Jordanian households not able to afford adequate housing (JRP, 2020-2022).

Table 4: Total registered Syrian refugees by governorate in Jordan.

Governorate	Source	Data date	Population	
Amman Governorate	UNHCR	29-Feb-24	30.0%	191,700
Mafraq Governorate	UNHCR	29-Feb-24	25.4%	162,751
Irbid Governorate	UNHCR	29-Feb-24	19.8%	126,524
Zarqa Governorate	UNHCR	29-Feb-24	14.6%	93,473
Balqa Governorate	UNHCR	29-Feb-24	2.6%	16,528
Madaba Governorate	UNHCR	29-Feb-24	2.0%	12,685
Jarash Governorate	UNHCR	29-Feb-24	1.3%	8,317
Maan Governorate	UNHCR	29-Feb-24	1.3%	8,180
Karak Govenorate	UNHCR	29-Feb-24	1.3%	8,079
Ajlun Governorate	UNHCR	29-Feb-24	0.9%	5,623
Aqaba Governorate	UNHCR	29-Feb-24	0.6%	3,780
Tafilah Govenorate	UNHCR	29-Feb-24	0.2%	1,400
Other	UNHCR	29-Feb-24	0.1%	512

Source: OECD library

Syrian refugees in Jordan currently have the most precarious land rights, with those living in rented housing at the highest risk of eviction and displacement. Many refugees live in rented apartments, but do not have formal and fair lease agreements, and therefore do not have security of tenure. Lack of appropriate lease agreements has led to evictions, rental increases, exploitation, and disputes with landlords. Further, one in ten refugees is living in an informal shelter, such as a tent, mud hut, or caravan. Almost half of refugees are living in shelters whose condition is classified as “bad or undignified.” Demand for adequate housing is manifest in sharp increases in land and housing rents and social tensions are on the rise. Such disputes can be both a cause and a consequence of tensions between refugees and host communities but must be addressed to prevent an escalation to violence (USAID, 2018).

The overall objective of the shelter sector of the Jordan Response Plan for the Syria Crisis 2020 -2022 (JRP, 2020 – 2022)¹¹ is to ensure improved living conditions for vulnerable Syrian refugees and Jordanians through access to adequate, secure, and affordable housing in the host communities and formal settlements in Jordan. The JRP 2020-2022 resulted in the following activities.

Activities carried out in host communities: (1) Targeted cash for rent assistance for extremely vulnerable Syrian refugees and Jordanians, reaching around 7,000 beneficiaries; (2) Shelter rehabilitation services combined with a rent-free and/or reduced rent amount lease agreement for 12-18 months period for 16 thousand extremely vulnerable Syrian refugees and Jordanians; (3) Installation of accessibility kits addressing various types of disabilities reaching; (4) 16 thousand vulnerable people were provided with information and awareness on their right to adequate housing; (5) Vulnerable Syrian refugees and Jordanians

benefited from water connection to the municipality and attended awareness-raising sessions on adopting efficient water conservation-related practices.

Activities carried out in refugees’ camps: upgrading and reparation of 6,637 shelters in Azraq and Zaatari camps and construction of kitchens for 4,652 shelters in Azraq camp (JRP-2020, 2022).

2.2 LAND VALUE

Land value refers to “the processes and institutions related to assessment of the value of land and properties; the calculation and gathering of revenues through taxation; and the management and adjudication of land valuation and taxation disputes” (Williamson, Enemark and others, 2009).

The Voluntary Guidelines on the Responsible Governance of Tenure (VGGT) provides that states should ensure that appropriate systems are used for the fair and timely valuation of tenure rights for specific purposes, such as operation of markets, security for loans, transactions in tenure rights as a result of investment, expropriation, and taxation. Such systems should promote broader social, economic, environmental, and sustainable development objectives (Article 18.1).

2.2.1 Property valuation

Accurate property appraisal is critical for various functions and purposes such as asset valuation for lenders, property tax estimation, insurance estimation, and estate planning, among others.

According to article 4/F of the new Jordanian Real Estate Ownership Law no.13 of 2019, the DLS is responsible for valuing land and property in Jordan. The property valuation provided by DLS is used as a basis by other departments that are in charge of calculating the tax based on these values.

¹¹ The JRP 2020-2022 provides for interventions in seven sectors.

Based on article 4 of law no. 38 of 1980 regulating the Land Surveying Profession and Realtors in Jordan and article 222/A of the new Jordanian Real Estate Ownership law no.13 of 2019, a new regulation for the valuation of real estates and registration of real estate's appraisers no. 37 of 2020, was issued on 8 March 2020 by the Jordanian Council of Ministers. The new regulation is used by DLS instead of the old land valuation law no.42 of 1953 repealed by law no. 13 of 2019. However, only one article in the new regulation no.37 of 2020 is dedicated to land valuation (article 4) and the rest deals with real estate appraisers' qualifications and accreditation by DLS. It is therefore necessary to look to other legal resources not suspended by the new Jordanian Real Estate Ownership Law no.13 of 2019 for rules governing property valuation in Jordan.

Land valuation related legislation

Below are the main laws applicable to land valuation in Jordan:

- Land Registration Fees law no. 28 of 1958 as amended and regulation no.4 of 2019 related to the committee for estimating the values of immovable properties.
- Land sale tax law no.21 of 1974 as amended.
- State land management law no.17 of 1961 as amended.
- Zoning of cities and villages law no.79 of 1966 and its amendments.
- Division within municipalities' zones law no.11 of 1968 and its amendments.
- Buildings and lands tax within municipalities and local councils' regions law no. 11 of 1954.
- Buildings and lands tax amending law no. 29 of 1966.

DLS property valuation approaches

The valuation approaches used by DLS to assess the real value of the property are the sales comparison approach, the income approach, and the cost approach (Article 4/a of Regulation no.37/2020). Sources of real estate

data needed to determine the real property value are registration titles, lands maps, the location, construction codes issued by the Engineers Syndicate, the Ministry of Agriculture (MoA) estimated value of fruit and forests trees and DLS's sales database (Article 4/b of Regulation no.37/2020). Moreover, the topographical nature of the land is to be taken into consideration during the land valuation (Article 4/c of Regulation no.37/2020).

Article 4 of the Land Registration Fees law no. 28 of 1958 as amended provides that an assessment committee shall be established in each land registration directorate to appraise the properties under its jurisdiction. The Central Committee for Property Valuation under DLS in Amman shall publish the assessed values in the official gazette, two local newspapers and online. Reassessment of properties value shall be carried out once every three years.

According to DLS values estimation system, the market value of the property is the required value to be determined applying one of the above-mentioned valuation approaches (DLS) further explained below.

The sales comparison approach

The essence of the sales comparison approach is to compare prices of sold properties which are similar to the property being valued. The appraiser must have full knowledge of the real estate market to be able to determine the value of the property by comparing it to recently sold similar properties under the same market conditions. The assumption is that that the property's market value can be derived by the prices demanded by similar items in the same market.

According to the DLS values estimation system, the following basic items should be considered by the appraisers in the sales comparison approach to accurately assess the value of the subject property (DLS):

- Property transfer rights
- Financing

- Sales conditions
- Direct expenses after the purchase
- Market conditions
- Location
- Natural conditions (space, building quality, roads)
- Economic conditions (operating expenses, management, conditions of the contract, shared accommodation)
- Type of the real estate use
- The value of the movable components of the real estate

The basic steps for property appraisal are:

1. Find properties comparable to the property being valued, i.e. recent sales that are located near the subject property (using sales records).
2. Select a balanced subset of the most promising comparable to derive the final estimate.
3. Adjusts the comparable sales price to reflect their differences from the subject property (using heuristics and personal experience).
4. Average the comparable adjusted sales prices (using any reasonable averaging method) and derive the value for the subject property (Al-Akhras and Saadeh, 2010).

The Sales Comparison Value (SCV) calculated according to DLS is the following (Al-Akhras and Saadeh, 2010):

$$SCV = (Property\ Area \times Average\ Meter\ Price\ of\ Comparable\ Properties) + Land\ value$$

The income approach

The income approach is used when the property generates continuous income. It is also based upon the principle of anticipation, i.e. the expectation of future benefits such as the market rent that a property can be expected to earn during its economic life, less the expenses and operations cost (management, maintenance, and taxes) (DLS).

The following equations characterize the Income Value (IV) of a property in the income approach according to DLS where the Interest Rate (IR) equals 0.07 (Al-Akhras and Saadeh, 2010):

$$Income\ Value = (Property\ Income - Land\ Interest) \times Multiplying\ Factor + Land\ Value$$

$$Property\ Income = Property\ Area \times Property\ Average\ Annual\ Rent\ Per\ Meter - (Maintenance\ and\ Management\ Cost + Taxes\ and\ Fees)$$

$$Land\ Interest = Interest\ Rate\ (0.07) \times Land\ Value$$

$$Multiplying\ Factor = \frac{(1 + 0.07)^{Remaining\ Age} - 1}{(1 + 0.07)^{Remaining\ Age} \times 0.07}$$

$$Remaining\ Age = 50 - (Current\ Year - Year\ of\ Construction)$$

$$Maintenance\ and\ Management\ Cost + Taxes\ and\ Fees = 0.19 \times Property\ Area \times Property\ Average\ Annual\ Rent\ Per\ Meter.$$

The annual income approach is used by DSL to assess the value of real estate located within the boundaries of villages or treasury real estates, among others. Agricultural land's value is assessed based on the potential yearly income that is likely to be produced, if the land is planted in a good and appropriate manner in accordance with the rules of agriculture followed in the neighboring medium-production areas within a year (Article 28 of law no.13 of 2019).

The cost approach

In the cost approach, the appraiser estimates the value of the property by comparing the existing property with the cost to buy the land and build a new property taking into consideration the conditions of the existing property and the land's market value (DLS). The objective of this approach is to ascertain the replacement price of the property. The value of the land and the property are assessed separately; the theory is that the value of a property can be estimated by summing the land value and the depreciated value of any improvement. Thereafter, the appraiser needs to adjust the calculated value to reflect market conditions (Al-Akhras and Saadeh, 2010).

According to the Jordanian DLS, the value of a property is calculated using the cost approach according to the following equation:

Cost Value = (Property Area × Property Price Per m²) + Summation of Positive Indicators – Summation of Negative Indicators – Depreciation + Land Value.

Depreciation¹² = 0.02 × Property Age × (Property Area × Property Price Per m²).

The cost approach is used when it is not possible to use the sales comparison approach (no comparable sales) or the income approach (the property not generating any income) (DLS). Moreover, due to the depreciated value, the approach is considered reliable when used on new structures but not old properties (Al-Akhras and Saadeh, 2010).

Property valuation challenges

There are several challenges associate with property valuation in Jordan:

- Mass properties appraisal is estimated by sampling techniques which are less accurate when used for large batch of properties (Al-Akhras and Saadeh, 2010).
- Property valuation is not accurate as DLS only calculates average values across quite large enumeration areas and the individual plot is not the unit of observation. Average values are likely to neglect significant variations in local neighborhood characteristics (Haas and Kriticos, 2019).
- Properties valuations tend to be infrequent. Property values are outdated and do not reflect land value changes following zoning or implementation of public works in the property area (Haas and Kriticos, 2019).

Citizens' participation in land valuation

In January 2020, DLS launched an interactive online property assessment platform¹³. An online pre-prepared form is filled in by the citizen and the investor, indicating their price estimation of a specific property (land and building). The objective is to obtain accurate information and attain administrative fair value to be used for the payment of legal fees and to reduce future objections regarding properties values estimated by committees established to reassess the price of all land plots across Jordan.

Properties prices estimated by citizens on the online platform should be used to make property registration fees charged by DSL fairer and to achieve greater equity to Jordanian citizens and investors, in particular since property sales fees are charged based on property values assessed by DSL and not on the property sale price agreed upon between the seller and the buyer in accordance with articles 3/1 and 4 of the Land Registration Fees Law No. 26 of 1958 as amended¹⁴. Moreover, citizens feedback on the valuation online platform should also be used to update DLS sales data base, which is based on information about prices paid for different types of properties, collected during the registration process, to improve the accuracy of property valuation in Jordan.

Regulation of the property appraisers' profession

The new Jordanian Real Estate Ownership law no.13 of 2019 provides that property valuation for judicial or non-judicial purposes shall be undertaken by licensed property appraisers only in accordance with a special by law which shall be issued for this purpose (Article 214). The Committee for the Registration and Accreditation of the Real Estate Appraisers at DLS is in charge of

¹² According to DLS the residential property depreciation rate is two per cent per year (Al-Akhras and Saadeh, 2010).

¹³ See Department of Lands and Survey: Department Services

¹⁴ Land registration fees charged by DLS are updated one time each three years.

examining and listing accredited real estate appraisers in Jordan (Articles 5 and 6 of the Regulation for the Valuation of Real Estates and Registration of Real Estate's Appraisers no. 37 of 2020).

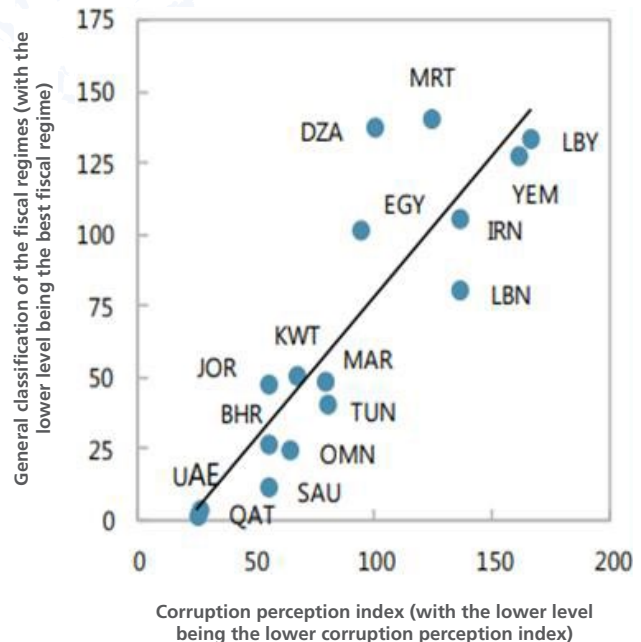
In addition to the above Regulation no. 37 of 2020¹⁵, the following legislations regulate the real estates appraisal profession in Jordan.

- Law no.13 of 2019 "The Real Estate Ownership Law".
- Law no.38 of 1980 Regulating the Land Surveying Profession and Realtors.
- Law no.43 of 1976 "The Jordanian Civil Law".

2.2.2 Land and property taxation (LPT)

Land and property taxation (LPT) is an important source of local government revenues. The LPT is attractive for several reasons. First, land taxes minimize distortions caused by the broader economy. Second, the LPT increases the intensity of land use and mitigates the incentives for urban sprawl and land speculation. If no costs are incurred by holding land without developing it, land speculators wait for the value of land to increase in order to make a profit on that land in the future. LPT generally discourages this practice by adding a cost to holding onto unproductive land. Likewise, an annual LPT encourages large landowners to either use their land more efficiently or sell it. Furthermore, the revenue collected from the LPT tends to grow when the local economy grows. The burden on households and businesses, however, should be both manageable and fair, given the large tax base (UN-Habitat and GLTN, 2011).

Figure 6: Efficiency of the fiscal regime and corruption in the MENA region.



Ranking based on equal coefficients for the burden of customs procedures for businesses, the number of tax payments per year and the time spent on taxation per year.

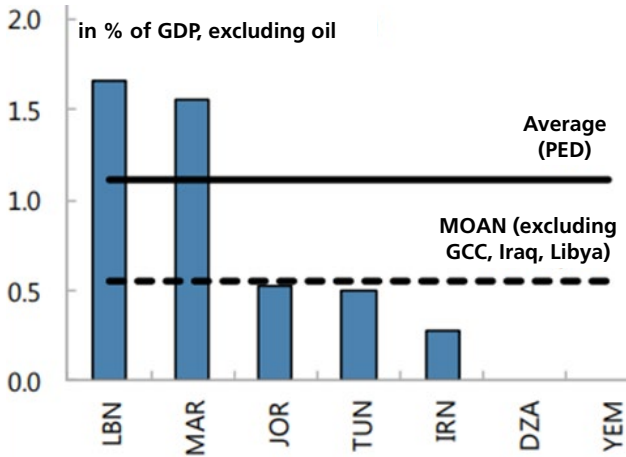
Source: World Bank, world Economic Forum, transparency Internation and IMF service calculus in IMF, 2015.

Concerning the efficiency of the tax system and the level of corruption, the figure indicates that Jordan is in the lower side of the bar which groups MENA region countries with better performance as opposed to the upper side of the bar which groups MENA region countries with worse tax systems and higher levels of corruption¹⁶.

¹⁵ Regulation no.37 of 2020 repealed previous Regulation no. 81 of 2004 related to listing and accreditation of Real Estate Appraisers.

¹⁶ Nevertheless 86 per cent of the Jordanian population considers corruption to be a big challenge facing Jordan (TI, 2019). Besides, Jordan is a country with few natural resources and a small economy; external investment has been hampered by red tape and 'widespread' corruption, according to the 2020 Index of Economic Freedom (Brown, 2020).

Figure 7: Property Tax Revenues, latest available data.



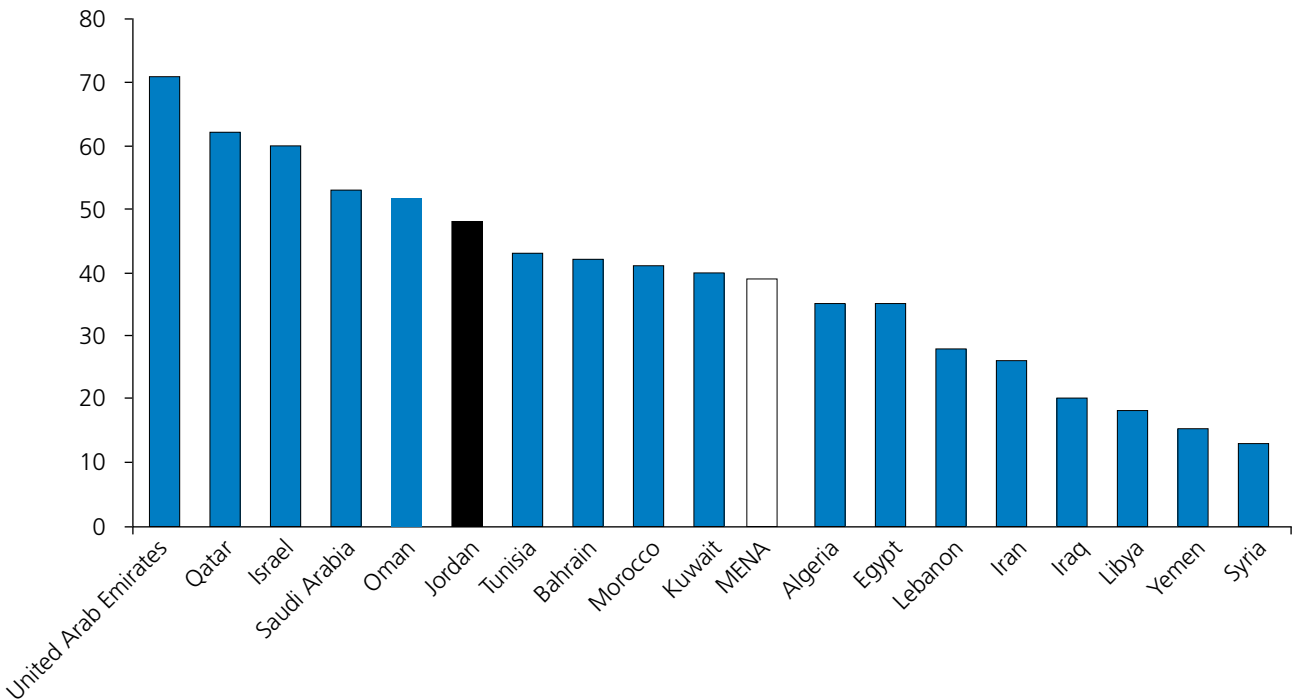
Source: National authorities and IMF service calculus in IMF, 2015

But the contribution of the LPT (with other sources), towards the total tax revenue is low (1,052 percent)¹⁷ and its contribution to the GDP (0.5 per cent) is insignificant and lower than the average in emerging and developing countries. Such contribution plays a limited role despite its great potential, particularly in countries such as those of the MENA region, where wealth is concentrated in real estate and LPT taxes are more difficult to defraud, considering the immobility of the tax base. (IMF, 2015).

2.2.3 Land Property Taxes (LPT) types in Jordan

Countries have used several taxation mechanisms, such as annual property tax, capital gains tax and idle land tax to correct market distortion and foster

Figure 8: TI – Corruption Perception Index 2019.



Source: Transparency International (2020) Corruption perception Index in OECD Library

¹⁷ See please below the World Bank Chart - Other Taxes percentage of Revenue (% of GDP).

Table 5: Tax revenue by category, latest available data.

Tax revenue by category, latest available revenue (as a percentage of GDP excluding oil)								
Country	Total	Goods and services	VAT	Access rights	Personal income tax	Corporation tax	Commercial exchanges	Land
Algeria	16.7	6.1	2.1	0.4	4.2	2.2	3	0
Bahrain	0.8	-	-	-	-	N/A	0.8	0.4
Djibouti	19.6	7.3	N/A	N/A	3.2	5.9	2	N/A
Egypt	13	4.6	2.6	1.7	1.6	4.5	0.9	0.9
Iran	6.9	1.8	1.3	0.7	0.3	2.3	1	0.3
Iraq	1.9	1	N/A	N/A	0.3	0.2	0.3	N/A
Jordan	16.5	11.1	11.1	N/A	0.6	2.4	1.3	0.5
Kuwait	2.2	-				0.8	2	0.1
Lebanon	14	5.1	4	1.7	0.8	2.5	2.7	1.7
Libya	2.2	-			-	N/A	0.2	-
Mauritania	18.2	9	2.4	1.1	5	2.6	2.4	N/A
Morocco	22.2	11	8.2	2.7	3.8	4.5	0.9	1.5
Oman	6.4	-	-	-	-	3.2	1.7	-
Qatar	12.9	-	-	-	-	12.1	0.8	-
Saudi Arabia 1/	2.4	-	-	-	-	0.9	1.5	-
Sudan	5.6	3.2	2.1	0.4	0.1	0.5	1.7	0
Tunisia	22.5	6.2	6.2	2	4.6	2.6	1	0.5
UAE	4.8	-	-	-	-	1.4	1.1	N/A
Yemen	9.1	3.2	N/A	N/A	2.8	1.4	1.5	0

Note: due to differences between the last points given from one category to another, or incomplete information, it may be that the sum of the figures does not correspond to the total

1/ apart from zakat revenues, which could represent up to 2.6% of GDP excluding oil

Source: National authorities and IMF service calculus in IMF, 2015

revenues of local authorities. Jordan levies the real property tax (*musaqafat*), the real estate sale tax, the betterment tax, and the tax on property lease but there is no inheritance or estate tax and only a transfer fee is charged as elucidated below.

The Real Property Tax (*musaqafat*)

The real property tax in Jordan is levied by law no.11 of 20 March 1954, the “Buildings and Land Tax

Law within Municipalities and Amendments”. It is imposed on leased residential buildings, empty lands, factories, buildings, and other which falls within the boundaries of the Greater Amman Municipality and the municipalities of the capital governorate (TAG, 2019). The real property tax is levied from the property owner, or the person disposing of the property on his behalf or receiving the rent and not the tenant¹⁸ (Article 11).

¹⁸ Exceptionally, it is possible to collect this tax from the tenant based on article 16/c of law no. 6 of 1952 related to the collection of Amiri (state) funds as amended and the tenant has the right to recover any payment from the landlord or any other person disposing of the property on their behalf.

The Property and Land Tax (*Musaqafat*) is calculated for buildings as fifteen per cent of the estimated or actual rental value whichever is higher (Article 7), and that tax is divided as follows:

- 10 per cent buildings and lands tax.
- 2 per cent *Ma'aref* tax¹⁹.
- 3 per cent sewage contribution fees²⁰.
- 2 per cent imposed on vacant land.

The tax is assessed by estimations' committees appointed by the Minister of Finance in each district of the municipalities. The estimation committee or inspector has the right to review the books, accounts, ownership, or lease documents in order to organize the estimation list of the lands and property in the designated area (Article 8). The Minister of Finance has the right to change the estimation committee (Article 5). An evaluation is carried out to estimate the net annual rent for the buildings and lands at the Greater Amman Municipality and the municipalities in the capital governorate based on the principles and instructions of property estimation within the municipal areas which are issued by the Ministries' Council according to equations that take into consideration the category and level of the construction and the purpose of use (residential, commercial, industrial) regardless of the issued license (TAG, 2019).

The Real Property Tax Law regulates the appeal against the estimation committee's decision within 30 days of the date of the notification of the estimation. The objection is reviewed by the estimation committee (Article 9) and is appealed within fourteen (14) days of the notification of the estimation committee's decision, before an Appellate Committee set up for this purpose by the Minister of Municipal Affairs and its decision is final (Article 10).

The real property tax is collected in accordance with law no. 6 of 1952 related to the collection of amiri (state) funds as amended, by the Ministry of Finance on behalf of municipalities and is transferred along with fines to municipalities, after the reduction of effectively discharged collection expenses (Article 13).

The law also provides for penalties for late or non-payment of the tax (Article 15), incentives for early payment in the form of reduction between 4 and 8 per cent of the due amount of buildings and land tax. Moreover, the Minister of Finance may reduce the buildings and land tax up to 50 per cent (excluding *maare'f* tax and the sewage contribution fee), based on the request of the owner of the non-operational construction intended for lease if it remains vacant or non-operational during the year in which the tax is due (Article 12).

The following buildings and lands are exempted from the real property tax:

- The king's property
- The treasury's property
- Municipalities and local council's properties
- Historical sites
- Recognized cultural, sport, or social clubs
- Properties of a charity or a religious commission that is dully registered or licensed
- Properties of a foreign country that is used as a home for a consulate or a commission provided the principle of reciprocity is applied by the foreign country (Article 12)

Review of the estimation is possible each year on any of the grounds outlined in article 19 of the law such as the request of the property owner if the property is destroyed or its rental income decreased at least by 20 per cent since the last estimation, or if the property was

¹⁹ *Maare'f* in Arabic means education in English. *Maare'f* tax is Levied based on the Regulation of *Maare'f* tax no. 3 of 1988 as amended by the Regulation no. 72 of 2001. Regulation no.3/1988 was issued based on article 91 of the Education Law. *Al Ma'aref* tax is collected from the owner or the tenant for an amount of two percent (2 per cent) of the net annual lease as estimated under the Buildings and Lands Taxes Law and the owner has the right to transfer this tax which he has paid to the tenant (TAG, 2019).

²⁰ Worship places only are exempted from the sewage contribution fees. All state departments pay this fee.

affected by planning or the type of the property changes since the most recent estimation (Article 19). Otherwise, once every five years a re-estimation of the net rental value of all properties in a specific area designated in the Council of Ministers decision published in the official gazette is carried out and the adjusted building and lands tax is levied starting from the fiscal year following the public estimation of properties (Article 20).

The Real Estate Sale Tax

The real estate sale tax is levied by DLS based on law no.21 of 1974 and amendments “the Real Estate Sale Tax Law”. Upon the sale of any real estate, DLS charges a real estate tax equal to four per cent of the amount used to charge the registration fees, from the property owner or the donor (Article 3). Article 4 of the land registration fees law no. 26 of 1958 as amended provides that the property registration fees are charged based on the declared or estimated value of the property, whichever is higher. The estimated value of the real estate is reassessed by the estimation committees at each directorate of property registration, at least once every three years (Article 4/d/2 of law no.26 of 1958 as amended).

For the property registration fees, DLS has prepared a citizens’ guide which include all fees charged by DSL upon registration of property transactions²¹. The official portal of the Jordanian government “www.portal.jordan.gov.jo” indicates that the below listed fees for the registration of property sale or donation are charged by DLS based on the higher amount between the declared value by the contracting parties and the estimated property value:

- Five per cent sale registration fees plus four per cent real estate sale tax²².

- One per cent sale registration fees if the sale is between relatives of ascendants up to the third degree or between spouses or siblings.
- One per cent sale registration fees when the property sale is between partners in one lot for a period of five years at least, plus four per cent real estate sale tax.

The above fees are charged by DSL unless other exemptions from sale registration fees apply (SANAD, 2021)²³. Exceptions are applied to the following land transactions:

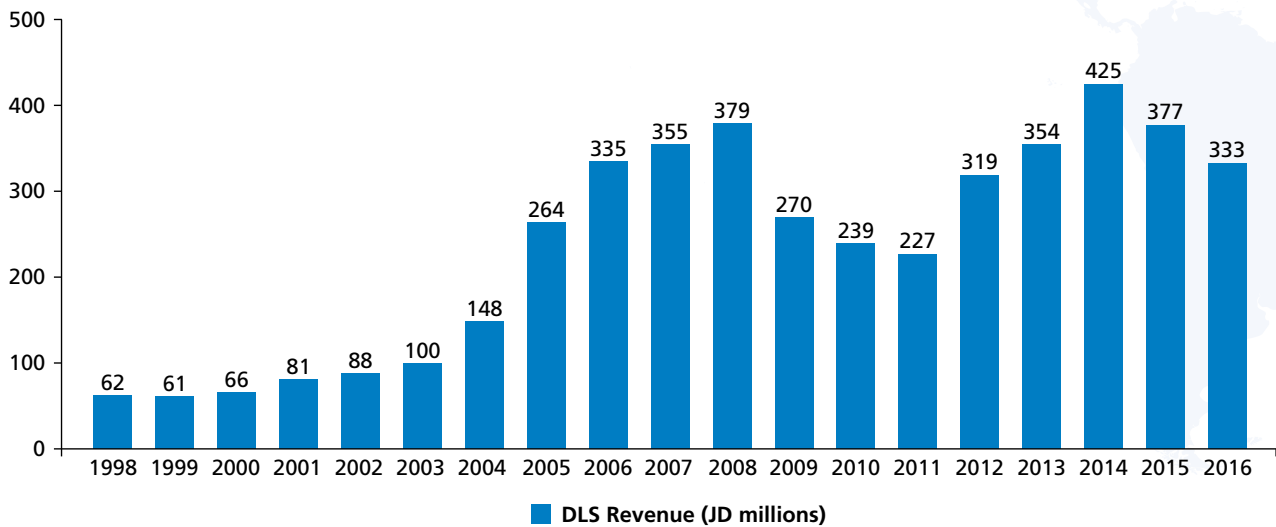
- Contracts of sale, or donation (gift) between ascendants and descendants up to the third degree, between siblings, and between spouses.
- Sales contracts between the Housing Corporation and the Public Institution for Social Security and Urban Development and the beneficiaries of any of their projects. Sales contracts between cooperative housing associations and their members, as well as sales contracts between banks and companies for individual housing projects that were financed without interest and between the beneficiaries of those projects when they are re-registered in their names.
- Free of charge property allocation contracts concluded in the name of the treasury, any governmental institution, or any municipal or village council, including the right to dispose of Amiri (state) lands, provided that the allocation of such immovable properties to be used for a specific general purpose (Article 4 of law 21/1974 as amended).

21 Contracts signed in Jordan are subject to a stamp duty fee of 0.3 per cent of the contract value. Contracts signed with a governmental body or with public shareholding companies are subject to a stamp duty fee of 0.6 per cent of the contract value (Deloitte, 2020).

22 On January 2, 2022, the Jordanian Cabinet reduced the sale registration fees by two per cent and the real estate sale tax by one per cent, the new total of real estate registration fees and sale tax is 6 per cent instead of the previous 9 per cent (Al-ghad, 2022).

23 To streamline the housing sector and empower limited income individuals to purchase adequate housing, the Jordanian Councils of Ministers extended the exemption of sale, donation and inheritance of lands and residential units from all registration fees and the real estate sale tax until 30 June 2021, based on article 3/b of the law no.28 of 2006 related to the exemptions from public funds. Earlier the Council of Ministers decided to exempt from all fees and taxes, the purchase of properties under 150 meters, and subjected the additional space to a reduced fee of tax (50 per cent) of the original due registration fees and real estate tax (Mubasher, 2021).

Figure 9: DLS Revenues of transfer and sale taxes between 1998-2016.



Source: LDS yearbooks 2013, 2014, 2015, 2016 in WBG, 2018.

The betterment tax

The betterment tax is levied by the new Real Estate Ownership Law no. 13 of 2019 (Articles 210-213). It is levied by the municipal council on land and property owners and is based on the gains accrued in land value as a result of urban planning and public infrastructure improvement, for example in road infrastructure. The betterment tax should not exceed 25 per cent of the increase in the land value as a result of the public investment or improvement (Article 210).

Article 211 of law no.13/2019 outlines the conditions for the imposition of the betterment tax as follows:

- The municipal council had imposed the improvement tax and notified its decision to the property owners, within one year from the date of the road implementation, which caused the increase of the value of the property targeted by the betterment tax.
- The municipal council is charged with paying compensation for all or part of the real estates which were expropriated to implement the road project.

- An offset shall be done between the expropriation compensation due the owner and the betterment tax imposed on them.
- The total amount of the levied betterment tax should not exceed the total amount of the compensation paid to the owners of expropriated properties.
- The betterment tax should not be imposed on the landowner who has had 25 per cent of his property expropriated without compensation. If the expropriated part does not exceed 25 per cent of the property space, the levied betterment tax shall not exceed the difference between the value of 25 per cent of the property and the value of the expropriated part.

The betterment tax is collected from the landowner on four equal installments within four years from the decision of the municipal council to impose it. Any dispute regarding the betterment tax is resolved by the court (Article 212).

The tax on land and property lease

Income generated from the lease of real estate and amount received by the tenant to evict leased premises (khelo) are taxed by the income tax law no.34 of 2014 as amended by law no.38 of 2018 (Article 3/a/6). Currently applied taxes and fees may be creating the wrong incentives as the property tax on rented apartments is three times higher than on owner-occupied apartments while the tax on vacant units is two times higher (WBG, 2018).

There is no inheritance or estate tax in Jordan (Deloitte, 2020). Income generated from the distribution of the estate to the heirs, or the legatees, is exempted from income tax according to Article 4/a/11 of the income tax law no. 34 of 2014. But a transfer fee is charged by

DLS upon the execution of the inheritance document, the transfer and registration of the shares to the names of the heirs as follows:

- 2 per cent of the value of the transferred property if the shares registration to the heirs' names took place within five years from the demise of the legator.
- 1 per cent of the value of the transferred property if the shares registration to the heirs' names took place after five years from the demise of the legator.
- 1 per cent of the value of the shares transferred between legatees (Takharoj).
- 5 per cent on the amount of the legacy (not less than five JD. for each legatee) (DLS, 2022).

Figure 10: Other taxes percentage of revenue (% of GDP)²⁴ indicating the contribution of the LPT (with other sources), towards the Total Tax Revenue in Jordan.



Source: World Bank 2021

24 Other taxes include employer payroll or labor taxes, taxes on property, and taxes not allocable to other categories, such as penalties for late payment or nonpayment of taxes.

Table 6: Aggregated land cover statistics of the country by governorate.

LAND COVER CLASSES	GOVERNORATES											TOTAL km ²	TOTAL %	
	Ajloun	Amman	Aqaba	Balqa	Irbid	Jerash	Karak	Ma'an	Madaba	Mafraq	Tafilah			Zarqa
Irrigated orchards	2.53	27.96	12.75	22.38	63	3.02	20.82	35.80	8.40	109.57	3.83	53.75	363.82	0.41
Irrigated herb. crop	2.77	57.66	40.61	174.26	70.90	1.80	74.45	103.52	7.59	98.46	2.60	87.96	722.58	0.81
Rainfed herb. crop	8.68	431.64	0.49	34.30	350.68	11.92	515.21	175.45	180.69	417.76	101.76	8.05	2,236.62	2.52
Rainfed orchards	123.92	97.93	0	134.05	281.56	161.70	1.95	0.53	28.31	48.75	2.37	36.79	917.88	1.03
Closed trees	50.70	10.30	0.97	14.06	25.97	38.14	3.75	9.38	1.39	2.91	21.85	1.50	180.93	0.20
Open trees	68.30	12	5.90	23.37	97.19	26.96	6.13	22.25	1.25	3.54	44.16	20.28	331.34	0.37
Woody vegetation	1.10	2.82	5.55	31.61	9.71	1.81	32.05	14.34	11.42	51.15	23.85	10.87	196.27	0.22
Grasslands	111.33	173.46	11.70	174.19	385.97	120.50	148.41	249.49	218.14	170.42	173.09	67.25	2,003.95	2.26
Build-up	25.40	423.72	69.23	84.79	206.85	31.64	115.74	103.30	35.07	203.55	38.55	163.52	1,501.38	1.69
Bare soil	19.97	3,360.85	1,192.80	401.56	53.59	10.16	1,634.08	4,203.66	330.62	7,114.78	853.59	1,825.53	21,001.21	23.65
Undiff. bare rocks	4.76	11.39	2,146.71	9.82	13.35	0	295.64	682.33	108.07	0.61	466.45	2.14	3,741.26	4.21
Bare rock granite	0	0	1,423.06	0	0	0	0	18.28	0	6.67	29.08	0.90	1,477.99	1.66
Chert plain	0	2,222.50	212.69	0	0	0	300.83	19,516.04	0	7,620.79	255.64	1,197.14	31,325.62	35.28
Basaltic plain	0	0.24	0	0	0	0	0	39.08	2.21	7,108.30	28.94	355.57	7,534.35	8.49
Sandy areas	0	0	1,466.05	2.40	0	0	5.43	2,675.20	0	1,666.84	52.23	351.19	6,219.34	7.00
Saline soil	0	0	0.03	0.52	0	0	169.71	155.80	0	0	2.50	11.62	340.19	0.38
Extraction site	0.80	30.98	1.06	3.57	2.53	0.76	70.44	217.69	0.96	37.88	39.95	28.52	435.16	0.49
Saline waterbody*	0	0	4.78	1.60	0	0	19.95	0	5.43	0	0	0	31.77	0.04
Natural waterbody	0	0.22	0.04	0.32	2.14	0.65	0.42	0.39	0	0.15	0	1.14	5.47	0.01
Artificial waterbody	0.01	2.33	0.73	6.87	2.32	1.28	2.98	2.57	0.79	5.87	1.35	4.08	31.18	0.04
Wetlands	0	6.03	0.09	0.41	0.21	0	0.15	2.45	0	16	0.02	5.53	30.89	0.03
Wadi	0	714.04	282.19	0.51	0	0.02	51.27	4,033.90	0.80	1,020.16	66.07	357.12	6,526.07	7.35
Mudflat	0	5.49	37.95	0	0	0	29.64	580.05	0	801.22	4.95	171.04	1,630.25	1.84
TOTAL LAND	420.29	7,591.57	6,915.29	1,120.60	1,565.97	410.37	3,499.05	32,841.52	941.14	26,505.37	2,212.84	4,761.49	88,785.52	100

* Statistical area is approximate due to raster resolution.

** Dead Sea is not included in these statistics.

Source: Land Cover Atlas of Jordan (FAO, 2019).

2.3 LAND USE

Land use is the function of land – what it is used for. It includes processes such as the control of land use by adopting planning policies, the land-use regulations at the national, regional, and local levels and the enforcement of land-use regulations (Williamson, Enemark and others, 2009).

2.3.1 Land use and land classification

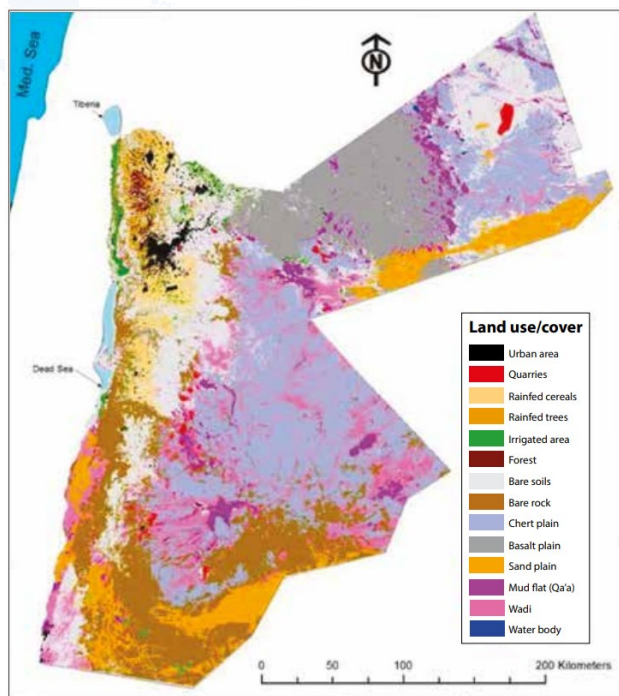
In 2019, the Food and Agriculture Organization of the United Nations (FAO), in line with the Country Programming Framework (CPF) 2016-2020, developed the land use/cover classification in the figure below in close consultation with competent Jordanian agencies²⁵. A total of 34 land cover classes have been defined, aggregated into 23 major classes, based on the visual interpretation of satellite imagery and previous land use maps, along with ancillary information, (FAO, 2019).

Table 7: Basic background figures of Jordan.

Population	9,950,270
Total area	89 000 Km ²
Agricultural land	380 000 ha
Cropped area	200 000 ha
Pastureland	8 million ha
Forest land	0.9 million ha
Cereal area	62 000 ha
Cereal production	82 000 tons
Dry lands	32%
Desert lands	68%
Steep lands	60%

Source: MoE - LDN/TSP, 2018

Figure 11: Land use / cover map.



Source: Ababsa, 2013 and Al-Bakri et al., 2013, in Land Cover Atlas of Jordan (FAO, 2019)

2.3.2 The Land Use Project

In 2006, the Ministry of Municipal Affairs (MoMA) developed a comprehensive national plan for land use for all districts of the Kingdom to serve as a guide to forecast development and population expansion trends. The project was comprised of two phases: first, a holistic land use scheme for Jordan as a whole was prepared, and second, local schemes were prepared for Greater Salt areas, Mahes, Fhais, the new Ain Al-Basha, the new Ardha, Rusaifa, Berrin, Greater Irbid, the new Ramtha and the west side of Irbid between 2008 and 2012 (UN-Habitat, 2014).

²⁵ Representatives of the following Jordanian agencies cooperated with FAO to produce the land use/cover classification of the FAO 2019's Land Cover Atlas of Jordan: the Ministry of Agriculture (MoA), the Regional Food Security Analysis Network (RFSAN), the Royal Jordanian Geographic Centre (RJGC), the Department of Statistics (DoS), and the National Center for Agricultural Research and Extension (NCARE).

In 2019, the Ministry of Local Administration (MoLA) started updating the 2006-2008 land use plans based on new standards and principles that take climate change mitigation measures into account. Despite the process of decentralization, the preparation of these plans still demonstrates the lack of municipal and public participation. The updates were completed in a short time, which resulted in some incoherencies in land classification (agricultural A, B, or C) at governorate borders, due to the lack of verification at the national level. Nevertheless, they are used to issue buildings permits (UN-Habitat, 2020).

Land use in Jordan is regulated through the Land Use Regulation no.6 of 2007. The overall objective of the Land Use Regulation is to control the construction process and steer investment. The Land Use Regulation is composed of 19 articles and was issued based on articles 6 and 67 of the law no.79 of 1966 related to the Regulation of Cities, Villages and Buildings (The Jordanian Planning Law). It regulates land use within the areas included in the land use map approved by the Council of Ministers and attached to the regulation. Only the High Planning Council (HPC) may authorize the change of land use based on the instructions issued by the Council of Ministers (Article 4). The regulation classifies agricultural lands based on suitability for cultivation into five sectors as designated in the land use map and specifies activities allowed in each sector (Article 5) as follows:

- The agricultural areas sector (A)
- The rural areas sector (B)
- The marginal areas sector (C)
- The desert areas sector and symbolized by the symbol (D)
- The forests sector

Permitted types of housing uses are also specified in each sector. Constructing housing for farmers is allowed in agricultural lands within certain conditions and residential compounds comprised of less than

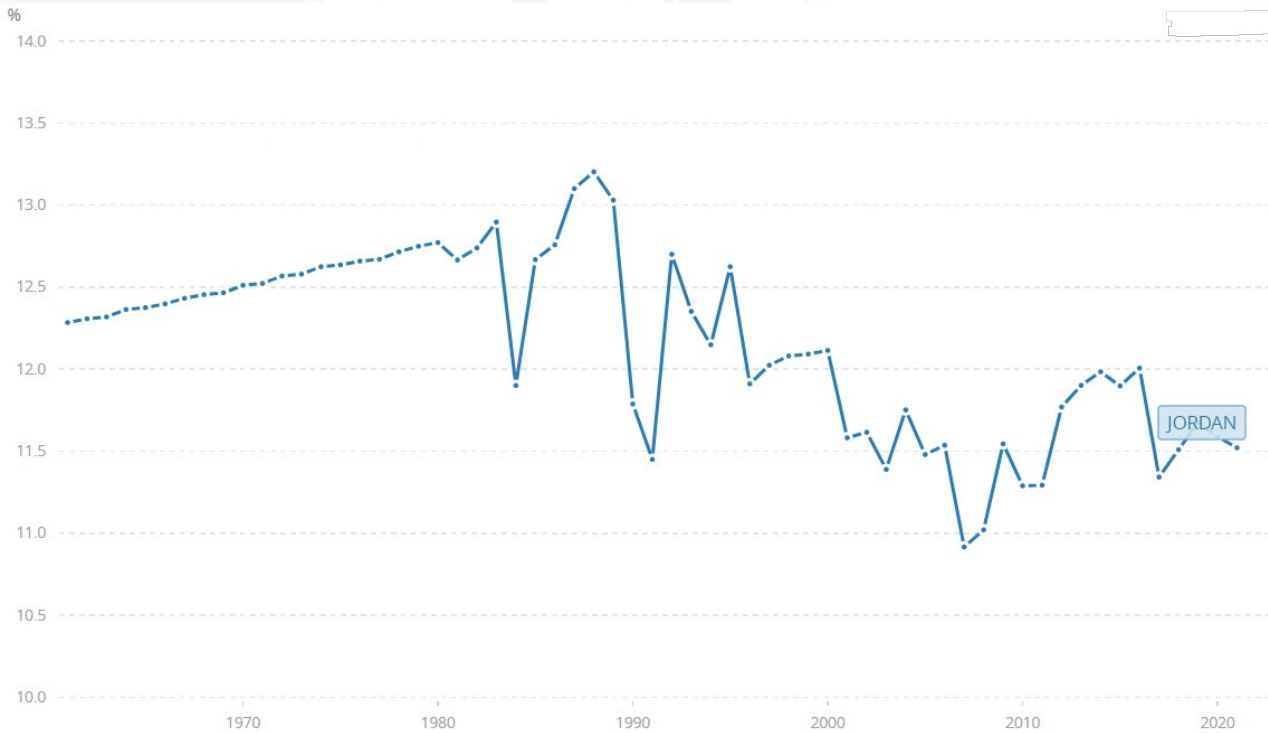
ten buildings are not allowed in areas (A) and (B), but residential compounds with more buildings are allowed by approval of the Council of Ministers based on the recommendation of the HPC (Article 12). The Land Use Regulation applies to all lands located outside the boundaries of the approved structural plans in Jordan (Article 13). The latter determines the land use within its borders. Any violation of the Regulation is punished with the sanctions stated the Jordanian Planning Law, and the Agriculture Law (Article 17). Finally, the Land Use Regulations supersede any other conflicting regulation/bylaw, but without prejudice to the Regulation of Natural Reserves and Natural Parks no.29 of 2005 and the Environmental Impact Assessment Regulation no.37 of 2005 (Article 18).

Population growth and increasing water scarcity, exacerbated by climate change, is leading to increasing urbanization and the conversion of agricultural land to residential and related developments. Only 11.9 per cent of the country's total land area is categorized as agricultural and less than three per cent is arable. Less than 10 per cent of agricultural land is irrigated, and forests comprise a mere one per cent of total land uses (USAID, 2018). Despite the decline in land available for agriculture due to increased urban encroachment, agriculture in Jordan plays a significant role in food security and continues to be a source of hard currency, which comes from exporting fresh fruits and vegetables. The majority of the rural population relies on agriculture for their livelihoods (FAO, 2019).

Under the Country Programming Framework (CPF) 2016-2020, the FAO is extending technical cooperation to Jordan to promote climate-smart agriculture and community-based natural resource management, among others (FAO, 2019). Moreover, Jordan is determined to increase the contribution of agriculture to its national economy by ten per cent according to the Jordan Economic growth plan (JEGP) (2018-2022)²⁶ (EPC, 2018).

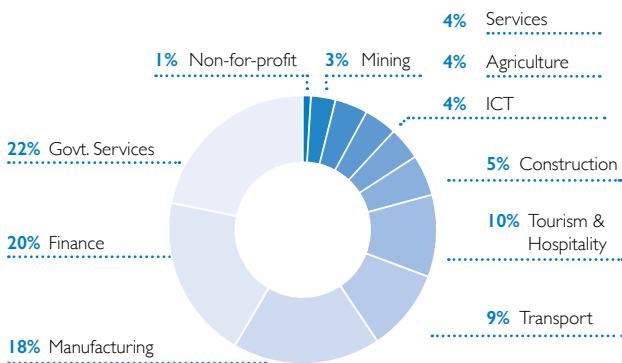
²⁶ The Jordan Economic Growth Plan (JEGP) is a five year plan extending from 2018 to 2022. Adopting a with a multi-sectoral approach, the JEGP aims at achieving economic growth through economic, fiscal, and sectoral strategies that outline the vision and policies pertaining to each sector (FAOLEX database).

Figure 12: Agricultural land (% of land area).



Source: World Bank 2021

Figure 13: Contribution of the agricultural sector in Jordan to the economy.



*ICT & Transport are combined in the GDP calculation after 2014, weightage applied based on 2014 ratios.

Source: Jordan Economic Growth Plan (2018-2022)

The *badia*

According to the Hashemite Fund for Development of Jordan *Badia* (HFDJB), the Jordanian *badia* constitutes 80 per cent of Jordan. The *badia*²⁷ is different from the desert, as there is much more extensive plant and animal life (HFDJB, 2022). Land tenure patterns within the *badia* of Jordan include: Privately owned land; Land owned by the State / Treasury of the Hashemite Kingdom of Jordan; and Lands registered in the name of some government institutions and Jordan Armed Forces.

²⁷ *Badia* is an Arabic word referring to the open rangeland where Bedouins (nomads) live and practice seasonal grazing and browsing. It is the arid and semi-arid inland to the east, where annual rainfall is below 200 mm. (Al-Bakri, Ajlouni and Abu-Zanat, 2008)

Figure 14: Sheep herder, Jordan.



Source: Flickr/Dominique Bergeron.

Traditionally, pastoral land is considered to belong to tribes, who have full rights of use of the land, although it is also claimed as state land. This contributes to the mismanagement of natural resources, leading to overgrazing and desertification, and also results in land use conflicts (MoA and IUCN, 2013/2014).

With livestock representing around 55 per cent of agricultural production in Jordan (MoA and IUCN, 2013/2014), overgrazing and under-investment in protection and regeneration of the vulnerable *badia* ecosystem are major contributors to land degradation. Decades of prolonged overgrazing have substantially reduced the value of the rangelands, as their carrying capacity has decreased by up to 70 per cent since the 1970s (MoE, 2015). Applying better land management techniques and stakeholder engagement methodologies may improve crop productivity and conserve agrobiodiversity in the current environment

of declining land resources and agrobiodiversity due to extensive land use to meet growing demand.

The *hima*

Jordan applies the community-based protection and management system of arid rangelands known as *hima*²⁸ in many parts of the *badia*, which constitutes 80 per cent of Jordan. This has considerably improved local land governance, achieved higher productivity levels, and showed that agrobiodiversity in arid mountains can be restored by effective land management and successful participation of local communities²⁹. The system of *hima* could be enhanced and improved by the implementation of new cultivation techniques and the application of different water harvesting techniques and interventions (Al-Bakri, Ajlouni and Abu-Zanat, 2008; Kakish 2016).

Due to the effectiveness of the *hima* experiment in 2014 the Ministry of Agriculture included the following three recommendations for land restoration in its Rangelands Strategy:

- Creating community-based organizations to manage designated land
- Redefining pastoral land rights, specifically in the *badia*
- Local capacity building and awareness raising to revive the *hima* concept (Kakish, 2016).

It is worth noting that one of the intended interventions of the Government of Jordan (GoJ) to foster the agricultural sector under the JEGP 2018-2022 includes developing rangeland in *badia* to increase its productive capability in providing feed for animal breeders, among others (JEGP,2018-2022).

28 The *hima* literally is a 'protected area'. It is a traditional land management and conservation system used by Bedouins that has operated in the Arab region for thousands of years (Kakish, 2016).

29 In 2011, a Jordanian Prime Ministerial decree allocated 100 hectares of rangeland to be administered by the Hima Bani Hashem Cooperative (Kakish, 2016).

2.3.3 Land use regulations

The Regulation of Natural Reserves and Natural Parks no.29 of 2005

Five per cent of Jordan's land area has been designated as protected areas, which is more twice the average area of protected reserves in the entire Middle East Region. This also exceeds the four per cent target that the Government of Jordan set out in its National Biodiversity Strategy and Action Plan (2015-2020). The seven km long Aqaba Marine Protected Area, known for its coral reefs is the next area targeted to receive protected status (Khayyat, 2020).

The regulation lays out the terms and conditions of setting up a protected area and national parks. The borders of the protected area or the national park are determined by a decision of the Council of Ministers based on the recommendation of the Minister of Environment who is in charge of issuing the executive instructions to implement the provisions of this regulation and to determine conditions for the establishment, management and control of nature reserves and national parks, and all related matters.

Regulation no. (Z/8) of 2009 Concerning the Protection of Agricultural Land

This regulation outlines guidelines for safeguarding agricultural land. Article 2 explains key terminology used within its provisions. Article 3 specifies the various categories of agricultural land addressed by this legislation. To enforce these regulations, the Minister of Agriculture has formed a technical committee comprising representatives from multiple ministries, including Environment, Water and Irrigation. A primary responsibility of this committee is to ensure that lands adhere to specified physical and chemical standards outlined in the annexes accompanying the regulation. Article 7 prohibits the transfer of any agricultural land types without proper licensing and authorization from relevant authorities. Violations of this regulation will incur penalties as stipulated in Agriculture Law No. 22 of 2004. (FAOLEX Database).

The Soil Protection Regulation no. 25 of 2005

This Regulation consists of seven articles. Articles 1 and 2 focus on defining terms and concepts. Article 3 assigns the Ministry of Environment the responsibility to collaborate with relevant authorities for soil protection. The Ministry's duties include: (a) establishing a comprehensive environmental plan for soil protection and land exploitation methods; (b) addressing desertification and soil erosion and implementing necessary control measures; (c) monitoring and managing soil pollution; (d) promoting projects for soil development and restoration; (e) assessing the impact of developmental projects on land and natural resources; (f) creating a database for soil protection and land use; (g) implementing control programs for agricultural chemicals; (h) developing rehabilitation programmes for stone quarries, sand quarries, mining zones, and waste disposal sites; and (i) establishing requirements and directives for cultivating trees, nursery plants, and grasses to mitigate soil erosion. Article 4 empowers the Ministry of Environment to establish and manage protected areas for the cultivation of wild plants to combat soil erosion and protect soil integrity. Lastly, Article 7 authorizes the Minister of Environment to issue necessary implementing regulations. (FAOLEX Database).

The Environmental Impact Assessment Regulation no. 37 of 2005 and Appendixes

The regulation lays out the conditions and terms to issue the Environmental approval by the Ministry of Environment to new development and infrastructure projects. The owner of any project (industrial, commercial, agricultural, construction, housing, etc.) must first submit an assessment study of the environmental impact of their project to the technical committee established from qualified representatives of all other stakeholders' ministries in Jordan, in charge of reviewing the study and formulating recommendations to the Minister of Environment to issue the approval to the project (FAOLEX Database).

Regulation no. 51 of 1999 on the Protection of the Marine Environment and Coasts

The objective of this Regulation is to safeguard the marine environment and coastal areas from pollution. It comprises 11 articles. Articles 1 and 2 focus on defining terms and terminology. Article 3 categorizes oils according to their pollution potential. Articles 4-6 outline the responsibilities and duties of the Minister and the Ministry of Environment. Article 7 pertains to employees and officials tasked with overseeing and inspecting installations or transportation facilities. Article 8 specifies the obligations of marine transportation entities. Lastly, Article 10 delineates offenses and associated penalties. (FAOLEX Database).

The Climate Change Regulation no.79 of 2019

This Regulation aims at implementing article 30 of the Environmental Protection Law no. 6 of 2017 by (i) providing for the detailed tasks and powers of the Ministry of Environment; (ii) designating the Ministry of the Environment as a contact point regarding the United Nations Framework Convention on Climate Change (UNFCCC); and (iii) establishing and specifying tasks and powers of a National Committee for Climate Change within the Ministry chaired by the Minister of Environment.

2.3.4 Land use related strategies and plans

In Jordan, land degradation and desertification associated with agriculture are challenges which are reducing the sector's potential contribution to economic growth. Land fragmentation³⁰, exacerbated by unclear land tenure policies and weak land use planning systems, is also a growing challenge for sustainable land use, because it increases the complexity of governing land use and planning agricultural development. It also restricts the benefits of economies of scale, limiting the profitability

of agricultural activities. This, in turn, can further compound the levels of environmental degradation and soil erosion, creating a vicious cycle (MoE, 2020).

To reduce its exposure to above land use challenges and improve its land management and administration, Jordan has adopted several strategies and action plans described below.

MoA National Strategy for Agricultural Development 2016-2025

Ministry of Agriculture and endorsed by the Council of Ministers on February 9, 2016, delineates sectoral policies aimed at achieving specific outcomes within the agricultural domain over a decade. These objectives include: (i) enhancing agricultural productivity; (ii) optimizing irrigation water utilization; (iii) fostering technological advancements; (iv) fostering robust collaboration between the public and private sectors; (v) establishing competitive agricultural marketing channels that align production with domestic and international demand; (vi) establishing nationally recognized quality and accreditation systems; (vii) prioritizing agricultural production and marketing for export, particularly catering to the food requirements of Gulf markets; (viii) bolstering food security through heightened self-sufficiency; (ix) fostering strong interconnection with other economic sectors; (x) enhancing resilience to various risks; and (xi) ensuring equitable distribution of revenues generated from agricultural development. These endeavors are anticipated to yield favorable economic, social, and environmental outcomes (FAOLEX Database).

The Strategy delves into the essential components, objectives, and methodologies required to attain the aforementioned goals, while accounting for six key areas: (i) Agricultural Resources; (ii) Plant Wealth Sector;

³⁰ Land fragmentation occurs when farming households possess several disconnected land plots spread over a wide area. GoJ approved by-laws allowing the division of lands owned by several parties, in areas outside the municipal and village boundaries and to the west of the railway, into units of 4 du (previously the minimum was 10du). This has led to the fragmentation of agricultural land into small size holdings, too small to be efficiently used for the production of traditional field crops (The National Strategy for Agricultural Development 2002-2010).

(iii) Animal Wealth Sector; (iv) Forests and Pastures Sector; (v) Marketing Sector; and (vi) Supporting initiatives (FAOLEX Database).

The Strategy's overarching aim is to ensure the sustainable development of agricultural resources, thereby conserving the nation's biodiversity of both animal and plant species. It seeks to promote climate-friendly investments in the sector while fostering a strong connection between production and market demand. Achieving this goal will lead to a decrease in rural-to-urban migration and enhance food security nationwide, alongside the economic advantages of boosted exports (FAOLEX Database).

To enhance the productivity and sustainability of agriculture, forestry, and fisheries, the Strategy proposes the following measures:

(i) Conservation and reduction of fragmentation of agricultural land; (ii) Preservation of agricultural soil quality and productivity by monitoring soil and groundwater pollution, implementing water harvesting techniques in pasturelands, and deploying rainwater harvesting technologies at small-scale water catchment areas; (iii) Enhancement of irrigation water quality and efficiency through the introduction of high-yielding varieties of horticultural and pastoral plants suitable for drought conditions, utilization of non-traditional water sources, and protection against pollution and salinity; (iv) Improvement of irrigation water drainage systems in the Jordan Valley; (v) Promotion of safe usage of agricultural pesticides; (vi) Expansion of high-value agriculture; (vii) Facilitation of access to treated water; (viii) Conservation of forest cover; (ix) Development of guides and programmes for fish farmers (FAOLEX Database).

In order to bolster livelihood resilience when faced with disasters, the policy emphasizes: (i) Mitigation of desertification of agricultural land through revitalizing

neglected areas and reclaiming new territories; (ii) Introduction of drought-tolerant plant varieties; (iii) Establishment of forest protection strategies and creation of green belts; (iv) Deployment of water diffusion and soil conservation technologies; (v) Safeguarding of grasslands and grazing areas, including the adoption of pastoral cycle practices; and (vi) Preservation of biodiversity habitats. (FAOLEX Database).

MoA Updated Rangeland Strategy for Jordan 2013-2014

The majority of Jordanian lands are rangelands- lands with annual rainfall below 200 mm (Article 36 of the Agriculture Law no.44 of 2002)³¹. Rangelands in Jordan are owned by the Treasury and therefore the Treasury Lands Directorate at DLS is in charge of their management and protection against any violation and not the MoA.

The Ministry of Agriculture updated the National Rangeland Strategy developed in 2021 in cooperation with IUCN and with relevant stakeholders, to be implemented within a maximum of five years. The objective of the Strategy is to support and develop the rangelands sector and enhance the integrative role of concerned parties and participation of local communities in natural resources management (MoA and IUCN, 2013/2014).

To achieve the objective, the Strategy determines five main goals as follows: (i) Sustainable development and management of rangelands; (ii) Improvement of social and economic conditions for livestock breeders and pastoral communities taking into consideration gender issues (more active role of women and indigenous people in the management of rangelands); (iii) Enhancement of capacity building (training and awareness); (iv) Monitoring and evaluation of rangeland status; and (v) Engagement of local communities in sustainable rangeland development and management.

31 An inclusive definition joins together much of the desert, the steppe region and the highlands, thus making some 97 per cent of the land area of Jordan as rangelands.

The actions identified are: (i) identify gaps and weaknesses in legal and technical legislation currently in force and modify them to be inclusive of good governance of rangelands to stop the deterioration of grazing lands caused by ineffective legislation; empower pastoral communities to be able to sustainably manage natural resources for increased productivity, focusing on the contribution of women as farmers, caretakers of animal husbandry, workers and entrepreneurs; (ii) improving rural beneficiaries' income from rangeland reserves (i.e. using medicinal and aromatic plants to increase household income); (iii) participation of local community including women in pastoral resources management (i.e. indigenous plants restoration) making use of unique local knowledge related to land grazing management; (iv) monitoring and assessment of rangeland conditions and trends to protect the natural resources and improve fodder production and to achieve social and economic development of livestock breeders with special attention to women (MoA and IUCN, 2013/2014).

Sustainable use and management of rangelands and their rehabilitation³² can enable a reversal of the desertification process and reduce the land degradation that has become so widespread, decreasing potential for productive and sustainable land use (FAOLEX Database).

The Agriculture Sector Green Growth National Action Plan 2021-2025 (GGNAP)

In 2017, the Jordanian Cabinet approved the National Green Growth Plan for Jordan, which established green growth as a top national priority. To achieve the strategic vision laid out in the NGGP, the Ministry of Environment (MoE) with the support of the Global Green Growth Institute (GGGI), worked in partnership with key national stakeholders to develop the Green Growth National Action Plan 2021–2025 (GG-NAP). The GG-

NAP outlines sector-level green growth frameworks and actions for the agriculture, energy, tourism, transport, waste and water sectors to support implementation of Jordan's green growth vision and strengthen future ability to recovery and contain shocks from catastrophic events such as COVID 19 (MoE, 2020). Each GG-NAP provides implementable actions to achieve the five national green growth objectives and embody the four driving principles of green growth implementation.

The Agriculture Sector Green Growth Action National Action Plan 2021-2025 (GG-NAP) outlines a green growth framework and actions for the sector aligned with the National Green Growth Plan (NGGP), Jordan Vision 2025, and Nationally Determined Contributions (NDCs) under the Paris agreement (MoE, 2020). The five national green growth objectives outlined in the GG-NAP, on which the Agriculture Sector GG-NAP was developed are as follows:

1. **Enhance Natural Capital** - by improving the quality and quantity of natural resources used to generate economic growth and provide ecosystem services that support economic activities.
2. **Sustainable Economic Growth** - by improving the enabling environment for the creation of long-term inclusive socioeconomic development, as detailed in the Jordan Vision 2025. The agriculture and forestry sectors can have a significant impact on sustainable economic growth.
3. **Social Development and Poverty Reduction** – by increasing the equity with which the benefits of economic development and access to services are distributed across society. Gender equality and women's empowerment are policy agendas that help support social development and poverty reduction, and they are a critical part of overall economic growth.

³² The National Programme for Rangeland Rehabilitation and Development NPRRD (1999-2006) was a project designed as the first phase of a programme that aimed at arresting and reverting the continued decline in Jordanian rangeland resources linked in particular to sharp increase in livestock numbers (IFAD, 2012).

4. **Resource Efficiency** –by reducing the wastefulness of the economy to achieve more efficiency in the production and consumption of economic outputs. Another way to increase resource efficiency is to find innovative solutions to reduce, reuse and recycle inputs, creating greater circularity.
5. **Climate Change Adaptation and Mitigation** – by transitioning to more sustainable agriculture and food production and increasing investment in forestry. Forestation is increasingly considered a priority intervention in Jordan to promote rural livelihoods and eco-tourism. In addition, it is key to reducing erosion, protecting biodiversity, and promoting water quality. Efforts to develop Jordan’s forests have been piecemeal, and deforestation continues to be a challenge (MoE, 2020).

The Aligned National Action Plan to Combat Desertification in Jordan (NAP 2015- 2020)

Jordan signed the United Nations (UN) Convention Counter Desertification (UNCCD) on 13 April 1995 and ratified it on 21 Oct 1996 (UN-Treaty Collection).

Jordan is one of the world’s most water-deficit countries with declining availability of water per capita resources (now at 145 m³/year but projected to 90 m³/year by 2025). Less than 5 per cent of the total land

area is considered arable. The ongoing process of land degradation is a serious challenge for GoJ’s efforts to promote the sustainable use of natural resources for agricultural purposes (MoE, 2015).

Land degradation (LD) in Jordan is mainly associated with smallholder agricultural activities such as unsustainable crop production, unsustainable rangeland management, and over exploitation of vegetation.³³ In addition, the over-pumping of groundwater practiced in the eastern and southern plains farming contributes to land degradation by affecting vegetation, soil and water resources that are used by small-scale farming. The main types of land degradation in different ecosystem types as shown below (MoE, 2015).

The Aligned National Action Plan to Combat Desertification in Jordan (NAP 2015- 2020) builds on the gaps identified by the implementation of previous NAPs and attempts to fill them. In particular the NAP 2015-2020 provides an alignment of Jordan’s NAP of 2006, with the adopted UNCCD 10-year strategic plan and framework to enhance the implementation of the convention (2007). The revised NAP provides a broad strategic framework under which multiple actors and actions can contribute according to their capacities (MoE, 2015).

Table 8: Land degradation state according to ecosystem.

Land Degradation Type	Ecosystem/Region	Main Cause
Water erosion	Highlands and Jordan Valley escarpment	Deforestation, overgrazing, agricultural practices
Wind erosion	Eastern plains; Steppe areas and Badia	Overgrazing, deforestation
Decline in soil fertility & soil compaction	Highlands and Jordan Valley	Agricultural practices, overgrazing, deforestation
Rangeland and vegetation degradation	Forest and Badia	Overgrazing, deforestation

Source: MoE, 2015

³³ According to the government’s National Strategy and Action Plan to Combat Desertification, the primary drivers of desertification in Jordan are land mismanagement (human factors) and climate change (MoE, 2020).

The NAP's 2015-2020 vision is "Productive and sustainable use and management of land resources to support poverty reduction, environmental sustainability and national economy". This vision focuses on sustainability of land resources, enhancement of livelihood opportunities, and contribution to the national economy. The vision could be achieved by the operational objectives of the UNCCD 10-year Strategy: advocacy, awareness raising and education; policy framework; science, technology, and knowledge; capacity building; and financing and technology transfer. In addition, the following five operational objectives are complementary and closely integrated:

1. Actively influence relevant national and local processes and actors to adequately address desertification/land degradation and drought related issues.
2. Develop an enabling environment for solutions to combat desertification/land degradation and mitigate the effects of drought.
3. Strengthen the collection and use of scientific evidence and knowledge on desertification, land degradation and mitigation of the effects of drought.
4. Build capacity to prevent and reverse desertification/land degradation, mitigate the effects of drought and enable sustainable land and ecosystem management.
5. Increased mobilization and improved coordination of national and external financial and technological resources (MoE, 2015).

A logical framework has been prepared for expected outcomes under each of the Operational Objectives outlining the indicators, responsible parties, and assumptions. The outcomes include communication and outreach strategy, policy coherence regarding addressing Desertification Land Degradation and Drought (DLDD) issues, DLDD platform for knowledge sharing, a national monitoring programme on DLDD and Sustainable Land Management (SLM) and updating and fulfilling capacity needs for proper implementation of DLDD activities (MoE, 2015).

The National Climate Change Policy of the Hashemite Kingdom of Jordan 2013-2020 (CCP)

The Climate Change Policy (CCP) was prepared in 2013 by the Ministry of Environment in Jordan with support from the Global Environment Facility (GEF) and the United Nations Development Programme (UNDP). Although Jordan's contribution to GHGs is equivalent to less than 20 million tons of CO₂eq, Jordan, signed the United Nations Framework Convention on Climate Change (UNFCCC) in 1992, ratified it in 1993, and acceded to the Kyoto Protocol as non-Annex-I country in 2003 (MoE, 2013).

Long-term goal and objective of the CCP - The national priorities and the pillars of the CCP are adaptations to climate change and mitigation of green gas emissions, with an emphasis on adaptation as the imperative track (MoE, 2013). In particular: (1) Achieve climate risk-resilience, and maintain a low carbon growing economy with healthy, sustainable, resilient communities, sustainable water, and agricultural resources, and thriving and productive ecosystems; and (2) Build the adaptive capacity of communities and institutions with a gender focus, and address the needs of vulnerable groups to increase resilience to climate change of the natural ecosystems and water, as well as agricultural resources, while optimizing mitigation opportunities.

The main short-term sub-objectives of the CCP are: (1) Provide high level guidance for GoJ to implement climate change objectives advanced herewith related to adaptation to climate change and the mitigation of the greenhouse gas (GHG) emission; and (2) Work towards the integration of vulnerability and climate change assessment and the adaptation measures into key relevant sectors' policies and strategies and legal framework, in particular water, agriculture/food security, health, biodiversity, combating desertification and tourism (MoE, 2013).

The National Biodiversity Strategy and Action Plan (NBSAP) 2015 - 2020

The National Biodiversity Strategy and Action Plan (NBSAP) updates the first National Biodiversity Strategy of 2003. It was prepared by the MoE with support from the International Union for the Conservation of Nature – Regional Office for West Asia (IUCN-ROWA), to reconfirm Jordan’s dedication to preserving its biodiversity and aligning with the global initiatives outlined in the Convention on Biological Diversity, the country is poised to renew its efforts to counteract the ongoing loss of ecosystems and species due to both direct and indirect threats. In line with the overarching vision embraced by this National Strategy, slated for implementation in 2020, “by 2050, the biodiversity of Jordan is valued for its national heritage vitality, conserved for the well-being and enjoyment of people, and sustainably used for the benefits of current and future generations”.

In pursuit of realizing the vision, five strategic goals have been underscored, delineating priority areas as follows:

1. **Good governance and mainstreaming** - This objective emphasizes enhancing the participatory planning approach, with a specific emphasis on empowering the National Biodiversity Committee and its members, along with local communities.
2. **Human-induced pressures** - This objective aims to mitigate the impacts of pressures on biodiversity, encompassing habitat destruction, political conflicts, and tourism. It targets various development sectors, including agriculture, urbanization, tourism, coastal zone development, and other unsustainable activities such as overgrazing, illegal hunting and wildlife collection, alien and invasive species, excessive tree logging, infrastructure development and mining.
3. **Protected areas, priority species and genetic resources** - This goal is geared towards conserving and safeguarding priority ecosystems, species, and genetic resources at both the in-situ

and ex-situ levels. It entails enhancing the national protected areas network for terrestrial and marine ecosystems, as well as genetic resources.

4. **Ecosystems services and climate change** - This objective seeks to enrich the national comprehension of the benefits provided by dryland ecosystems to bolster national resilience, ensure economic sustainability and support local livelihoods. Additionally, it delves into exploring adaptation strategies to address climate change.
5. **Knowledge management and monitoring** - This objective centers on advancing biodiversity knowledge as a pivotal instrument for cultural reform, providing insights for policymaking and decision-making support. It focuses on enhancing specialized capacity building, developing educational curricula, and undertaking the documentation, dissemination, revitalization and promotion of traditional knowledge.

To ensure an efficient governance system, the document proposes the establishment of a National Biodiversity Committee (NBC) with associated structures and tools (FAOLEX Database).

Land Degradation Neutrality LDN TSP report 2018

Most of Jordan’s arid and semi-arid lands suffer from land degradation. Approximately 41 percent of Jordan’s overall land area is classified as degraded, with 22 percent falling under the category of moderately degraded. This degradation significantly diminishes agricultural productivity across the affected regions (MoE - LDN/TSP, 2018). To effectively combat the process of land degradation at the country level Jordan is committed to achieving the neutrality of land degradation by 2030 with specific targets set by the LDN national working group as follows:

1. “By 2030, promote the implementation of community-based forest management, forest landscape restoration with indigenous species,

Figure 15: Land degradation and desertification in Wadi Rum Protected Area, Jordan.



Source: Vyacheslav Argenberg.

avoiding overgrazing, area closure, alternative livelihood systems, and ensuring the restoration of 3.0 per cent of its forest and woodland habitat lost between 1990 and 2005.

2. By 2030, ensure the rehabilitation and improvement of the productivity of 5,000 ha of forest land by stopping uncompensated conversion of forest area, especially in slopes, into cropping or urban areas, and promoting agroforestry and alternative livelihood systems in order to avoid reduction of carbon sock and limit the risk of erosion.
3. By 2030, improve the productivity by at least 10 per cent of 100,000 ha of the rangeland reserve areas through avoiding overgrazing, promoting controlled grazing, and rangeland management/improvement.
4. Take urgent and significant actions such as stopping artificialization /urbanization of arable lands, through land use law.
5. By 2030, through sustainable land management practices particularly implementing biophysical soil and water conservation practices, improve the productivity of 10 000 ha of bare land and other areas by the year 2030" (MoE - LDN/TSP, 2018).

The National Water Strategy 2016 – 2025

Jordan is considered one of the most water-deprived countries in the world, considering that it stands at 900 cubic meters below the international water poverty line (Asfour, 2021). The National Water Strategy 2016-2025 is a comprehensive, cross-sectoral document designed to foster resilience within the water sector through a unified approach encompassing social, economic, and environmental development. Its primary aim is to ensure the sustainable management of water and sanitation for all Jordanians. To achieve this objective, the Strategy outlines five key areas: (i) integrated water resources management; (ii) water, sewage, and sanitation services; (iii) water allocation for irrigation, energy, and other purposes; (iv) institutional reform; and (v) sector information management and monitoring. Additionally, the Strategy briefly addresses several cross-cutting issues, including climate change adaptation, management of trans-boundary/shared water resources, coordination in humanitarian water, sanitation, and hygiene (WASH) sectors, public-private partnerships, and the economic aspects of water.

To enhance the productivity and sustainability of agriculture, the document proposes several interventions, primarily focusing on maximizing the utilization of unconventional and reclaimed water for industrial and agricultural purposes to preserve fresh water for domestic use. The key interventions include:

- Providing quality water and sanitation services to households and businesses, including agriculture, at affordable rates.
- Implementing various irrigation technologies to increase yields, save water, and mitigate inefficient agricultural practices.
- Discouraging the cultivation of crops with high water requirements by imposing higher water tariffs on irrigated agriculture where water-intensive crops are grown.
- Introducing appropriate water tariffs and incentives to promote water efficiency in irrigation.

- Implementing a cap on freshwater allocation for irrigated agriculture in highlands, eventually replacing it with treated wastewater.
- Decreasing losses and unproductive water usage and transitioning cropping patterns to include more high-value crops.
- Ensuring the safety and exportability of produce grown with treated wastewater.
- Establishing a comprehensive risk management system to safeguard the health of agricultural workers and ensure soil productivity and hygienically safe production practices.

In terms of Governance, the Strategy emphasizes the necessity for a revamped governance strategy and institutional framework within the national water sector. This reorganization aims to streamline, consolidate, and restructure core governance functions, including: National policy and planning; Operations management and quality assurance; Delivery of sustainable sector services; Regulatory and normative functions; and Sector coordination and client interface.

To achieve this, a revised organizational structure and comprehensive water law are deemed essential to address the sector's evolving dynamics. The proposed restructuring of sector governance is envisioned to enhance fiscal discipline in cost recovery, improve internal efficiencies in sector coordination and management, and bolster technical capacity to address national needs effectively. (FAOLEX Database).

2.4 LAND DEVELOPMENT

Land development includes the “processes and institutions related to building of new physical infrastructure and utilities; the implementation of construction planning; public acquisition of land; expropriation; change of land use through granting of planning permissions and building and land use permits; and the distribution of development costs” (Williamson, Enemark and others, 2009).

2.4.1 Urban planning

In Jordan rapid urban sprawl has always been ahead of urban planning policies. According to DoS, in the period between 1970 and 1990, urban centers in Jordan grew at a rate of 4.1 per cent higher than that in Asia's largest cities, which grew at 3 per cent per annum in the corresponding period. Amman alone is home to over 40 per cent of the total population. This continuous urbanization and influx of refugees has created numerous challenges, such as informal settlements, overcrowding, degradation of agricultural land, low quality urban services, road congestion and a lack of green space (Alnsour, 2015).

The high level of urbanization of Jordanian cities was poorly planned. Spontaneous or reactive land-use planning decisions and partial initiatives in addition to market and land speculation forces, were the norm to manage and service the urban growth. A concentration of ten houses is enough to oblige the government to provide road access, electricity, water, and street lighting (UN-Habitat, 2015)

Key figures – URBANIZATION IN JORDAN

91.6% of Jordan's population live in urban areas, but those areas cover only 3.8% of the country

¼ of the country's population is living in Amman in 2021, compared to **½** in 1950

83% of Jordan's refugee population (744,795) lived in urban areas in 2019

90% is the amount up to which air pollution in Jordanian towns is caused by road traffic

40% is the amount of GHG reduction the city of Amman has pledge to reach by 2030 (compared to 2014)

Source: Urbanet, 2021.

Jordan lacks a National Urban Policy/Strategy for Spatial Planning to guide the planning process. Zoning and subdivision plans are devised and endorsed despite there being no recently updated national or regional plans or strategies for spatial planning, or a national Geographic Information System (GIS) is lacking. Moreover, public participation in the planning process is minimal, and there is a reliance on the public sector to provide employment due to limited involvement of the private sector in urban development endeavors (UN-Habitat, 2015).

The main organizations concerned with urban policy and planning in Jordan are the Greater Amman Municipality (GAM), the Ministry of Municipal Affairs (MoMA), the Ministry of Planning and International Cooperation (MoPIC), and the Housing and Urban Development Corporation (HUDC) (Alnsour, 2015).

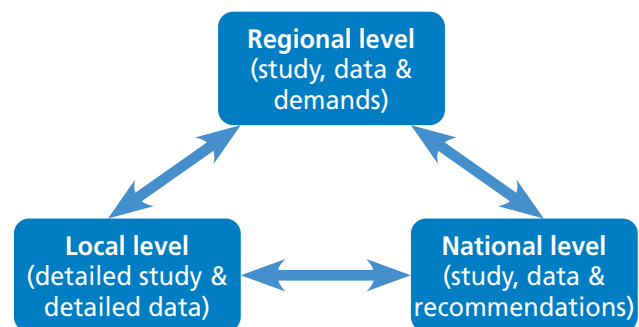
In Jordan, physical planning primarily adheres to the Law of Planning of Cities, Villages, and Buildings, No. 79 of 1966, along with its subsequent amendments. This law delineates three levels of planning authorities (Tarrad, 2014):

- **The National level (national comprehensive level)** - This level of planning determines general policies of the State in all its aspects and various fields of urban, industrial, and agricultural development.
- **The Regional level (spatial planning)** - This level meets the requirements and recommendations of the National Planning level. Yet it gives more space to celebrate differences between regions in one state. According to the Temporary Law of Organizing Cities, Villages and Buildings

no. 79 of 1966, the region is known as an area with natural geographical boundaries or natural topographic boundaries, or under common urban economic project with similar problems in housing, urbanization, industrialization, irrigation, and electric power. Jordan is divided into three regions, namely: the central, northern, and southern regions³⁴.

- **The Local level (urban design and urban planning)** - Local planning is more interested in a region unit (cities and villages) to achieve best use of community resources for social and economic development through the comprehensive national regional framework.

Figure 16: Correlation between planning levels.



Source: Tarrad, 2014

At the national level, the Higher Planning Council (HPC)³⁵, undertakes public policies in terms of urban planning and land use. It is also concerned with approving local and regional plans (Article 6 of law no.79 of 1966).

At the regional level, planning is concerned with achieving the recommendations of public policy, taking into account the spatial dimensions of socio-economic

34 The 12 governorates of Jordan are distributed into the three regions as follows:

1. The northern governorates, (Irbid, Mafraq, Ajloun, Jerash), of which the population for 2013 has reached 1.8153 million, at 27.8% of the total population of the Kingdom, and a total geographical area of 28.943 km², constituting 32.6% of the total geographical area of Kingdom.
2. The central governorates, (the capital, Balqa, Zarqa, Madaba), of which the population has reached 4.1022 million, at a 62.8% of the total population of the Kingdom, with a total geographical area of 14 399 km², constituting (16.2% of the total geographical area of Kingdom.
3. The southern governorates, (Karak, Ma'an, Tafileh, Aqaba), of which the population has reached 612 500, at 9.4% of the total population of the Kingdom, with a total geographical area of (45.436) km², constituting 51.2% of the total geographical area of Kingdom (UN-Habitat, 2014).

35 Also named the Higher Regulatory Council (Majless Al-Tanzeem Al-Aala).

development in the regions. The regional level comes in two types and is administered by the regional council, which shall be granted all the tasks and powers granted to the Higher regulatory council and the local regulatory commissions as is the case in the Petra zone Authority, the Aqaba Special Economic Zone, the Jordan Valley Authority, and the development Zones Commission. The other is managed by the Provincial Planning Committees in governorates and provinces (UN-Habitat, 2014). However, in reality, the regional level is very weak and there were no regional plans to enhance the development process. This is evidenced by the regional-urban disequilibrium, where 40 per cent of people lived in Amman, yet more than 70 per cent of services and investments were concentrated in Amman. This over-concentration of services in Amman contributed to the migration of investments from other Jordanian cities to Amman (Alnsour, 2015).

At the local level, the departments of planning and organization in the Greater Amman Municipality (GAM) and all other municipalities in the Kingdom are responsible for proposing a master plan for the city. Through this master plan, the department of planning and organization is entitled to allocate land use for every plot in the city: Residential, Commercial, Public Facility, Agricultural and any other land use needed and stated in the law. Moreover, the Planning Departments are responsible for suggesting new land uses within municipal boundaries, which makes these departments the actual partner with the regulators and planning committees in defining the new land use for the city. Any change or addition to the existing organized land needs to go through official steps that ends with announcing the new land use through the Official Gazette and three local newspapers (Tarrad, 2014).

In addition, the law of Organizing Cities, Villages and Buildings no. 79 of 1966 provides that District Committees shall be formed in each province known as District organization Committee for cities, villages and buildings and determines their mandate (Article 8). It also provides for the setting up of the Local cities' organization committees (Article 9) and the local Joint Committee which shall include at least one member of the District Committee located in the area of each local region (Article 10 of law no.79 of 1966).

A flexible approach to planning is urgently needed in Jordan to improve the management of lands within the following key features (UN-Habitat, 2014): increased rate of urbanization that caused the reduction of agricultural land; environmental impacts of construction, resulting from the increasing production of waste and growing demand of resources; increasing pressure on public services and utilities, and the need for more to cope with the growing population; increasing pressure on infrastructure and the existing environmental services; and the need to achieve social justice and equity with regard to job opportunities for all regions.

2.4.2 Greater Amman Municipality (GAM) urban planning and management

In 1921 Amman, became the capital of the new state of Transjordan³⁶. Amman occupies the middle northern part of Jordan, and it is surrounded by three major cities, which are Zarqa, Rusayfa and Madaba creating one mega region. Amman is the biggest Jordanian city in terms of population, housing, services, and infrastructure. According to DoS, Amman is home to 4,536,500 people (123,600 rural and 4,410,200 urban)³⁷ which represents 42 per cent of the total

36 Amman was named after the Ammonites who originally ruled the area that makes up the present-day city. Kadhim and Rajjal (1988) argue that the year 1200 BC marks the origins of Amman as an urban settlement, as it was at this juncture that the Ammonites took the hill that dominates the present-day city centre as the site of their capital, Rabbat Ammoun. There followed a series of occupations by the Assyrians, Babylonians, Persians, Greeks, Romans, and Moslems (Potter, Darmame, Barham, and Nortcliff, 2009).

37 "Urban" includes localities of 5000 people or more as defined in the 2004 census.

population of Jordan (10,806,000) (DoS, 2020). The Greater Amman Municipality (GAM) area is 803 km² divided into 23 administrative districts.

Unlike most cities that grow due to their economic functions, the growth of Amman since 1907 has largely reflected wider political and geopolitical circumstances, and the successive waves of migration from Syria, Palestine, Lebanon, Iraq, and from religious and ethnic minorities, such as the Kurds and Armenians. In addition, throughout this period, Amman was the focus of domestic migration. The main factor promoting migration to Amman city has been its status as the seat of government (Potter, Darmame, Barham, and Nortcliff, 2009).

Modern physical development planning for Amman began in 1938 when the British Mayor at the time proposed a land use plan for the city (Potter, Darmame, Barham, and Nortcliff, 2009). The two principal challenges which emerged until 1953 were the ability of urban management agencies to provide social and physical services for a substantially growing population, in particular the Palestinian refugees, and the fledgling city's ability to control growth whilst ensuring it did not encroach on agricultural land (Alnsour, 2015).

In 1955, the Development Plan for Amman was produced by foreign consultants in response to the rapid urban growth. It was the first comprehensive physical plan for Amman designed to improve housing and employment. However, as the plan focused solely on the physical nature of land and the spatial distribution of land use, it did not address the challenge of lack of job opportunities in both the public and private sectors. Moreover, the existence of informal settlements in the city as a result of the enforced migration was not resolved either (Alnsour, 2015).

In 1968, a Mater Plan was developed by foreign consultants to face the challenges resulting from the rapid growth of Amman due to the second Palestinian refugee

migration to Jordan such as the expansion of the informal settlements, low quality services, road congestion, degradation of agricultural land, centralization of commercial and administrative activities, unemployment, and urban poverty. This Master Plan was produced without reference to regional plans or comprehensive surveys, nonetheless it established an administrative and technical framework for urban planning in Jordan. The 1968 Mater Plan was not implemented, and most challenges were not met adequately due to lack of funds which were redirected for military purposes during the Arab Israel War (Alnsour, 2015).

In 1977, a committee was established by the Jordanian Ministry of Interior to develop a comprehensive plan for the Amman-Balqa region which was released in 1979 with support from USAID. The release of the Amman-Balqa plan in 1970 led to the creation of the central government's Urban Development's Department which was given the responsibility for building low-income housing throughout the country, including in Amman. That same year, a new local law no.67 regulating high rise buildings in the city was passed (Beauregard and Marplillero- Colomna, 2011).

In 1978, the government of Japan commissioned a development plan for the central area of Amman after the municipality had invited the Japanese to invest in new projects there. The plan focused on traffic congestion, the expansion of business and commercial facilities, and the boosting of municipal revenues. The Plan was written by International Engineering Consultants Association of Japan (IECA) (Beauregard and Marplillero- Colomna, 2011). Five years later, the municipality embarked on its first major master plan: the Greater Amman Comprehensive Development Plan 1985–2005 (GACDP), which was funded by the United States Agency for International Development (USAID). The aim of the Plan was to control and shape the growth of the city in order to accommodate an estimated population of two million by 2005 (Potter, Darmame, Barham, and Nortcliff, 2009).

In 1988, GAM prepared a Master Plan for Greater Amman, but it was not approved by the authorities and so was never implemented. The 1988 Master Plan recognized the absence of a planning framework, which had resulted in the development of Amman through zoning rather than planning (Alnsour, 2015).

In 2008, GAM approved the 2008 Master Plan as a base for the future development of Amman. The Amman 2008 plan aimed to respond to two major challenges: a projected growth of approximately four million new residents by 2025³⁸, and the continued flow of foreign capital into real estate development (Beauregard and Marplillero- Colomna, 2011). Preparation for the 2008 Master Plan included the definition of policies and strategies, reviews of land policy, legislative frameworks and institutional arrangements, and the creation of a participatory framework which aimed to address the planning concerns of all stakeholders. However, a few planning experts argued that the 2008 Master Plan does not balance policy issues regarding Eastern and Western Amman which hosts the working class (Alnsour, 2015).

The quality of services and life in Western Amman which hosts the upper class is better than Eastern Amman and this requires effective urban policies to reduce such a gap which is closely related to the differences in the income levels of people living in these two areas, or the phenomenon known as “two Amman” cityscape “two Ammans” (Farhan and Al-Shawamreh, 2019). Omar Maani, GAM’s mayor back then, reported that GAM was rehabilitating massive areas in east Amman as part of an integrated development project. However, such efforts halted due to the 2008 global financial crisis, overbuilding tightened bank lending and damped investors interests in the city (Beauregard and Marplillero- Colomna, 2011).

Figure 17: Amman city, Jordan.



Source: Flickr/ Peter Tittenberger.

2.4.3 Main Urban Planning and Construction Legislation

Several legislations regulate urban planning in Jordan, but they are not codified into one law. Facing the challenges of urban growth and meeting the urban planning and development needs of Jordanian cities cannot be adequately achieved unless based on a supportive legal framework where all planning and building rules are unified under one modern and comprehensive urban planning code constantly, which keeps abreast with the requirements of sustainable development.

The temporary law of cities, villages, and buildings zoning no.79 of 1966, and amendments

Law no. 79 of 1966 is the main legislation that regulates physical planning in Jordan. It specifies three levels of urban planning: national, regional, and local. The Law requires development plans to be prepared, approved, and kept up to date and defines responsibilities at

38 In 2008, the population of Amman was estimated to be 2,256,100 people.

each level of authority, regarding the preparation and approval of development plans, and the issuing of building permits. In addition, the law regulates the following issues, among others: land surveying before starting with the preparation of any master plan (article 14); the regional plans prepared by the Central Planning Department at the Ministry of Municipal Affairs (MoMA) or by the GAM in case of Greater Amman Municipality (Article 15); preparation of master plans for the cities (Article 19), submission of the master plan (Article 20); objection on the master plan (Article 21); temporary approval of the master plan (Article 22), detailed land use plan (Article 23); amended master plan (Article 25), granting zoning and building permits (articles 34 and 35); and appeals (article 36), monitoring the construction and violation of the designs (article 38); imposing betterment levies for the execution of designs (Articles 52 and 54); land expropriation for the implementation of the master plan (Article 56). The main criticism of this law is that the legislative framework under it lacks the vocabulary of urban planning (UN-Habitat, 2014) and that it is outdated.

Based on temporary law no. no.79 of 1966, and amendments, several urban planning bylaws have been issued such as:

- The bylaw of Buildings and Urban Planning in Amman no.28 of 2018 as amended by the bylaw no. 21 of 2019³⁹.
- The bylaw of Buildings and Planning of Cities and Villages no.136 of 2016⁴⁰ and the Special Instructions related to the Use of Residential Areas based on Article 5/c/1/a of the by law no.136/2016.
- The bylaw for the sale of roads litter in GAM no.147 of 2016.
- The bylaw regulating sidewalks in GAM no.52 of 2016.

The Allotment law within the municipalities' region no 11 of 1968

The Law of Allotment⁴¹ or the division within the areas of the municipalities is composed of 28 articles. It regulates the division of land within the areas of municipalities and the need for the Municipal Council to obtain the permission of the Council of Ministers to carry out the division process in any area that has been annexed to the municipality and was declared an organization area in accordance with the Law on Cities, Villages and Buildings Zoning (Article 3), surveys operation in the area Article 6) , valuation of the real estates in the area subjected to the division (Articles 7 and 8), appeal against the valuation (Articles 10, 11, 15 and 16), compensation of land owners (Article 11), and registration of new divisions at DLS (Article 18).

The law of voluntary organizations for building the cities no. 60 of 1985

The law is composed of 28 articles. The law regulates the setting up of voluntary organizations to undertake construction projects in the cities which the Council of Ministers decide that this law applies. The concerned project relates to the construction and the maintenance of buildings, roads, parks, etc., including all necessary technical or professional advice, studies, designs, and supervision works (Article 2). The organization shall obtain the authorization for the construction from the Municipal Council, and the ownership of the project upon completion vests with the Municipality but the organization may invest any part of it to achieve it. In September 2019, the Jordanian Council of Ministers agreed to apply law no. 60 of 1985 to Ajloun city and to set up a non-profit organization for its construction (Al-Mamlaka, 2019).

39 Namely for the urban planning of Amman city.

40 For the urban planning of all municipalities except Amman.

41 Also known as the Law of Subdivisions (Rezoning) within the Boundaries

The Municipal Law no.29 of 1955 as amended

It is the Municipalities Law no.29 of 1955⁴² which introduced the concept of master planning for the first time in Jordan (USAID, 2018). The law considered the elected municipal Council as one of the local administration units in Jordan; giving it a legal personality with financial independence, which shall have the right to induce, cancel, and determine its boundaries, functions, and powers. It aims to develop and implement follow-up plans and programmes to achieve sustainable development with the participation of local communities and to exercise any activities of local developmental nature, and manage all the services, facilities and local projects assigned to them on their own or through partnership with the private sector and civil society institutions (UN-Habitat, 2014).

However, many believe that the law was almost solely based on the principle of centralization as it reduced both the authority and the autonomy of the municipalities and created the base for a relationship of dependence and subordination to the central government (AlNasour, 2015). Law no. 29 of 1955 was canceled by the Municipalities law no. 14 of 2007, which in turn was canceled by the Municipal law no. 13 of 2011 which introduced the developmental role of municipalities in addition to a number of amendments to the elections and the participation of women.

In 2015, two important laws were passed in Jordan: The new Municipalities law no. 41 which canceled the Municipal law no. 13 of 2011 and law no. 49 on Decentralization. The approval of the 2015 Decentralization and Municipalities Laws marked an important milestone to ground the country's ambitions in bringing local governments closer to citizens. The Decentralization Law established the Executive and elected Governorate Councils and outlined broadly their roles and prerogatives. The law also governs the election process and the authority of these new actors. Moreover,

the Municipalities law formalized existing governance mechanisms and assigned municipal stakeholders a role in local development planning, in particular through the collection and communication of citizens' needs to the Governorate level. The current efforts to decentralize power by fostering local planning can thus serve as an opportunity to refocus attention and address the needs of less-populated regions (OECD, Ilibrary. OECD, 2017).

Based on the Municipal law no. 41 of 2005, urban planning related by laws have been issued such as the bylaw for the demolition of buildings inside the boards of GAM no.120 of 2108.

The National Building Code no.7 of 1993 and amendments

The National Building Law no.7 of 1993 is constituted of 15 articles. Article 6 of the Code provides for the setting up of the Technical Committee for Jordanian National Building Codes, chaired by the Secretary General of the Ministry of Public Works and Housing (MPWH) and tasked with preparing the basis for the national building codes and making recommendations about them to the Jordanian National Building Council chaired by the Minister of Public Works and Housing (Article 4) which is in charge of approving the buildings codes and submitting them to the Council of Ministers to adopt (Article 5).

The new Code becomes valid after the elapse of 30 days following the publication of the Code adopted by the Council of Ministers in the official gazette (Article 10/c). Moreover, compliance with the Code becomes mandatory in any declared urban planning area and a condition for granting the construction permit (Article 10/d). Currently the National Building Code is constituted by 32 codes⁴³ each one regulates a specific building aspect as well as some urban issues (See the figure below) (RSC, 2020). The Urban Aesthetics Code aims at making recommendations to those in charge of city administration to enhance city

⁴² Also known as the law of planning cities.

⁴³ For more information about the containment of each building code please refer to (World Bank, 2005).

aesthetics and prevent its distortion. This code covers urban aesthetics with respect to:

- a. land planning;
- b. local environment aesthetics;
- c. natural and planned sites;
- d. public and private parks and gardens;
- e. archaeology and archaeological sites;
- f. traditional buildings;
- g. public services;
- h. commercial and information advertisements;
- i. maintenance (MOTA and the World Bank, 2005).

The Shelters Code covers the technical requirements of shelters for protection against air raids, explosions, nuclear radiation and falling atomic dust. The Building Requirements for Disabled Code provides minimum requirements to be satisfied in public and residential buildings as well as public facilities to enable easy and smooth access by the disabled. This code contains the general requirements for designing new buildings, the minimum requirements for existing buildings and for the outside space to ensure accessibility (MOTA and the World Bank, 2005).

Jordan Green Building Guide

For better land management, Jordan has adopted elements of sustainable urban design through implementing the green building strategy. To this end, the Jordanian building council has approved the Green Building Manual in 2013, which sets the technological and technical criteria necessary to meet the requirements of sustainability of buildings and evaluate the same to reduce the amount of water and energy used in constructing these buildings. This also aims to reduce the consumption of materials during and after construction, promote recycling, and mitigate the environmental impact of buildings on the surrounding environment. (UN-Habitat, 2014).

The Green building guideline encompasses parameters and credits tailored to suit Jordan's climate, resources, legislation, policies, and building techniques and

strategies. This guideline is linked to a voluntary rating system, which in turn is associated with an incentive scheme provided by the government, known as the Green Building Guideline and Rating System for Jordan. Moreover, the guide is aligned with Jordan's Building Codes, serving as mandatory requirements (RSC, 2020. GBC, 2017).

Environmental Protection Law no. 6 of 2017 is also relevant and further details can be found in Annex 1.

2.4.4 Land and housing market

Land is one of the most valuable assets in Jordan. Between 2005 and 2008, a land market "bubble" occurred, driven by land speculation, which escalated land prices by tenfold. This surge was fueled by the scarcity of land to accommodate the influxes of Iraqi and Palestinian refugees, along with higher land value assessments by the Department of Lands and Survey (DLS). Although the land market stabilized in subsequent years, the arrival of Syrian refugees since 2011, estimated at 1.5 million, has generated significant demand for rental housing. In districts of Amman, for instance, rental accommodation prices have surged by 200–300 percent compared to pre-crisis levels (USAID, 2018).

Even before the refugee crisis, Jordan has had a persistent lack of affordable housing for ordinary Jordanian families. The delivery of housing supply is not well aligned with demand, leading to an oversupply at the middle and upper end of the market but a lack of affordable housing for the lower middle- and lower-income market (UN-Habitat, 2015). According to a 2015 survey, 27 percent of Jordanians, equivalent to over 230,000 households, reside in rented accommodation. Among them, 88 percent cite housing expenses as a barrier to finding suitable housing. Rental prices are most elevated in Irbid, East Amman and Madaba (USAID, 2018).

Jordan's Green Building Council estimates that Jordan needs at least 100,000 new housing units to keep up with demand (Brown, 2020). Moreover, the Housing and Urban Development Corporation (HUDC) estimates

that housing needs for the Kingdom (12 governorates), will increase from 66,806 units in 2020 to 71,573 units in 2025 (HUDC, 2016-2025).

Table 9: Housing needs per governorate (2016-2025).

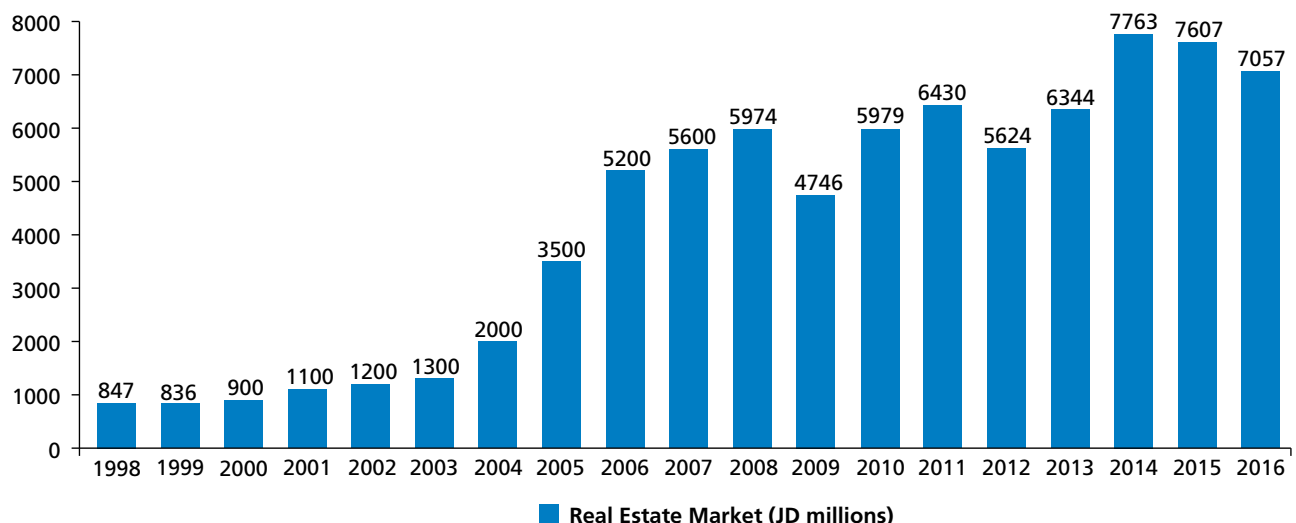
Governorate	Year 2020	Year 2025
Amman (the capital)	28088	30092
Al-Balakaa	3446	3692
Al-Zarka'a	9566	10249
Madaba	1326	1421
Irbid	12407	13292
Al-Mafarak	3855	4130
Jarash	1662	1780
Ajloun	1234	1322
Al-Kark	2219	2378
Al-Tafileh	675	723
Maan	1010	1082
Akaba	1319	1413
The Kingdom of Jordan	66806	71573

Source: HUDC.

Although the Jordanian building sector is relatively strong, it is hampered by many impediments such as high land prices and excessive bureaucracy. Building permits are difficult to secure, and it has been estimated that builders can pay up to a third of a project's value in taxes and fees (Brown, 2020). A 2018 study by the HUDC on the effect of the passing of new Amman Buildings and Zoning bylaw for year 2018, on the housing costs, found that GAM has doubled the fees for housing building permits for all types of residential buildings to reach 3.5 times increase for residential buildings (D) and four times increase for popular housing which will result in increased housing costs⁴⁴ (HUDC, 2018).

Zoning restrictions pose another challenge: the 2018 contentious bylaw mandates minimum apartment sizes ranging from 110 to 130 square meters for new constructions in specific zones. This regulation contradicts the considerable demand for smaller properties, particularly in urban areas like Amman. Consequently, builders and developers gravitate towards constructing larger and upscale properties,

Figure 18: Real estate market size (value of transactions), 1998-2016.



Source: DLS Year Books 2013, 2014, 2015, 2016 in WBG, 2018.

⁴⁴ The 2019 Building and Zoning by-Law allows the land to be further subdivided into 1.5 donums, which is bad, because it will further increase urban sprawl and the illegal conversion of rural into residential land (Ababsa, 2021 and UN-Habitat, 2020). Prior to the 2019 Building and Zoning law, only 5 per cent or 200 m² of a 4 donum plot could be built for residential or agricultural use (hangars). However, since February 2019, a 4 donum plot of land can be divided into 1.5 donum plots, of which 15 per cent or 225 m² can be built. The rationale is to allow all Jordanians to build their own house, with the current increase in land price, which further accelerates urban sprawl (UN-Habitat, 2020).

resulting in an oversupply of high-end residences and a shortage of affordable housing options (Brown, 2020). There are four types of residential zones, each with its minimum lot size requirement: 1000 m² for Residential Zone A, 750 m² for Residential Zone B, 500 m² for Residential Zone C, and 300 m² for Residential Zone D in municipalities other than Amman. In Amman, the minimum lot size for Residential Zone D is 250 m². Housing units constructed on smaller plots are more affordable than those on larger plots, as land constitutes a significant cost factor. The sizable minimum plot sizes in Jordan make it challenging to construct smaller, more economical housing options (WBG, 2018).

Another important challenge to providing housing to the market is unavailability of land and its high cost. Jordan possesses limited land within urban areas, with even fewer parcels remaining undeveloped. The majority of available land consists of small, isolated pockets, often remnants from previous development or allocated to municipalities for social infrastructure and public use. Consequently, substantial expanses of undeveloped land are primarily situated on the outskirts of settlements and are typically privately owned. Moreover, ownership of these lands is frequently disputed among families, leading to legal conflicts (LandLinks).

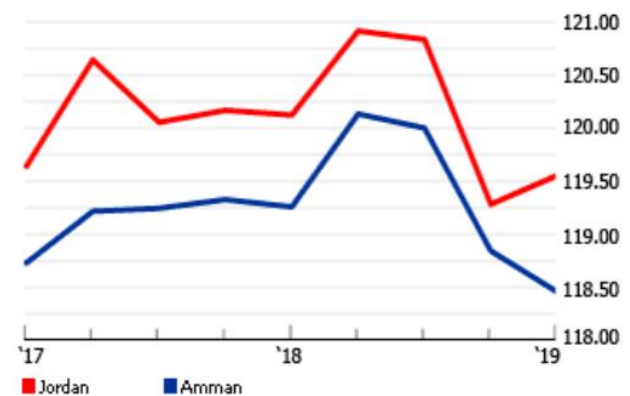
Moreover, owners are unwilling to sell land as land prices continue to rise (USAID, 2018). Furthermore, the housing sector in Jordan is heavily taxed as the totality (direct and indirect) of taxes and fees paid on housing projects can reach up to 30 percent of the total cost of the project (WBG, 2018). Additionally, in February 2017 the Jordanian government removed a previous hold on sales tax for many steel products used in construction, resulting in a tax rate increase from 8 per cent to 16 per cent for affected materials (WBG, 2018).

In 2019, the housing market in Jordan was still struggling due to high interest rates impeding the demand, weak economic growth, and socio-political

unrest. High mortgage rates limit Jordanians' ability to buy new homes. The Arab Bank, Jordan's largest regional bank, charges lending rates ranging from 7.2 per cent to 8.9 per cent per annum (Delmendo, 2019).

According to the Central Bank of Jordan, the nationwide residential real estate price index fell by 2.4 per cent during the year to Q1 2019 (-2.43 per cent inflation-adjusted), following year on year declines of 2.4 per cent in Q4 2018, 2 per cent in Q3 and 1.9 per cent in Q2, and an annual increase of just 0.3 per cent in Q1. Apartments saw the biggest price decline of 2.59 per cent during the year to Q1 2019 (-2.61 per cent inflation-adjusted). House and villa prices fell by 1.3 per cent and 0.45 per cent, respectively. In contrast, residential land prices rose by 2.16 per cent year on year in Q1 2019 (Delmendo, 2019).

Figure 19: Real Estate Price Index for years 2017 and 2018.

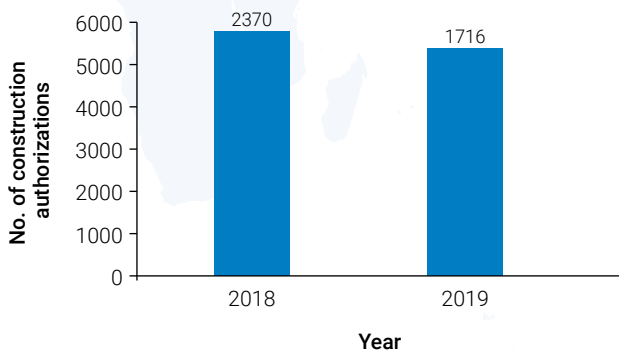


Source: Central Bank of Jordan in GPG. Delmendo, 2019

In 2019, the total number of construction permits granted to the private builders in Jordan, for residential buildings - new buildings and additions to existing buildings - was 5,386 construction permits, opposed to 5,778 construction permits granted in the same period in 2018. The number of construction permits therefore plummeted by 7 per cent (HUDC, 2020).

New buildings and additions to existing buildings construction permits granted to the private sector in Jordan for residential buildings declined in the first

Figure 20: Comparison between the number of constructions permits granted to the private sector to construct new buildings and additions to existing buildings in 2018 and 2019.

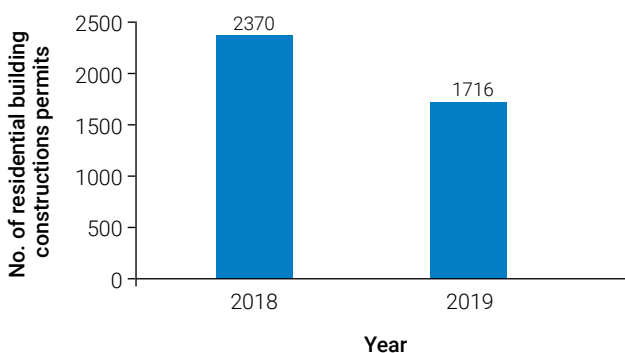


Source: HUDC, March 2020

half of 2020 to 1716 permits compared to 2370 in the first half of 2019 (HUDC, 2020). But the number of construction loans granted to the construction sector in the first half of 2020 increased by 139 per cent (50.745 permits) for the same period in 2019 (21.2597 permits) (HUDC, 2020).

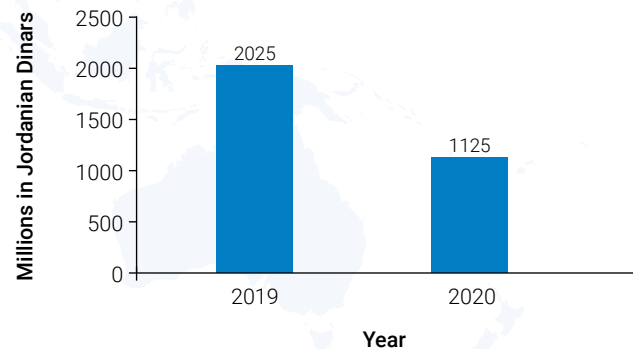
In 2020, Jordan real estate trade volume during the January-September period dropped by 29 per cent to reach JD2.257 billion, according to DLS's monthly

Figure 21: Comparison between the number of residential building constructions permits granted in 2019 and 2020.



Source: HUDC, September 2020.

Figure 22: Real Estate Trade Volume for the first half of 2019 and 2020.



Source: HUDC, September 2020

report. Apartment sales during the January-September period went down by 13 per cent, while sales of parcels of land fell by 5 per cent, compared with the same period of 2019 (Zawya, 2020).

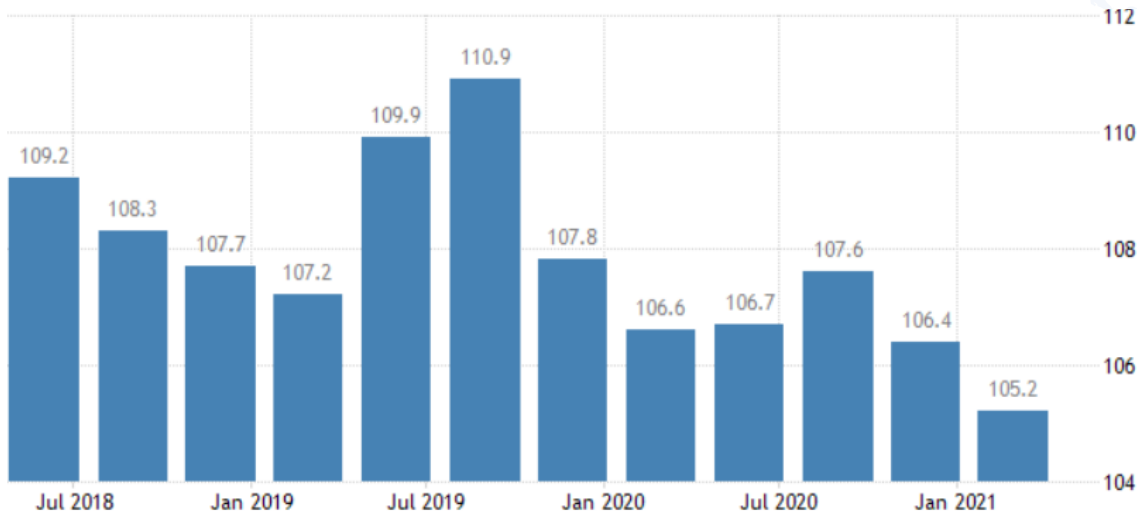
In the first quarter of 2021 the housing Index in Jordan, which is measured by the average prices of residential properties, decreased to 105.20 points from 106.40 points in the fourth quarter of 2020 according to the Central Bank of Jordan (Trading Economics, 2021).

2.4.5 Housing, informal settlements and poor areas

Rapid population growth⁴⁵, the country's absorption of subsequent waves of refugees and migrants and the spread of informal settlements in the core and around the urban centers, created an acute housing problem which compelled the Jordanian state to intervene directly in the housing policy as early as 1965, when the Housing Corporation (HC) was established to provide housing scheme for middle income official employees. The HC provided residential loans, built residential units in urban and rural areas, implemented housing projects for Bedouins, the state's employees and for low-income individuals across the Kingdom (HUDC).

⁴⁵ By 2030, Jordan is expected to host between 1.7 and 3.5 million new residents reaching at least 11.1 million inhabitants and a maximum of 12.9 million (WBG, 2018).

Figure 23: Housing Price Index indicating drop of residential units price for Q1 of 2021. Jordan Residential Price Index.



Source: Trading Economics, 2021

In 1980, the Jordanian government established the Urban Development Department (UDD) as a new public organization with two major tasks: 1) implement upgrading programme in the squatter settlements; this involved improving the standards of the physical and social services and enhancing the living conditions of the target groups; 2) implement site and services projects for low-income households in the urban areas (AIDaly, 1999). UDD started working in Amman and then extended its work to Zaraka, Aqaba and Irbed (HUDC).

In 1989 Jordan adopted the National Housing Strategy (NHS) with the objective of enabling all citizens to have access to affordable housing. Based on the strategy recommendations, the UDD was merged with the Housing Corporation in 1992, forming the Housing and Urban Development Corporation (HUDC), regulated by law no.28 of 1992. The HUDC became a fully independent government agency responsible for the housing and urban sectors. Its mandate includes providing housing to address the needs of the different groups, in particular, low-income, and middle groups in Jordanian society; reforming the housing sector and

developing partnership initiatives with the housing private sector; and improving the living and housing conditions of poor⁴⁶ areas all over the country (AIDaly, 1999). The corporation has already constructed 185 housing projects for low-income households in all parts of the Kingdom, which is attracting urban growth to those areas (UN-Habitat, 2014).

In 1996, the Jordanian government launched a major reform project for the implementation of the NHS and the promotions of sustainable development. The main objective of the project was to support the Government's strategy to improve the efficiency of the housing finance sector and promote private-sector development in land and housing production (WBG, 2018). The major achievement of this project include (Metropolis, 2017):

- The establishment of the Jordan Mortgage Refinance Company (JMRC) to promote and improve access to housing finance;
- Granting the private sector the right to use standards development by HUDC, through Launching Partnership schemes;

⁴⁶ Referring to squatter settlements and refugee camps.

- Redirecting zoning, re-zoning and down zoning for smaller plots;
- Simplifying procedures for the private sector;
- Amendment of legislations; and
- Rationalizing government housing subsidies.

On the legislative front, the Jordanian government took several measures to ease the burden of rising home prices on citizens.

Taxes and fees

It exempted apartments with an area of less than 150 m² from the payment of transfer fee and registration of property. It applied reduced registration fees and taxes (up to 50 per cent of the legal tax rate).

Reform of the rental market

Further, structural changes to the Landlords and Tenants Law were introduced. The third amendment of the law in 1994 obligated the government for the first time to examine the rent level at least once every five years (WBG, 2018). The fourth amendment of 2000 aimed at balancing the relationship between owners and tenants and encouraging investors to invest in housing for the purpose of leasing (UN-Habitat, 2014). It basically allowed contracts to include an explicit termination date and to be subject to conditions agreed between the two parties.

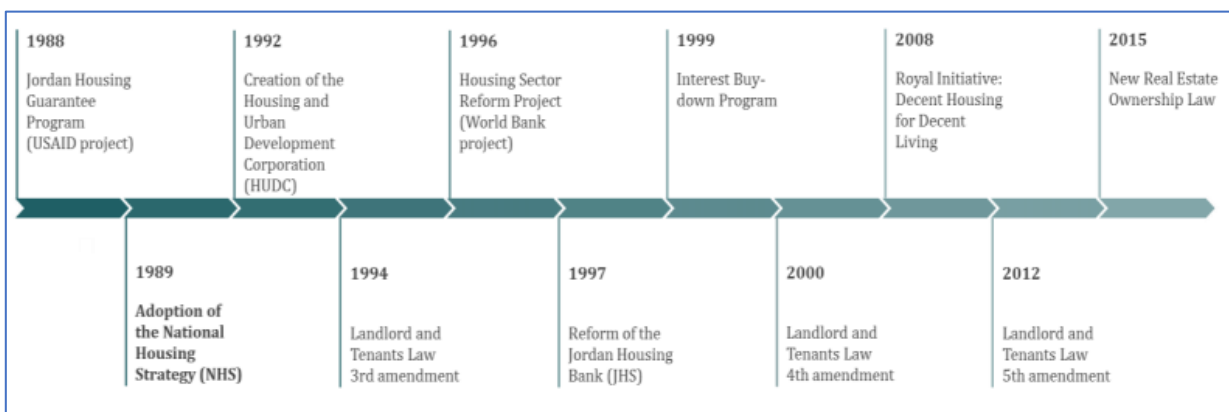
The other important change was to establish 31 December 2010 as the termination date for all leases signed prior to the introduction of the March 2000 amendments. While these measures impacted the housing sector by increasing rental rates in all markets (residential, commercial, offices), this benefited affordable housing by encouraging landlords to invest in construction of more units, thus increasing supply for lower-income families and non-Jordanians entering the country.

In 2012, the fifth amendment to the Landlords and Tenants law created a more favorable environment for landlords (for contracts signed before 2000). The main amendments included allowing landlords to renegotiate existing tenancy agreements and to align rental rates with their market value. Reevaluation and rent amount review could now be done every five years while before they had remained stagnant (WBG, 2018). These amendments have contributed to the dynamism of rental markets, encouraging landlords to increase supply (WBG, 2018).

Eviction

Jordanians have a constitutional right against forced eviction. However, lawful eviction is “permitted (i) if the tenant fails to perform a material part of their consideration, or (ii) with “good cause”, or (iii) based

Figure 24: Most relevant intervention in the housing sector in Jordan over the past decades.



Source: WBG, 2018.

on a number of specific grounds in the Landlord-Tenant Law. Eviction for non-payment of rent under the Landlord-Tenant Law requires 15 days' notice" (Hogan Lovells Lawyers and CARE International, 2019).

Private-public partnership

Issuing the draft law on regulating the housing sector with the participation of both the public and private sectors in order to organize the work of the housing sector within an appropriate legislative environment that ensures the protection of all parties involved in the housing process. As of 2014, the draft housing law was not passed yet due to the disapproval of some stakeholders in the public and private sector (UN-Habitat, 2014).

Gender gap in housing ownership

According to the Department of Statistics in Jordan (DOS), which records the gender of the landowners and not that of buyers, the actual percentage of immovable properties owned by women in Jordan is about 10 per cent of housing units (and not 20 per cent as often officially stated). In 2014, Jordanian women owned

24.7 per cent of registered apartments (or 92,760 units), men owned 70 per cent (262,889 units), and the rest was co-owned by men and women (5.3 percent). The 92,760 registered apartments owned by women represent only 10.3 percent of apartments in Jordan (Ababsa, 2016).

Informal settlements

Informal settlements in Jordan started developing around the 1950s, covering the main cities of the Kingdom such as Amman, Zaraka, Irbid and Aqaba, although concentrated in the axe of east Amman, Rosaifah and Zarka. According to HUDC, 59.8 per cent of the population living in informal areas developed as extensions of UNRWA Palestinian refugee camps, own land (UN-Habitat, 2020).

It is estimated that in 1980 a quarter of the city of Amman was occupied by informal settlements inhabited by Palestinian refugees (Ababsa, 2010). Until 1991, informal settlements in Jordan amounted to over 21,000 residential units, housing over one 150,000 people (HUDC, 2011).

Table 10: Distribution of registered apartments in April 2014 based on gender.

Apartment	Muchtarak %	Men %	Women %	Total
Irbid	5.3	70.7	24.1	57,652
Balqa	4.6	75.1	20.3	9,591
Zarqa	4.7	70.4	24.9	25,572
Tafila	2.4	82.5	15.1	1,844
Amman	5.5	69.1	25.4	253,306
Aqaba	4.1	72.9	23.1	10,884
Kerak	5.1	74.2	20.7	5,659
Mafraq	2.3	76.3	21.3	1,260
Jerash	6.4	72.3	21.3	1,620
Ajlun	4.1	75.7	20.2	2,652
Madaba	4.6	75.4	20	3,692
Maan	2.8	80.2	17	1,825
Kingdom	5.3	70	24.7	375,557

Source: Ababsa, 2016.

The concept of informal settlements in Jordan is broad and changing. Informal settlements can be inside or outside the boundaries of the master plans of cities and villages (HUDC, 2011). The HUDC has three defining criteria of informality: two morphological criteria related to the accessibility of the area and the 'style' of building (appearance and proximity to each other), and a legal criterion related to the type of tenure or ownership of the property (UN-Habitat, 2020). The legal status of a property alone can define it as informal, since the lack of inalienable and exclusive rights of transfer renders a property informal (Ababsa, 2010).

Many informal areas are inhabited by Palestinian refugees. The term *sakan ashwai* refers almost exclusively to areas inhabited by Palestinian refugees and it is not used for informal settlements of rural or Bedouin populations, which are referred to as "poor areas".

Most of squatter settlements are built on steep slopes or at the bottom of valleys, which makes them vulnerable to floods. Houses are tightly packed onto plots of 150 m² on average, leaving only narrow alleyways between them. Overcrowding is an additional challenge. At the end of the last century, the average number of inhabitants per room stood at 4.2 and this was considered an aggravating factor of infant mortality (Al Daly, 1999).

Before 1980, Jordan had no policy on informal settlements. In 1980 the Urban Development Department (UDD) was created within the GAM to develop an urban renewal project of informal settlements located in the east of Amman. Its slum upgrading programme, funded by the World Bank, followed the new ideology of renovation through the participation of target populations (Ababsa, 2010). The East *Wehdat* camp is one of the worldwide references for participatory upgrading (UN-Habitat, 2020). The

Figure 25: Zaatari refugee camp, Jordan.



Source: Flickr/UK Foreign, Commonwealth & Development Office.

main concept behind the effort of UDD was twofold: minimum destruction and the participation of the entire population⁴⁷. After the success in East *Wehdat*, a total of 13 squatter sites were upgraded by the UDD between 1981 and 1991: the project renovated 11,665 units housing 114,000 inhabitants (Ababsa, 2010).

Since 1980s, Jordan adopted a range of informal settlements approaches:

- Participatory upgrading, in the 1980s;
- Provision of services alone in the 1990s because of rising costs of land (no expansion);
- Eviction and selective rehousing from the neoliberal wave of the mid-2000;

After 2011, due to the influx of Syrian refugees, Jordan opened refugee camps in the north of the country to control the arrival and settlement of refugees. The most famous is the Zaatari camp established in late July 2012 which has nearly 80,000 Syrian refugees today (UN-Habitat, 2020).

47 From 1980 to 1997, Jordan was the first Arab country to implement the developmentalist ideology fostered by the World Bank, which involved the residents of informal areas in all the stages of renovation of their homes and enabled them to become homeowners. This titling policy was subsequently abandoned in favor of a single policy of provision of services (Ababsa, 2012).

Jordan Affordable Housing Programme (JAHP 2014-2018)

The JAH Programme is an innovative housing initiative funded by the Swiss State Secretariat of Migration (SEM), the Royal Danish Ministry of Foreign Affairs and UNHCR. The programme is implemented by UN-Habitat in cooperation with GOJ, with the overall Programme objective of providing 30,000 housing units over three years through market mechanisms (UN-Habitat, 2016).

JAH Programme is a predominantly private sector funded solution that will deliver small-sized housing units of (65m²) to lower-middle income Jordanians without the use of subsidy, through the private sector, designed such that they can be expanded or combined to create 100 – 130m² units in the future. Refugees and vulnerable Jordanian families would have access to those units that are made available by the buyers (through the JAH entity) on a market rental basis (UN-Habitat, 2012-2021).

It is worth it noting that the UN-Habitat's Arab States Regional Strategic Plan 2016, Jordan was identified among the countries to be supported with housing and informal settlements upgrading. It specifically aimed "to support poor and middle-income families to enter an affordable housing market" and furthermore it stated that "Based on pilot interventions, the Affordable Housing Programme will focus on how banks and developers will be better able to supply housing to the lower income ... " (UN-Habitat, 2016).

Jordan Poverty Reduction Strategy (PRS 2013-2020)

The Poverty Reduction Strategy (PRS), 2013-2020 has been designed to address poverty as a multifaceted phenomenon that requires a comprehensive approach, bringing together the development efforts of various government ministries, other stakeholders within the government, civil society organizations, and the donor community. This holistic approach aims to address poverty through coordinated and collaborative actions across different sectors and entities. The new PRS 2013-

2020 is aligned with other national strategies and with the Millennium Development Goals (UNDP, 2013).

The main PRS guiding principles are: (i) Ensure equality and inclusion for all Jordanians; (ii) Promote the resilience of poor and vulnerable households; (iii) Uphold human rights for all Jordanians, especially women, children and persons with disabilities; and (iv) Encourage voice and accountability for the poor, vulnerable and marginalized.

Policies and measures aimed at realizing the main goals of the Poverty Reduction Strategy (PRS) have been consolidated into five strategic pillars, reflecting the need for comprehensive poverty reduction policies. Cross-cutting themes such as gender equality and environmental sustainability have been integrated throughout the strategy and embedded within its five strategic pillars. The land related PRS pillars are:

- **Strategic pillar 4: Pro-poor agriculture and environment.** This pillar of PRS focuses on rural development, in particular by supporting productive use of land and water as a key asset available to rural small holders, for increased agricultural and food production and improved livelihoods of the rural poor. This pillar also ensures mainstreaming of environmental sustainability throughout the whole strategy as a cross-cutting activity. It contains measures against land degradation and preservation of and rational use of water resources, and also considers measures aimed at preparing for pro-poor climate change adaption.
- **Strategic pillar 5: Infrastructure and housing for the poor.** The fifth pillar of PRS includes development of transport and housing, with a focus on provision of essential infrastructure and services to the poor and disadvantaged to improve their living conditions and contribute to human development. Access to affordable housing for the poor requires targeted measures for the rural pockets of poverty as well as for overcrowded urban areas (UNDP, 2013).

The PRS is supported by an implementation and actions plan to achieve its objectives (UNDP,2013).

Despite the above programmes and strategies, the Jordanian government's efforts to tackle the housing deficit have had limited success, as the government had more pressing economic issues to deal with, including unemployment and the sluggish GDP growth (Brown, 2020).

2.4.6 Land expropriation for public use

Jordan's legal system protects the right to private property. The current Jordanian constitution of 1952 provides that no property of any person may be expropriated except for purposes of public utility and in consideration of a just compensation, as may be prescribed by the law (Article 11)⁴⁸. Moreover, the Jordanian Civil Code (JCC) n. of 1976 which replaced the Ottoman Majallah of 1876 provides that no property shall be expropriated without a legitimate reason, and no property shall be expropriated unless for the public benefit and in return for a just compensation, as defined by the law (Article 1020). In addition, the new Jordanian Real Estate Ownership law no. 13 of 2019 expressly provides that no property can be confiscated, unless for a public use project and for a fair compensation determined by chapter 9 of the Code (Article 178)⁴⁹.

Land expropriation under the new law no.13 of 2019

Whereas the previous Jordanian Land Acquisition law (LAL) no. 12 of 1987, as amended, which was repealed by the new Jordanian Real Estate Ownership law no. 13 of 2019 did not define the "public interest" or the "public use" that justifies private property acquisition, the new law no.13 of 2019 clarified this issue and provided that "shall be considered fulfilling the public

use or benefit requirement for the property acquisition purposes, the project which aims to establish a public facility, manage it or facilitate the performance of its functions, and any project that the law stipulates that it achieves a public benefit" (Article 179).

Chapter nine (articles 178-213) of the above-mentioned law regulates the issue of land expropriation in Jordan. Most of the provisions are a verbatim reproduction of the provisions of the (LAL) no. 12 of 1987 as amended. Nonetheless, there are some changes in the new law which favors the protection of the private property. For example, according to the new law, land expropriation and cash compensation for the loss of land resulting from its expropriation, are not the only or the more preferred options. Article 180/a permits to the expropriating party to explore other options to achieve the objective of the projects such as directly buying the property from the owner or buying a different property or exchanging the property with the owner of the property to be expropriated. This is considered progressive as the approach to expropriation in the new law is more considerate of the wellbeing and the rights of the affected persons whose livelihoods are land-based⁵⁰.

Moreover, under the new law no.13 of 2019, the compensation to renters of properties used for other than industrial or commercial purposes is eight per cent (Article 190) instead five per cent (Article 10/b/3, LAL no. 12 of 1987). Furthermore, Law no.13 of 2019 allows the recovery of the property by the owner from all types of expropriating parties in case they have not commenced the work on the project after 10 years, if the expropriating party is the government or the municipalities, and after three years only, for all other expropriating parties (Article 207/A).

48 The previous Jordanian constitutions of 1928 and 1947 mentioned only the compensation for expropriation and omitted the word "fair" or "just" (Al-Hanaineh, Shatnawia and Hatamle, 2015).

49 Article 3 in repealed LA. Law no. 12 of 1987 as amended.

50 In kind compensation is permitted by article 191 of the new law no.13 of 2019.

Compensation for expropriated land

The decision of the Cabinet to expropriate the land, for public use and in consideration of fair compensation is published in the official gazette (Article 183). Thereafter, the expropriating party shall submit to the real estate registration office a copy of the expropriation decision, a map of the property and a list of the names of the persons who occupy the property and their addresses, if the property is not registered (Article 185/a and b). A committee established by the expropriating party shall visit the property to evaluate the expropriation compensation, which shall not be less than the property value adopted based on the law of the property registration fees (Article 185/c). The compensation is paid to the owner of the property in whose name the property is registered at the Land Registry, or to the person seizing the land on the day of issuance of the Cabinet's decision if the property is not registered, without prejudice to the right of anyone else from claiming ownership through the courts (Article 186).

The owner of the property shall inform the expropriating party of the names of the persons who have use or rental right on the property within 30 days from publishing the expropriation decision, otherwise the owner of the property shall be responsible for compensating them (Article 187).

If the owner and the expropriating party fail, for any reason, to agree on the amount of compensation, any of them may refer the matter to the First Instance Civil Court of the place of the property, to determine the fair compensation amount. The case shall be dealt with as an urgent matter by the court and shall decide it within a maximum delay of one year from the date of the case registration (Article 189). Moreover, any of the following is considered a fair compensation of the expropriated property, whether it is evaluated by mutual agreement

or by the court: the estimated value of the property upon issuing the expropriation decision or the selling value of the property, or the comparable selling value of similar or nearby property as registered in the real estate registry. The law compensates as well the owner of easement and rental rights on the property (Article 190).

The compensation is paid to the landowner either directly or deposited for them at the real estate registration office, but only after payment by the landowner of any previous taxes on the concerned property prior to the expropriation. The amount of compensation is not subject to any deduction for fees or taxes (Article 198).

If the compensation is not paid by the expropriating party to the owner within 30 days from the final court decision determining the amount of compensation, or the date of the agreement or its ratification when required, a five per cent annual interest is added to the compensation until it is fully paid or deposited to the landowners (Article 199)⁵¹.

With respect to grievances, the First Instance Civil Court where the property is located has jurisdiction to determine the amount of compensation for the land expropriation in case no agreement can be found between the two parties (Article 189). As for the decision of the Cabinet to expropriate the land, it is an administrative decision, open for appeal before the Administrative Court (AC) and the Higher Administrative Court (HAC), through the annulment lawsuit based on article 5/A/6 of the Administrative Justice Law no. 27 of 2014. It is worthwhile to note that Law no.27 of 2014 repealed the Higher Justice Courts Law no. 12 of 1992 which used to allow for judicial review of administrative decisions before the Higher Court of Justice (HCJ) and the decisions issued by the said court were considered final.

⁵¹ The interest for late payment was nine per cent under article 14 of the (LAL) no.12 of 1987 as amended.

The new law no.13 of 2019 retained from the old (LAL) no. 12 of 1987 as amended,⁵² the right of the expropriating party to expropriate without compensation for up to 25 per cent of the area of a plot if the purpose of the expropriation is for linear projects, e.g., the construction, or expansion/widening of a road, or for the construction of a government housing project (Article 192 of the new law), despite that this violates the Jordanian Constitution which confirms that expropriation is only in consideration of an equitable compensation (Al-Hanaineh, Shatnawia and Hatamle, 2015).

Although the definition of the landowner who is entitled to receive the compensation for the property expropriation includes the registered landowner as well as the person who seizes the property on the day of issuing the decision of expropriation (Article 186), the law does not clearly provide for the compensation of informal, tribal, customary land rights or for illegal occupation or use of expropriated property (World Bank, 2016). No compensation is identified for informal/customary landowners in article 190 of the new law which lays out the guidelines for the compensation for expropriated property.

The new law no.13 of 2019 does not clearly provide for restoring loss of income sources or means of livelihood for persons affected by the expropriation (World Bank, 2016) and it restricts the level of assistance and payments to be made to renters/tenants proportionately to the compensation amount paid for the plot (World Bank, 2016).

2.5 LAND DISPUTES RESOLUTION

2.5.1 Main institutions responsible for resolving land-related disputes

The formal justice system is the main mechanism for resolving land-related disputes in Jordan. Article 99 of the Jordanian Constitution of 1952 divides the courts into three categories: civil, religious, and special courts. According to the law of the Formation of Regular Courts in Jordan no. 17 of 2011, the civil courts exercise their jurisdiction in respect to civil and criminal matters in accordance with the law, and they have jurisdiction over all persons in all matters, civil and criminal, including cases brought against the government. The civil courts include the Peace Courts and the Courts of First Instance, the Courts of Appeal, the High Administrative Courts, and the Court of Cassation which is the highest judicial authority (Supreme Court).

The Peace Courts Law no. 23 of 2017 determines the jurisdiction of Peace Courts in real estate matters (Article 2). Moreover, the Jordanian Civil Procedure Code (CPC) no.24 of 1988, provides for the general jurisdiction of the Court of First Instance to try all cases for which the law did not specify the competent court (Article 30). The CPC determines the in-rem jurisdiction of courts as follows (Article 37 of the CPC)⁵³: (1) for disputes related to real estate and land tenure, the competence will be for the court in the jurisdiction of which the real estate, or one of its parts, is; (2) For multiple properties, the competence will be of one of the courts in one of the properties is; (3) In personal real estate cases, the competence will be of the court in the jurisdiction of

⁵² Articles 11/and 12 of the (LAL) no.12 of 1987 as amended.

⁵³ *In rem* jurisdiction is from Latin, "against a thing." Concerning the status of a particular piece of property. For instance, in-rem jurisdiction refers to the power of a court over an item of real or personal property. ... In-rem jurisdiction is based on the location of the property and enforcement follows property rather than person (CLS-LII).

the real estate or the defendant is. Cases in relation to the value of real estate shall be assessed based on the value of the real estate, as per Article 4/1 of the CPC.

The Courts

In Jordan, Peace courts and the First Instance Courts are the first level courts. The courts of Appeal and the First Instance Courts as appellate courts for Peace Courts' decisions are the second level courts and the Cassation Court is the highest judicial authority over regular courts (JJC, 2021).

Peace Courts have general jurisdiction over all property rights claims in which the claimed right value does not exceed 10,000 JOD (Article 2 of law no. 23 of 2017), and they have exclusive jurisdiction in the following land-related claims, irrespective of their value (Article 2 of law no. 23 of 2017):

- Claims regarding the right of way and the right of drinking;⁵⁴
- Claims related to the repossession of the property;
- Claims related to the payment of the leased premises' rent;
- Claims related to the termination of the lease contract and the tenant eviction irrespective of the annual rent;
- Claims related to the division of common immovable property provided that the division is consistent with the zoning regulation in the area where common property is located.

First Instance Courts have jurisdiction to try cases where the claimed property right value exceeds 10,000 JOD and in all other land related matters which are not within the exclusive jurisdiction of the Peace Courts as above outlined (Article 4/b/1 of the law of the Formation of Regular Courts in Jordan no. 17 of

2001). Moreover, according to the new Jordanian Real Estate Ownership Law, the First Instance Civil Court has replaced the Lands and Water Settlement Court and has now jurisdiction over the following issues:

- Correction of the final rights schedule in the land and water settlement area, approved by DLS manager as provided for in article 53 of law no.13 of 2019;
- Ratification of the decision of the Real Estate Registration Committee;
- Examining the objections submitted regarding the registration of real estates.

In addition, the First Instance Court is now competent to resolve disputes regarding expropriation of unregistered land and to determine the owner to be compensated. It also has jurisdiction to try cases of disputes over the amount of compensation between the expropriating party and the landowner in accordance with law no.13 of 2019 (Kanakrieh, 2019). Decisions of the Peace Courts and First Instance Courts may be appealed before the Appellate Courts as determined by the law. There are three Appellate Courts in Jordan: Amman, Irbid and Maan and one Court of Cassation only which sits in Amman.

Special Courts managed by Regular Courts' Judges

Special courts in Jordan are not part of the regular courts system. They are divided in two categories: (1) special courts managed by regular courts judges such as the lands and water settlement court, the state property conservation court, custom and municipalities courts which are below explained and (2) special courts managed by regular and non-regular courts' judges such as the state security courts and the military courts, and the special labor court.

⁵⁴ The right of drinking as defined by the Ottoman Civil Law (*Majallet al-ahkam aladlieh*) is the right of a person to take water for basic needs, drinking included, from waterways and river passing by the land of its neighbor.

Land-related special courts managed by regular courts' judges include:

- **Lands and water settlement Court** - This court is presided over by one single judge who is appointed in accordance with the law of the Formation of Regular Courts in Jordan no. 17 of 2001. The Lands and water settlement court administers claims of ownership over unregistered land and has jurisdiction to decide all stakeholders' objections regarding their land rights such as disputes related to disposition, ownership, usufruct or any other land and water rights capable of registration (JJC, 2021). The Court of First Instance where the property is located has replaced the Lands and Water Settlement Court according to the new law no.13 of 2019 and all cases pending before it are referred to the First Instance Court.
- **State Property Conservation Court** - This court is composed of three judges: one Supreme court judge acting as chairman and two judges appointed by the Judicial Council. Article 4 of law no.17 of 1996 related to State Funds Preservation determines its jurisdiction which includes trying any employee, convicted person or person civilly liable who sold, donated, let or mortgaged any movable or immovable property as to prevent its seizure by the state and to conduct the investigation in relation to any movable and immovable property that employee, convicted person or person civilly liable that they illegally acquired by appropriation of the state funds, among others (JJC, 2021). The new State Conservation law no.11 of 2012 maintained the State Property Conservation Court which is presided by a peace court appointed by the Chairman of the Judicial Council (Article 4) and harshened sanctions against encroachment on state property.
- **Municipalities Courts** - They are considered peace courts and the law of Peace Courts apply to them. Municipalities Courts have jurisdiction to try

all offences occurring within their borders related to the Municipalities law no. 29 of 1955, the law of Organization of Cities, Villages and Buildings no. 79 of 1966 and the Agriculture Law no.20 of 1973, among others (JJC, 2021).

Administrative justice

According to the law of Administrative Justice in Jordan no. 27 of 2014, the administrative justice system is composed of the Administrative Court and the Higher Administrative Court (HAC) (Article 3). The Administrative court has jurisdiction to receive any appeal or request for annulment against final administrative decisions, such as the decision of the Council of Minister to expropriate private land for public interest (Article 5). Its decisions are open for appeal before the HAC (JJC, 2021).

The Committee for the Removal of Property Co-ownership

According to the new Jordanian Real Estate Ownership Law no. 13 of 2019, applications for dividing the co-owned property are submitted by any of the property co-owners to the registration manager and are determined by the committee for the removal of property co-ownership (Article 102 of law no.13 of 2019) established in each property registration office chaired by one of the department's employees of the first category, with a rank of no less than the third, and the membership of two employees of the Registration Directorate, one of whom is a jurist, and the other is a surveyor named by the director (Article 104 of law no.13 of 2019).

The Peace Courts continue to consider cases of removal of common ownership, registered before the entry into force of this law. A decision of the committee may be appealed before the Court of First Instance within 30 days from the date of their issuance or notification and the decision of the Court of First Instance is final (Article 114 of law no.13 of 2019).

2.5.2 Alternative land related disputes resolution mechanisms

In recent years, Jordan has taken steps and demonstrated political will to reform the justice sector and promote mediation and alternative dispute resolution as a means not only to reduce court congestion and shorten the litigation process, but also to guarantee transparent and fair trials (IDLO, 2019). However, limited data on land disputes resolved through alternative dispute resolution mechanisms (arbitration, conciliation, or mediation) is available in Jordan.

Arbitration

The Jordanian Arbitration Act no. 31 of 2001 as amended by law no.16 of 2018 which depends on the principle of the party autonomy with regard to arbitration, is mainly derived from the Egyptian law of arbitration no 27 of 1994 which is turn was derived, to a great extent, from the United Nations Commission on International Trade Law (UNCITRAL) Model Law on International Commercial Arbitration of 1985 (Haddad H. and Haddad, M. 2020).

The scope of the Arbitration Act includes any civil or commercial dispute that the parties of public or private law persons agreed to resolve through arbitration, whatever the legal relationship to which the dispute is connected, whether contractual or not (Article 3). Arbitration is not permitted in matters on which compromise is not allowed. However, land disputes are not classified as non-arbitrable by the Jordanian Arbitration Act and therefore the parties may agree to resolve them through arbitration.

Mediation

In June 2006, the first mediation center was established at the First Instance Court of Amman as a first step towards creating similar mediation centers in all courts in Jordan in accordance with the Mediation Law for the Settlement of Civil Disputes no.12 of 2006 as amended by law no.25 of 2017 (MoJ). Mediation Centers now exist in all courts in the Kingdom. They are comprised

of judges, known as mediation judges, from the Court of First Instance and the Magistrate Court (small claims court) (Article 2/a and b) (WIF, 2020).

The Jordanian legislator favors mediation over court litigation for settlement of disputes. Article 7 of the Peace Courts Law no.23 of 2017 orders the judge to refer the dispute to mediation with the consent of the parties if the judge feels at the start of the case, that the parties' dispute is capable of settlement through mediation. The judge is empowered to document the party's settlement agreement, and to certify it to become as powerful as a final judgment issued by the court.

Besides the courts-based mediation, there are also two other types of mediators in Jordan: (1) A panel of special mediators nominated by the head of the judicial council (Article 2/c); and (2) Private mediators appointed by the parties. The law accepts private mediation and allows the parties to choose their own mediators. Under the Mediation Law of 2006, however, such types of mediation often lack the enforcement mechanisms provided to court-based mediation (WIF, 2020).

Despite the use of mediation for several years, interest in mediation faded and it is no longer perceived as a reliable mechanism for dispute resolution. There is therefore a strong need to re-establish mediation as an effective dispute resolution mechanism in the country (IDLO, 2019).

2.5.3 Disputes related to tribal land rights

Tenure rights over tribal land (wajahat el ashayeria) are key drivers of land-related disputes in Jordan. According to the World Bank, indigenous people make up five per cent of the global population. Much of the land occupied by indigenous peoples is under customary ownership, and yet many governments recognize only a fraction of this land as formally or legally belonging to Indigenous peoples. Even when Indigenous territories and lands are recognized, protection of boundaries

or external parties' use of natural resources are often weak. Insecure land tenure is a driver of conflict and contributes to environmental degradation (World Bank, 2021).

The origins of the dispute over tribal land in Jordan can be traced back to the colonial era (1921-1946) and even earlier. The British administration, aiming to establish a modern agricultural tax base, systematically dismantled the traditional tribal land tenure system (*mushâ'*). Instead, they promoted a private freehold system with clearly defined individual land titles. This move was intended to enhance agricultural productivity to generate tax revenue for the newly established Jordanian government, with British support.

The primary focus of both the British and later the Jordanian government remained on agricultural land (Razzaz, 1996). Priority for the settlement of rights and the registration of title was granted to the most fertile areas in the country through Law No. 40 of 1952 (Lands and Water Settlement Law) and its subsequent amendments.

The British showed less interest in dismantling the *mushâ'* tenure system in semi-desert and desert lands. Most of these areas were still designated as State Land, but it was commonly understood that tribes claiming these lands as their territory could inhabit them, utilize them for herding or limited cultivation, and even formally register and obtain individual land titles if they cultivated them continuously for three years. However, many tribal groups declined to register their lands, partly due to exorbitant fees and taxation (Razzaz, 1996) and the tenure status of semi-desert and desert lands remained somehow unresolved or at best differently understood by institutions and land users.

The case of the Beni Hassan tribe is illustrative. Urban growth in the late sixties and early seventies, the proximity of some of the tribal lands to urban centers (e.g. Yajouz⁵⁵), the increased demand for housing and, later in the eighties, the sharp rise in land prices, made the Beni Hassan tribe eager to capitalize on the boom by formally registering the land, subdividing it into residential plots, obtaining individual titles, and selling to migrants returning from the Gulf or households escaping the overcrowded and exorbitant urban areas (Razzaz, 1996). Members of the tribe applied to the Lands and Survey Department to initiate what they thought would be a routine process of land registration. To their surprise, they were turned down. Thus, what had started as a routine and legal attempt to register land in Yajouz area, developed into self-help action by some members of the Bani Hasan that ranged from the subdivision and sale of what is legally public land through *Hija* (document transferring possession of the land only without registration or transferring ownership at DLS), to the provision of basic services in the area (Razzaz, 1996).

Despite the laws that govern ownership, exploitation, and investment of land in Jordan, there has not been much advancement in the resolution of the gray areas and the disputes related to tribal lands in Jordan. Some actors define such lands as 'tribal façade': tribes like Beni Hassan and Beni Sakhar are still claiming ownership of 'tribal façade' land or '*wajhaat asha-eriyah*', considering it as their land and not the government's, even though this is not proved through deeds (ILC, 2017). In 2021, the issue of tribal façade land emerged again in the course of ratifying the new draft law of state land conservation in Jordan. Few members of the Jordanian Parliament believe that the passing of this law forecloses any solution to the problem of customary tribal land rights (Alarab, 2021).

55 Yajouz is located within the northern limits of the town of Ruseifa, a medium size town to the north-east of Amman, the capital, and south-west of Zarqa, the second largest city in Jordan.

The Jordanian government need to find a solution to the problem. A government dialogue with all tribes is necessary to resolve the issue and find adequate responses to the real needs and legitimate aspiration of all Jordanian citizens (ILC, 2017), and to dispel any perception among local people that the government is not fair in providing access and rights to the use of natural resources under their control.

Tribal disputes resolution system

Despite the fact that the tribal law (*hukm alashairi*) was officially abolished in 1976, tribal dispute resolution traditions still exist in Jordan, but the influence of tribal shaykhs in the process of dispute resolution is waning. Historically, the relevance of the tribal dispute resolution system in Jordan stems from the division of the

population into sedentary and nomadic (Bedouin) tribes (Watkins, 2014), and thus tribal values remain essential to the Jordanian identity. Rural areas now considered "Bedouin" retain perhaps half a dozen recognized tribal judges, all of whom carry a letter of endorsement from the Royal Diwan. They are authorized to practice in matters of blood, honor, and "face" (*wajh*), and in such areas certain customs pertaining to dispute resolution on these issues remain prominent. Today, the tribal custom complements the civil legal system, functioning as a sort of restorative justice and community policing service, as aptly noted by Antoun in his 2000 article on tribal processes in Jordan. The prevailing adherence to customary dispute resolution processes in Jordan results from a combination of top-down policies and bottom-up practices (Watkins, 2014).

LAND-RELATED LEGAL FRAMEWORK

3.1 THE CONSTITUTION

The Jordan Constitution, which was ratified by King Talal on 1 January 1952, is still in use today. It has been amended several times and currently has nine chapters. The state's ruling regime is parliamentary with a hereditary monarchy (Chapter 1, article 1) and Islam is the religion of the State (Chapter 1, article 2). Chapter two provides for the rights and duties of Jordanian citizens: Jordanians are all equal before the Law with no discrimination between them in regard to their rights and duties, on grounds of race, language, or religion (Chapter 2, article 6); and personal freedom is guaranteed for all (Chapter 2, article 7). Chapter three is the section on general provisions and general organization of the country. Chapter four details the executive branch's composition and powers. Chapter five details the legislative branch's composition and powers. Chapter six details the judicial branch's composition and powers. Chapter seven deals with financial matters, such as taxes and the General Budget Law. Chapter eight outlines other governmental and municipal structures, special courts, emergency, and martial law (called the Defense Law), and the duties of the army. Chapter nine deals with the enforcement and repealing of laws (GlobalLex, 2020).

Property rights

The Jordanian Constitution of 1952 as amended provides for the right of every Jordanian to private property without discrimination between any types of ownership or between the individuals themselves, the sanctity of the house and the protection of property's ownership⁵⁶ (CC, 2021).

Article 6 (i) provides that: "Jordanians are equal before the Law. There shall be no discrimination between them as regards to their rights and duties, on grounds of race, language or religion". Article 10 provides that: "dwelling houses shall be inviolable and shall not be entered except in the circumstances and manner prescribed by Law". Article 11 states that: "no property of any person shall be expropriated except for purposes of public utility and in consideration of a just compensation, as may be prescribed by Law". Article 12 provides that: "no loans shall be forcibly imposed and no property, movable or immovable, shall be confiscated, except in accordance with the Law".

However, the Jordanian Constitution does not provide for: the right to water; the right to adequate housing; the right to be protected from displacement; the right to a safe environment; and ownership of the country's natural resources by the people.

Inheritance

All Jordanian citizens are subjected to the same inheritance rules which are based on Sharia law⁵⁷. Article 1086/3 of the Jordanian Civil Code provides that "the appointment of the heirs, their shares in the inheritance, and the transfer of the inheritance is subject to the provisions of Islamic Sharia". Despite the Constitutional prohibition on discrimination, a non-Muslim is not permitted to inherit from Muslims, which is a reason for some women to convert to Islam (Ababsa, 2016). Disputes over land inheritance shares are a major cause for legal actions by family co-owners for removal of common ownership.

⁵⁶ On the global rank Jordan scored 42 out of 129 and 5 out of 15 on the regional rank in the Property Rights Index which measures the degree to which a country's laws protect private property rights, and the degree to which its government enforces those laws. Jordan's Physical Property Rights Subindex increased by 0.102 to 7.405 with scores of 6.693 in perception of Property Rights Protection, 9.433 in Registering Property, and 6.09 in Ease of Access to Loans. Jordan's IPRI score increased by 0.104 to 6.286 placing it 7th in the Middle East and North Africa region and 42nd in the world. Jordan is classified by the IMF as part of the Middle East, North Africa, and Pakistan group and by the World Bank as an Upper middle-income country (Property Rights Alliance, 2021).

⁵⁷ In Jordan Islamic Sharia is applied to Muslims and Christians in matters of inheritance. Less than 3 per cent of Jordanian people are Christian, but historically they have owned large tracts of land and are significant players in the nation. Sharia law has been applied to Christian property inheritance since the Ottoman period in Jordan, and although Christian tradition stipulates that woman be granted the same shares as men, Christian deputies have never asked for the inheritance law to be revised (Ababsa, 2016).

With respect to gender

Article 6 of the Jordanian Constitution guarantees equality before the law for all Jordanian citizens without any discrimination between them as regards to their rights and duties, on grounds of race, language, or religion only. It does not mention sex or gender and there is no article or clause in the Constitution that explicitly prohibits discrimination on the basis of sex.

Land legislation in Jordan is gender neutral. The rights of men and women to inheritance are guaranteed by the Civil Law no.43 of 1976 and the Personal Status Law number 36 of 2010. Both are based on the Ottoman Mejelle of 1869 that applies Islamic Sharia principles (Ababsa, 2021). According to Sharia rules of inheritance, women have the right to inheritance but generally receive less than men; e.g. daughters receive half the share than sons⁵⁸. However, women are frequently denied their right to property, enshrined in laws drawing on the Islamic Sharia, and pressured by social norms to relinquish these rights in favor of male relatives (Ababsa, 2016).

Gender-unequal practices primarily involve the voluntary or forced renunciation of women's inheritance rights. For example, in Jordan only a quarter of women entitled to property inheritance receive it fully due to social pressure on denouncing inheritance rights (*takhāruj*) and by prolonging the time it takes to

divide inherited land, both of which are tactics to deny women's inheritance to land (Ababsa, 2017). Jordanian Sharia Court data show that in 2014 a third of heirs fully relinquished their inheritance rights through the process of *takharuj*, the voluntary "opting out" of their rights (exclusion). Records do not specify their gender, but survey evidence shows most of those who requested *takhāruj* were women. However, in 2020, only a fifth of heirs fully relinquished their inheritance rights through the process of *takhāruj* which is a positive reduction from a third of cases in 2014⁵⁹ (Ababsa, 2021).

The passing of the Immovable Property Shifting law no. 4 of 1991 has harmed women's inheritance rights by depriving women of equal inheritance rights on former *miri* land. Before the passing of law no.4 of 1991, *miri* land was inherited equally between men and woman, based on customary law 'urf which applied to it for centuries. Law no.4 subjected the inheritance of disposition rights on *miri* land to the rules of Islamic Sharia and the Personal Status Code. Consequently, all agricultural and pastoral land since then is subject to the same Sharia divisions as private land (*mulk*) which led to the reduction of women's shares in land in ethnic group areas (Ababsa, 2016). Moreover, the abolition of the *miri* land category by the recent adoption of the new Real Estate Ownership Law no.13 of 2019 has confirmed this rule and bolstered women's deprivation of equal inheritance.

58 The rule of males receiving "what is equal to the share of two females" is not absolute. There are many exceptions in which the woman inherits the same share as the man and sometimes more. Both the mother and father receive the sixth in the case of the death of a child. The mother's siblings whether men or women get equal share. There are cases in which the female receives inheritance, and the male does not. This would be in a case where mostly female inheritance recipients use up the whole wealth so that nothing is left for residual inheritors (*asabat*) who would undoubtedly include men (Alazzeq, 2017).

59 Women's rights activists have succeeded in amending the Jordanian Personal Status Law No. 36 of 2010 by working with the Sharia Supreme Court (Qa'di' al-Quda'), the country's highest religious and legal institution. In 2011 seven amendments were made and two articles added: articles 318 and 319 on property and exclusion. The most important amendment introduced a mandatory three months after the death of the owner before either exclusion (*takharuj*) or power of attorney (*waka'la*) could be invoked. Another amendment stated that an attorney dealing with an estate was under obligation to inform the heirs of all properties included in an inheritance. Another specified that a judge must explain to the heirs the legal consequences of the exclusion of inheritance; this has resulted in judges asking for better education for women so that they can better defend their rights (Ababsa, 2016).

Table 11: Inheritance of *Mulk* and *Miri* land in Jordan before and after 1991.

In Jordan	Before 1991	After 1991 Qānun al-Intiqāl No. 4
Agricultural land (<i>ard miri</i>)	Rights of use (<i>tasarruf</i>) are granted equally to men and women = Customary law (<i>'urf</i>)	Sharia law is applied to this land and women start to inherit half of a brother's share
Private property (<i>ard mulk</i>)	Sharia inheritance division rules are applied	Sharia inheritance division rules are applied

Source: Ababsa, 2016

Decentralization

The Jordanian constitution does not mention administrative decentralization. It is submitted that the efficient participation of administrative units and local stakeholders in urban planning and land reform projects is key for their success and to achieving local development. In 2015, Jordan issued its new Municipalities law no. 41 of 2015 and the Decentralization law no. 49 of 2015. The promulgation of both legislations marked an important milestone to ground the country's ambitions in bringing local governments closer to citizens (OECD, 2021). In May 2019, the Ministry of Municipal Affairs (MoMA) which oversees municipalities, was renamed the Ministry of Local Administration (MoLA) to supervise the implementation of the decentralization law (UN-Habitat, 2020).

3.2 LAND RELATED LAWS, BYLAWS (REGULATIONS), DECISIONS AND INSTRUCTIONS

Jordan follows the codification system. Therefore, all legal rules that are applicable by the courts are codified. Within this codification system, the constitution is considered as the highest legal instrument, whereby all other laws must observe its general principles and rules. The Laws enacted by the parliament come second and after that come the regulations which are made by the executive authority by virtue of the laws themselves (Olwan, 2007). Based on this, legislations in Jordan may be classified from the least powerful to the most powerful as follows: decision, instruction, regulation (bylaw), law, constitution.

The legislative power is vested with the National Assembly which is Jordan's parliament. It is composed of two houses: the Senate and the Chamber of Deputies. All laws, including land-related laws, must pass both the Chamber of Deputies and the Senate and be ratified by the King, and they come into force thirty days after being ratified and published in the Official Gazette. If the King does not ratify a law, he may refer it back to the House within six months accompanied by a statement explaining his objections. If a draft law is not ratified and it is passed for a second time by two-thirds of both Houses, it will be promulgated. If the draft fails to garner the required two-thirds passage, it cannot be reconsidered again during the same session of parliament (GlobaLex, 2013).

If the National Assembly is not sitting or is dissolved, the Council of Ministers, with the approval of the King, has the power to issue provisional laws covering urgent matters that cannot be delayed. These measures have the force of law provided that they're placed before the National Assembly as a draft law at their next ordinary session. If the National Assembly rejects it, the Council of Ministers with the King's approval will declare the provisional laws null (GlobaLex, 2013).

An overview of the main Jordanian land-related legislation is provided in Annex.

3.3 RECENT AND NEEDED REFORMS

Legislative reform in Jordan is ongoing. It covers several relevant laws such as the Agricultural Law no.44 of 2002, which was replaced by the Agricultural Law no.13 of 2015 and its amendments, where the Ministry of Agriculture mandates were redefined as an authority responsible for the development, the regulation, and the monitoring of the agriculture sector in Jordan. Moreover, the new law Agricultural law enhanced the protection of forests, wild birds, and wild animals, among others. In addition, the 2017 Environmental Protection law no.6 replaced the old Environment Conservation Law no. 52 of 2006.

In 2019, the Jordanian land-related legal framework underwent a major reform with the passing of the new Real Estate Ownership Law no. 13 of 2019 which unified more than 13 land administration related legislations and 19 bylaws into one code. The new Real Estate Ownership Law has also repealed outdated laws such as the Ottoman Land Code of 1858 and the Lands and Water Settlement Law no.40 of 1952, among others. The new law is supplemented by laws specific to certain regions in the Kingdom, including the Aqaba Special Economic Zone, the Petra Region Tourism Development Law, and the Investment Law.

The objective of the new Real Estate Ownership Law is to promote the security of land tenure, eliminate the main obstacles and streamline procedures related to land registration, and promote investment in Jordan. Moreover, the new law has outlined the legal rules regarding powers of attorney in land matters, provided new practical rules for the removal of common ownership, defined the role of DLS and provided for the rules of leasing and property ownership by non-Jordanians and legal persons, among others.

Both the Mediation Law for the Settlement of Civil Disputes no.12 of 2006 and the Arbitration Act no. 31 of 2001 were reformed in 2017 and 2018 respectively.

In 2021, the new Jordanian State Properties Maintenance Law no. 11 of 2021 entered into force and replaced the old State Lands and Properties Maintenance Law no.14 of 1961⁶⁰.The objective of the new law is to promote the protection of state land in Jordan which constitutes 65 per cent of the total land in the Kingdom, by strengthening the sanctions for encroachment on the state's lands (Almamlaka, 2021).

Still in 2021, the Jordanian Senate passed the draft Local Administration Law prepared by MoLA and approved by the lower house. The new draft local Administration Law repeals and replaces both the Municipalities Law no.41 of 2015 and the Decentralization law no. 49 of 2015. Once the draft law is ratified by the King and published in the official gazette it will enter into force. The objective of the new Local Administration Law is to enhance decentralization and public participation in decision-making. Moreover, the new law also seeks to strengthen the complementary role of the governorate and municipal councils by defining their authorities and tasks (JT, 2021)⁶¹.

Despite the above legislative reform, much land-related legislation still needs to be reviewed to bring it in line with the new Real Estate Ownership Law and to improve land management administration in Jordan. This includes the Jordanian Civil Law no. 43 of 1976, the Law of Planning of Cities, Villages, and Buildings, no. 79 for the year 1966 as amended (the urban planning law) and the Building Code no.7 of 1993 and amendments, among others. In addition, a housing law should be enacted as Jordan does not have one yet⁶².


60 Law no.11 of 2021 for the Maintenance of State Properties entered into force upon its publication in the Jordanian official gazette no. 5715 of 5 February 2021.

61 But the new law grants wide powers to the Minister of Local Administration at the expenses of elected councils and reduces the role of municipalities and the power of the municipality chairman, although municipalities are supposed to be financially and administratively independent. The role of local communities in land governance is crucial not only for land management but also for the protection of land through sustainable development, serving future generations and delivering rights to people from the land (ILC, 2017).

62 Jordan has an acute affordable housing crisis but no housing law. Jordan has enacted the law of Housing and Urban Development Corporation no. 28 of 1992 and its amendments, but it is not a substitute for a housing law.

Concerning the Jordanian Civil Code, contracts like "*al muzarah*" (sharecropping), "*al mugarasah*" (sharecropping), "*almusaqah*" (watering), "*al ejarateen*" and "*kholo al entefa*" (lease for waqf land) need to be modernized as these contracts had significant importance when the Jordanian Civil Code was issued, however, they are currently less important due to the developments which took place in the society' lifestyle (Hayajneh, 2012). Moreover, there is a need to review and amend some articles governing joint ownership and family ownership due to the legal and practical challenges which arose from the application of such provisions, especially Article 1031 which allows the partner in the joint ownership to dispose of his portion to a third party without prior consent of other partners. And article 1063/2 which authorizes the acquisition of a portion in the family ownership by a third party who is not a family member in contradiction with the purposes of family ownership (Hayajneh, 2012).

The urban planning law is outdated, lacking provisions for internationally recognized best practices in planning, and its jurisdiction does not cover the entire country. Planning Law No. 79 of 1966 requires updating and expansion to encompass the entire nation. Furthermore, the existing building codes are obsolete and inadequate in addressing the pressing issues of rapid urbanization and the scarcity of affordable housing. Increasing the land coverage ratio, reducing setbacks, and raising the height limit could facilitate the construction of more housing units on a given plot of land. This, in turn, would help distribute land costs among more units, thereby lowering the per-unit land cost (WBG, 2018).



INSTITUTIONAL FRAMEWORK AND STAKEHOLDERS

4.1 THE JORDANIAN GOVERNMENT'S LAND SECTOR STAKEHOLDERS

According to the most recent formation of government structure in Jordan no.43 of 2020, the Jordanian government is organized into 26 ministries under the Prime Minister. Of these, eleven ministries are engaged in various land-related functions: The Ministry of Finance (MoF), the Ministry of Local Administration (MoLA), the Ministry of Agriculture (MoA), the Ministry of Planning and International Cooperation (MoPIC), the Ministry of Public Works and Housing (MoPWH), the Ministry of

Environment (MoE), the Ministry of Water and Irrigation (MoWI), the ministry of Tourism and Antiquities (MoTA) and the Ministry of Defense (MoD), the Ministry of Energy and Mineral Resources (MEMR) and the Ministry of Awqaf Islamic Affairs and Holy Places (MAISHP). In addition, the Prime Minister oversees the work of some of the departments/independent entities with land related functions (JOF,2021).

The table below summarizes the main functions of ministerial sub-entities with land related functions:

Table 12: Main roles and functions of ministerial sub-entities with land related functions.

Ministry	Institution	Role & Function
Prime Minister⁶³ (PM)	Greater Amman Municipality⁶⁴ (GAM)	<p>Greater Amman Municipality (GAM) is the municipality of Amman, the capital of Jordan. It is a financially independent national organization, managed by a Municipal Board of 40 members, including the mayor (Board Chairman). The Municipal Board is the highest authority in the Municipality. GAM enjoys the same exemptions and facilities afforded to other Jordanian ministries and public departments. It may own property and manage it according to law no.18 of 2021 "the Law of Greater Amman Municipality".</p> <p>GAM assumes through its administrative and executive body, the following main land-related functions specified in the law no.18 of 2021, among others:</p> <ul style="list-style-type: none"> • Preparing GAM's draft strategic and development plans in line with the national plan and strategies; • Preparing the comprehensive city plan in coordination with relevant bodies and neighboring municipalities; • Preparing urban plans at all levels, determining land use in urban planning areas and implementing them after ratification of the plans; • Planning the streets in the city, amending and cancelling them; • Conserving Amman identity, its cultural and urban heritage in coordination with MoTA; • Issuing permits for sorting and dividing lands and buildings; • Issuing occupancy permits and licenses for the construction and demolition of buildings, changing their use or design and delegating these powers to accredited engineering offices; • Granting buildings and lands development rights and setting the terms and fees in a special regulation; • Expropriating or buying land for public interest and disposing of them; • Supervising the city's property, and investing them; • Removing any buildings or temporary constructions which are hazardous to public safety and/or the environment. • Collecting tax over properties and lands located within its borders; • Approving public auctions in its area; • Performing, within its borders, all tasks and powers related to urban planning stated in the law of organization of cities, villages and buildings, and setting up the HPC chaired by the Prime Minister.

63 See [Prime Ministry of Jordan: Home Page](#)

64 See [Greater Amman Municipality: Electronic Services Portal](#)

	<p>Petra Development & Tourism Regional Authority⁶⁵ (PDTRA)</p>	<p>Petra Development and Tourism Regional Authority (PDTRA) is an independent financial and administrative authority founded in 2009. PDTRA aims at developing economically, socially, culturally, and as a tourist destination the region defined in its founding law no. 15 of 2009 - the "law of Petra Development and Tourism Regional Authority" as amended by law no.19 of 2020 - as well as contributing to local community development. PDTRA's headquarters is in Wadi Moussa.</p> <p>It is managed by a Board of Commissioners that consists of five members including the President and Vice President and a member who is authorized to manage the Petra Reserve; all of them are appointed by the Prime Ministry with the endorsement of the King. PDTRA performs, among others, the following land-related functions specified in law no.15 of 2009:</p> <ul style="list-style-type: none"> • Setting up comprehensive strategic plans and specific terms for the protection of historical sites, their maintenance and restoration in coordination with the General Antiquities Department in the Region; • Participating in the protection of the environment, water resources and biological diversity in accordance with the Environmental Protection Law; • Discharging through its council all duties of the municipal council in accordance with the Municipalities Law; • Exercising the competencies of the Higher Planning Council (HPC), and the district and local planning committees in accordance with the Cities, Villages and Buildings Planning Law, • Disposing with the approval of the Council of Ministers, the state's lands within their borders (sell, lease, investment); • Organizing through a special by law the sale, lease, and investments of lands by non-Jordanians within its borders in accordance with the law.
	<p>Aqaba Special Economic Zone Authority⁶⁶ (ASEZA)</p>	<p>ASEZA is an independent institution that deals with the development and management of the Aqaba Special Economic Zone and provides integrated services to investors and registered companies.</p> <p>ASEZA's headquarters are in Aqaba. It is administered by a six-member Board of Commissioners headed by the Chairman of the Board of Commissioners, each responsible for organizing and managing legislative, legal and regulatory activities in the region. They are appointed by the Council of Ministers, based on the recommendation of the Prime Minister, and provided the appointment decision is endorsed by a Royal Decree. ASEZA is associated with the Prime Minister.</p> <p>ASEZA performs the following land-related functions specified in law no.32 of 2000 and its amendments, among others:</p> <ul style="list-style-type: none"> • Undertaking all municipal affairs of Aqaba municipality in its capacity as its legal and factual successor. • Planning, designing and executing projects for the development of the zone in various fields, directly or through other parties; • Protecting the environment, water resources, natural resources, and biological diversity in the zone. • Zoning of cities, villages and buildings; • Managing the state properties within the region and in accordance with the State Properties Management Law. • Assuming, through its board, the powers of the Higher Zoning Council and Province and local zoning committees in accordance with the Zoning of Cities, Villages and Buildings Law; • Disposing the state's lands which are not registered in the name of the Treasury by mean of leasing or investing according to a regulation to be issued for this purpose.

65 See [Petra Development & Tourism Regional Authority: About the Authority](#)

66 See [Aqaba Special Economic Zone Authority: Home Page](#)

	<p>The Supreme Judge Department⁶⁷ (SJD)</p>	<p>The Supreme Judge Department (SJD) is an independent government department connected directly to the Prime Minister. The Supreme Judge undertakes the management of the SJD, practicing the authority of a minister in running its affairs. In addition, he supervises all religious courts of law and judges. According to article 105 of the Jordanian Constitution, Sharia Courts in Jordan have exclusive jurisdiction in matters pertaining to Islamic Waqf (Endowment).</p> <p>The Code of Religious Courts Procedures no.31 of 1959 as amended by law no.11 of 2016 determines the jurisdiction of the Sharia' Courts over endowment, its establishment by Muslims, its conditions, custodianship and replacement, and internal management. In addition, Sharia's courts determine the inheritance shares and certify the takhāruj by heirs or the voluntary "opting out" of their inheritance rights in accordance with the instructions issued by the Supreme Judge based on article 319 of the Personal Status Law no. 15 of 2019.</p>
<p>The Ministry of Finance⁶⁸ (MoF)</p>	<p>The Department of Lands and Survey⁶⁹ (DLS)</p>	<p>The Department of Land and Surveys (DLS) is one of the oldest official governmental organizations in Jordan. The establishment of DLS can be traced back to 1857 when the Ottoman government created Tabu (land registry offices in Bilad Ash Sham) greater Syria, which included Jordan. The name of the lands department appeared in 1927, surveying department, treasury land department, and services of lands delineation and registration (DLS).</p> <p>In 1987, DLS started the process of automating the Real Estate Register to serve all the activities related to land registration affairs. All of land ownership data are converted to digital form and stored in Ingress Relational Database Management System (RDBMS) migrated recently to Oracle. In 1995, DLS started a large-scale project to convert 18,000 analogue cadastral sheets to digital format using optical scanners and home customized raster-to-vector software (Alostah and Alkhatib, 2005).</p> <p>The bylaw of administrative organization of DLS (bylaw no. 80/1999), enacted according to clause 120 of the Constitution, provides that the DLS manager is responsible before the Minister of Finance, for the proper discharge of the duties of the department and reports to them (Article 5). In 2019, the new Real Estate Ownership Law determined the duties of DLS as follows:</p> <ul style="list-style-type: none"> • Conducting a comprehensive survey of the Kingdom's lands, lands delimitation and land rights settlement, and organizing cadastral maps; • Registration of land property rights, maintaining them and facilitating their use; • Establishing and maintaining triangulation networks of fourth and fifth orders; • Processing property related transactions (sales, transfers, partition, debts, mortgages, etc.), determining and collecting land transfer taxes and fees; • Managing, protecting, renting, and updating records of state land, as well as expropriation of land for public interest in accordance with relevant legislation; • Conducting a comprehensive real estates' valuation and updating it. • Documenting and maintaining property ownership data; • Modernizing and updating the Cadastral Information System (CIS), to be used as basis for the National Information System (NIS). • Organizing surveyors, realtors, and appraisers' profession (Article 4 of law no.13 of 2019).

⁶⁷ See [Supreme Judge Department: Home Page](#)

⁶⁸ See [Ministry of Finance: Home Page](#)

⁶⁹ See [Department of Lands and Survey: Home Page](#)

		<p>DLS includes the following directorates:</p> <ul style="list-style-type: none"> • Legal Affairs Directorate⁷⁰: Provides legal opinion, follow up on lawsuits filed against DLS and procedures related to combating money laundering, and developing legislation related to DLS's work. • Settlement and Survey Directorate⁷¹: Provides comprehensive and accurate real estate information for un-surveyed lands in the Kingdom. • Value Appraisal Directorate⁷²: Estimates the value of immovable properties according to a scientific and practical system. • State Properties Directorate⁷³: Management of state property, acquisition and conservation of immovable treasury funds based on accurate, updated, and comprehensive real estate data and follow up on the enforcement of the State Property Court's decisions. • IT Directorate⁷⁴: Automation of DLS and raising its IT efficiency, maintain information security and contribute to building a comprehensive cadastral information system.
<p>The Ministry of Local Administration⁷⁵</p> <p>(Previously MoMA by law no.83 of 2019). (MoLA)</p>	<p>MoLA</p>	<p>The Ministry of Local Administration (MoLA) is the technical, financial, and administrative advisor for all the local councils in the Kingdom. It also supervises their functions, and the alignment of municipalities works to enforce legislation. According to by-law no. 81 of 2019 "the Regulation of the Administrative Structure of MoLA" issued based on article 120 of the Constitution, the following directorates with land-related functions are under MoLA⁷⁶:</p> <ul style="list-style-type: none"> • Local Development Directorate • Local and Municipal Affairs Directorate • Municipal Oversight Directorate • Holistic Planning Directorate (HPD) • Cities and Villages Planning Directorate. • Governorates Municipal Affairs Directorate. <p>Cities and Villages Planning Directorate.</p> <p>The CVPD is responsible for the preparation of urban regional plans which are subject to the approval of the HPC.</p> <p>Holistic Planning Directorate (HPD)</p> <p>HPD is in charge of laying out urban policies and trends in Jordan. HPD is the technical arm of MoLA in the field of regional and urban planning. It has four sections under it: (i) the heritage section; (ii) the studies and infrastructure section; (iii) urban environment management section; (iv) GIS section. HPD undertakes the following important land-related functions through above mentioned specialized sections:</p> <ul style="list-style-type: none"> • Preparing the studies and surveys necessary for the preparation of urban development plans at their regional and municipal (local) levels, including all social, economic, urban, environmental, service, public utilities, transport, and traffic sectors supported by maps and other illustrative materials necessary to indicate the master plans for the reconstruction programmes of targeted areas and the stages of their implementation. • Linking the structural organizational plans to a comprehensive database through GIS software to enable municipalities and relevant official bodies to access and use them in their official work.

70 See [DLS Directorates and Units Department: Legal Affairs Directorate](#)

71 See [DLS Directorates and Units Department: Settlement and Survey Directorate](#)

72 See [DLS Directorates and Units Department: Valuation Directorate](#)

73 See [DLS Directorates and Units Department: Treasury Lands Directorate](#)

74 See [DLS Directorates and Units Department: Computer and Information Directorate](#)

75 See [Ministry of Local Administration: Home Page](#)

76 See [Ministry of Local Administration: Directorate of Comprehensive Planning](#)

		<ul style="list-style-type: none"> • Obtaining satellite images (from international servers) free and available, and working on them, modifying the dimensions, and matching them with DLS boards so that they can be used for the purpose of comprehensive planning studies. • Scanning paper maps and plans, computerizing them and converting them in digital format to work on them on a computer to ensure their continuous updating to facilitate dealing with them by those concerned. • Preparing a comprehensive database, in coordination with all ministries, government departments, municipalities, and various institutions, by classifying, coordinating, and programming it in a simple and easy way to enable their use by the decision makers and others. • Conducting specialized planning studies.
	<p>Higher Planning Council (HPC)</p>	<p>The Higher Planning Council (HPC) was established by article 5 of the Planning Law no. 79 of 1966. It is chaired in GAM by the Prime Minister and in other municipalities by the Minister of Local Administration who replaced the Minister of Municipal Affairs according to Bylaw no.83 of 2019.</p> <p>The HPC is comprised of the Mayor of Amman, the Secretary-General of the Ministry of Health, the Secretary-General of the Ministry of Public Works and Housing, the Secretary-General of the Ministry of Planning and International Cooperation, the General Manager of the Housing and Urban Development Corporation, the Director of MoLA Planning Department, and the President of the Engineering Association.</p> <p>HPC performs the following important urban planning tasks defined in article 6 of the Urban Planning law no.79 of 1966:</p> <ul style="list-style-type: none"> • Announcing, expanding, and modifying city planning areas. • Approving the regional planning plans and the structural organization plans. • Issuing the order to cancel or modify any license issued under this law if it appears that it was illegally issued and in violation of construction plans, regulations, orders and instructions. • Issuing the order to cancel or modify any license issued for the construction of land to the extent it deems appropriate. • Considering any appeal against the decision of the District Committee under this law. • Approving draft regulations and laws set by the Regulatory Department and related to planning. • The HPC acts as an arbitrator, settling any differences or disagreements that may arise between the decisions of the local planning committees and those of the district planning committees before giving the final approval against planning acts (UN-Habitat, 2020).
	<p>Cities and Villages Development Bank⁷⁷ (CVDB)</p>	<p>Cities and Villages Development Bank (CVDB) was established in Amman in 1979. It is an official public institution enjoying legal personality, administratively and financially independent. The Minister of the Local Administration who replaced the Minister of Municipal Affairs according to the Bylaw no.83 of 2019 is the chairman of CVBD's Board of Administration according to law no.63 of 1985 as amended the "CVBD Law". CVDB's objective is to support and finance development projects of local authorities to achieve sustainable development. UN-Habitat considers CVBD a core national stakeholder (empower category) involved in the Jordan National Urban Policy JNUP (UN-Habitat, 2020).</p>

77 See [Cities and Villages Development Bank: Home Page](#)

<p>The Ministry of Agriculture⁷⁸ (MoA)</p>	<p>MoA</p>	<p>The Ministry of Agriculture (MoA) was established in 1929 and it is currently working under the Agriculture Law no.13 of 2015. Its administrative structure is organized by the by-law no. 38 of 2018. MoA hosts 38 directorates and one central unit in addition to 12 agriculture directorates in the governorates and 30 agriculture directorates in the districts. The Minister of Agriculture oversees the work of the Higher Agriculture Council (HAC).</p> <p>The main land-related directorates under MoA are:</p> <p>The Governorate Agriculture Directorate⁷⁹</p> <ul style="list-style-type: none"> • Distribution of forest trees in accordance with the instructions and powers granted to it. • Implementation of agricultural policies in the governorate through the instructions and decisions taken by the governorate council. <p>The District Agriculture Directorate⁸⁰</p> <ul style="list-style-type: none"> • Participating in the implementation of agricultural development projects in the governorate, in cooperation with the governorate agriculture directorate. • Following up the implementation of laws, regulations, instructions, and decisions related to the agricultural sector in the district. <p>Forestry Directorate⁸¹</p> <ul style="list-style-type: none"> • Protection of the forestry • Preparing and developing forests related regulations <p>Lands and Water Directorate⁸²</p> <ul style="list-style-type: none"> • Preparing maps, studies and surveys for soil classification and agricultural land management. <p>Agricultural Risk Management Fund⁸³</p> <ul style="list-style-type: none"> • Preparing studies and documents related to the management of agricultural risks, climate change, agricultural natural disasters, and the required periodical reports and bulletins. • Monitoring and evaluating the effects of agricultural risks, climatic changes, and agricultural natural disasters. <p>Directorate of Rural Development and Empowerment of Women⁸⁴</p> <ul style="list-style-type: none"> • Preparing and developing programmes and project documents which contribute to achieving rural development, food security and combating poverty and unemployment for women. <p>Pasture Directorate⁸⁵</p> <ul style="list-style-type: none"> • Preparing and developing regulations and instructions regulating grazing in pasture lands and pastoral reserves.
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78 See [Ministry of Agriculture: Home Page](#)

79 See [Ministry of Agriculture: Governorate Agriculture Directorate](#)

80 See [Ministry of Agriculture: District Agriculture Directorate](#)

81 See [Ministry of Agriculture: Forestry Directorate](#)

82 See [Ministry of Agriculture: Lands and Irrigation Directorate](#)

83 See [Ministry of Agriculture: Agricultural Risk Management Fund](#)

84 See [Ministry of Agriculture: Directorate of Rural Development and Empowerment of Women](#)

85 See [Ministry of Agriculture: Pasture Directorate](#)

86 See [Ministry of Agriculture: Directorate of Agricultural Information and Statistics](#)

87 See [National Agricultural Research Center: Home Page](#)

		<p>Directorate of Agricultural Information and Statistics⁸⁶</p> <ul style="list-style-type: none"> • Compiling, arranging, categorizing, and providing agricultural and marketing data to government institutions, private sector institutions and farmers. • Participating in the implementation of agricultural surveys with the relevant authorities. <p>In addition, the Minister of Agriculture presides over the board of directors of the following institutions:</p> <p>The National Agricultural Research Center (NCARE)⁸⁷ - NCARE is mandated to conduct and/or coordinate applied agricultural research and transfer of technology activities at the national level in collaboration with public and private agricultural institutions. NCARE's mandate also provides for the identification, testing, transfer, and adoption of improved technologies.</p> <p>The Agricultural Credit Corporation⁸⁸ (ACC) - The ACC is an independent organization founded in 1960, and is governed by a council chaired by the Minister of Agriculture. ACC contributed significantly to the conservation of land resources in Jordan. The ACC has been providing credits for farmers with very low interest for implementing agricultural projects, reclamation of land for the purpose of establishing orchards.</p> <p>The Jordanian Cooperative Corporation⁸⁹ (JCC)</p>
<p>The Ministry of Planning and International Cooperation⁹⁰ (MoPIC)</p>	<p>MoPIC</p>	<p>The Ministry of Planning and International Cooperation (MoPIC) was established in 1984 as the successor of the National Planning Council. According to the Planning Law no.68 of 1971, MoPIC is responsible for national planning. The ministry's duty is to "prepare national long-term plans for the development and evolution of the Jordanian society, economically socially, demographically, and culturally (UN-Habitat, 2020).</p> <p>MoPIC hosts the following directorates/departments with land-related functions, among others:</p> <p>Local Development & Enhanced Productivity Directorate⁹¹</p> <ul style="list-style-type: none"> • Address and assess requirements of targeted regions and groups to design development programmes and projects and implementation through relevant partners and executing agencies. • Track achievements and disbursement of programmes and projects affiliated to the enhanced productivity programme. • Provide support and backstopping to programmes and projects affiliated to the enhanced productivity programme. • Prepare, update, and track the implementation of development programmes for governorates • Participate in empowering and developing municipalities in the field of local development • Promote and develop the micro-finance sector, as well as middle and small enterprises • Coordinate efforts of national stakeholders in the field of local development.

86 See [Ministry of Agriculture: Directorate of Agricultural Information and Statistics](#)

87 See [National Agricultural Research Center: Home Page](#)

88 See [Agricultural Credit Corporation: Home Page](#)

89 See [Jordanian Cooperative Corporation: Home Page](#)

90 See [Ministry of Planning and International Cooperation: Home Page](#)

91 See [Ministry of Planning and International Cooperation Departments and Units: Local Development & Enhanced Productivity Programs](#)

		<p>Development Plans and Programmes Directorate⁹²</p> <p>The department actively participates in preparing sectoral strategies and proposing policies which should lead to achieving the national objectives, adopt mechanisms and development planning tools and build the development planning capacities of the executing agencies. The department also participates in identifying the development priorities of external assistance, set the mechanisms to follow-up the plans and programmes and publish the follow up reports. It consists of the following sub-departments or sections:</p> <ul style="list-style-type: none"> • Social gender section. • Sustainable development section. • Follow up and data section. • Plans and programmes section. <p>Projects Directorate⁹³</p> <p>The Projects directorate participates in setting developmental plans and public policies, setting priorities in different sectors, evaluating financing requests and feasibility studies for developmental projects according to set priorities.</p> <p>It consists of the following subdepartments or sections:</p> <ul style="list-style-type: none"> • Water and agriculture section. • Infrastructure section. • Energy, industry, and environment section. • Tourism section. • Social structure section.
	<p>Department of Statistics⁹⁴ (DoS)</p>	<p>The DoS was established in the late 1949 and it is governed by the Public Statistics law no. 24 of 1950 and amendments thereof.</p> <p>DoS carries out census and surveys and provides important statistical data/reports on agriculture, industry, labor force and population housing, sustainable development, among others to policy makers, planners, and researchers alike.</p>
<p>The Ministry of Public Works and Housing⁹⁵ (MoPWH)</p>	<p>MoPWH</p>	<p>The Ministry of Public Works and Housing (MoPWH) is mandated to connect cities, villages, residential and economic areas, and neighboring states through a network of distinguished roads and sustain them and to develop the construction sector by using and implementing the best practices and modern techniques. According to the 2019's by-law "the Regulation of the Administrative Structure of MoPWH", the following administrations with land-related functions are under MoPWH:</p> <ul style="list-style-type: none"> • Roads Administration • Buildings Administration • Governorates Affairs Administration • Technical Affairs Administration, which hosts the directorate of survey and lands acquisitions and the GIS directorate.

92 See [Ministry of Planning and International Cooperation Departments and Units: Development Plans and Programs Department](#)

93 See [Ministry of Planning and International Cooperation Departments and Units: Projects Department](#)

94 See [Department of Statistics: Home Page](#)

95 See [Ministry of Public Works and Housing: Home Page](#)

	Housing and Urban Development Corporation⁹⁶ (HUDC)	<p>The HUDC (established in 1965) was merged with the urban development department (established in 1980) to form the newly housing entity “HUDC”.</p> <p>According to its law no. 28 of 1992 HUDC enjoys financial and administrative independence. It is the sole public housing body responsible for the implementation of the housing and urban development policies and strategies to serve housing sector through the following, among others:</p> <ul style="list-style-type: none"> • Prepare recommendations for the government of Jordan on general housing policies with regard to zoning and environment in coordination with related agencies. • Follow up the implementation of the national housing strategy and prepare legislation needed to implement such strategies. • Carry out studies within development regions in order to establish new residential neighborhoods throughout municipalities of Jordan and according to certain zoning criteria. • Conduct necessary social economic studies as well as health and environmental issues with regard to housing and urban development cooperation in order to determine and define housing needs within areas that have high levels of overcrowding and eradicate aspects of under development and random buildings.
	The Jordanian National Building Council⁹⁷ (JNBC)	<p>The Jordanian National Building Council (JNBC) was established by Jordan Construction Code no. 7 of 1993 as amended in 2004. It is chaired by the Minister of Public Works and Housing. JNBC main strategic goals are: (1) Providing engineering codes for buildings, roads, and bridges in accordance with international practices and local needs; (2) Developing the reconstruction works in the Kingdom and raising the quality and quality of service; and (3) Providing standards of sustainability, energy efficiency, water, environment, and public safety for facilities.</p>
The Ministry of Environment⁹⁸ (MoE)	MoE	<p>The Ministry of Environment (MoE) was established in 2003 under the Temporary Environmental Protection Law no.1 of 2003, which was approved by the National Assembly to become the Environmental Protection Law no. 52 of 2006, which was later repealed by law no.6 of 2017 currently in force. MoE’s main mission is the protection of the environment in the Kingdom (MoE strategic plan 2020-2022).</p> <p>According to by law no.8 of 2015 as amended related to the “administrative organization of the Ministry of Environment”, the following land-related directorates, sit under MoE:</p> <ul style="list-style-type: none"> • Climate Change Directorate (Mitigating emissions section and Adapting to climate change section) • Licensing and Pollution Reduction Directorate (Environmental licences section and Environmental impact assessment studies section) • Environmental Protection Fund (unit) • Environmental Monitoring and Assessment Directorate (Environmental monitoring section and Environmental status and environmental indicators Section) • Nature Protection Directorate (Protection of water and marine environment Section; Biodiversity conservation section and Sustainable land management section) • Environmental Protection Directorates in the Governorates

96 See [Housing and Urban Development Corporation: Home Page](#)

97 See [Jordanian National Building Council: Home Page](#)

98 See [Ministry of Environment: Home Page](#)

<p>The Ministry of Water and Irrigation⁹⁹ (MWI)</p>	<p>MWI</p>	<p>The Ministry of Water and Irrigation (MWI) was established in 1988. It is the official body responsible for the overall monitoring of the water sector, water supply and wastewater system and the related projects, planning and management, the formulation of national water strategies and policies, among others. MWI embraces the two most important entities dealing with water in Jordan:</p> <ul style="list-style-type: none"> • The Water Authority of Jordan (WAJ): in charge of water & sewage systems¹⁰⁰ - WAJ was originally established in 1983, pursuant to the Water Authority Law no.34 of 1983 (temporary law). The permanent Water Authority Law no.18 of 1988 replaced the said law. According to Article 3, WAJ was established as an autonomous corporate body, with financial and administrative independence linked with the Minister of Water and Irrigation. 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. • The Jordan Valley Authority (JVA)¹⁰¹ - The Jordan Valley Authority (JVA) was established in 1977 with a mandate for the integrated development of the Jordan Valley encompassing all aspects of life. In 1988, JVA became part of the Ministry of Water and Irrigation (MWI). The JVA manages and protects water and land resources and their supporting infrastructure in the Jordan Valley. Empowered by its law no.19 of 1988 and its amendments, JVA represented the Jordanian Government in the valley with a broad spectrum of authority and administrative and financial autonomy to perform its activities in an untraditional manner. JVA's mandate includes, among others: the development of water resources of the Jordan Valley and their utilization; setting rules and regulations for areas of land on which construction of buildings is permitted, setback lines, rights of way, etc., outside towns and villages borders; and development of lands planned for use as residential, industrial, agricultural, and other zones.
<p>The Ministry of Tourism and Antiquities¹⁰² (MoTA)</p>	<p>MoTA</p>	<p>In 1989, the Department of Antiquities (DOA) became part of the Ministry of Tourism, which thus became the Ministry of Tourism and Antiquities (MoTA).</p> <p>The Jordanian Department of Antiquities (DOA)¹⁰³ was established in 1923 as part of the Department of Palestinian Antiquities. In 1988, law no.21 of 1988 as amended "Antiquities Law" was issued and provided for the setting up of the Department of Public Antiquities under the Minister of Tourism and Antiquities.</p> <p>According to article 3 of the Antiquities law, DOA's mandate includes the following, among others:</p> <ul style="list-style-type: none"> • Implementing the State's antiquities policy. • Managing, supervising, protecting, and restoring antiquities, archaeological sites, and archaeological reserves in the Kingdom. • Undertaking archaeological excavations in the Kingdom.

99 See [Ministry of Water and Irrigation: Home Page](#)

100 See [Water Authority of Jordan: Home Page](#)

101 See [Jordan Valley Authority: Home Page](#)

102 See [Ministry of Tourism and Antiquities: Home Page](#)

103 See [Jordanian Department of Antiquities: Home Page](#)

<p>The Ministry of Defense¹⁰⁴ (MoD)</p>	<p>The Royal Jordanian Geographic Center (RJGC)</p>	<p>The Royal Jordanian Geographic Center (RJGC) was established in 1975 to serve as a national institution responsible for all field, aerial and spatial survey works, in addition to producing maps and atlases of all works, in all types and scales to satisfy the needs of Jordan and any Arab country that requires such services. Since its establishment, the center has sought to provide qualified technical staff in surveying, mapping, and other related modern sciences such as Remote Sensing, Digital Mapping, Geographic Information Systems (GIS), Space Geodesy and Global Positioning System (GPS). RJGC performs the following tasks according to law no.18 of 1986:</p> <ul style="list-style-type: none"> • Establishing and maintaining the geodetic networks and triangulation points of different orders which cover the entire country. • Providing necessary data and information to DLS to help it to prepare cadastral maps. • Producing different scale topographic maps to serve national and developmental purposes. • Producing the thematic maps required by the ministries, public departments and the private sector as well as providing them with the necessary surveying and mapping information which they require to carry out their projects. • Planning and executing aerial surveys for the public and private sectors. • Training technicians. • Keeping up with worldwide developments in cartography and surveying sciences an trying to establish an integral geographic information system.
<p>Ministry of Energy and Mineral Resources¹⁰⁵ (MEMR)</p>	<p>MEMR</p>	<p>The Ministry of Energy and Mineral Resources (MEMR) was established in 1984 and entrusted with administering and organizing the energy sector and the production of oil derivatives, transportation of oil and gas, utilizing local energy sources and issuing licenses for quarries investments in line with law no.19 of 2018 "Natural Resources Law". According to by law no.123 of 2019 issued pursuant to article 120 of the Jordanian Constitution, the following land-related departments sits under MEMR:</p> <p>Natural Resources Studies Directorate¹⁰⁶</p> <ul style="list-style-type: none"> • Conducting geochemical surveys of the Kingdom for the purpose of prospecting for mineral ores and industrial rocks; and • Conducting geological surveys, preparing geological maps, planetological and petrographic studies, and studying the components of rocks and minerals. <p>Natural Resources Projects Directorate¹⁰⁷</p> <ul style="list-style-type: none"> • Preparing and concluding all types of contractual documents and commercial agreements related to exploration, evaluation, production, and development of natural resources (oil, gas, oil shale, tar sands and strategic minerals). • Technical supervision and control over the implementation of the above-mentioned contracts by investment companies.

¹⁰⁴ See [Ministry of Defense: Home Page](#)

¹⁰⁵ See [Ministry of Energy and Mineral Resources: Home Page](#)

¹⁰⁶ See [Ministry of Energy and Mineral Resources: Natural Resources Studies Directorate](#)

¹⁰⁷ See [Ministry of Energy and Mineral Resources: Natural Resources Projects Directorate](#)

		<p>Jordan Seismological Observatory¹⁰⁸</p> <ul style="list-style-type: none"> • Monitoring and analyzing local, regional, and remote earthquakes • Seismic database development • Conducting various seismic studies in different parts of the Kingdom, including preparing seismic maps and seismic hazard maps for the Jordanian regions • Providing accurate seismic information directly on any tangible seismic activity that may occur in Jordan or in the neighboring regions and passing that information to the concerned authorities.
<p>The Ministry of Awqaf Islamic Affairs and holy Places¹⁰⁹ (MAISHP)</p>	<p>MAISHP</p>	<p>The Ministry of Islamic Affairs and Holy Places (MAISHP) has the mandate of caring for the Islamic endowments in the Kingdom and Al-Quds Al-Sharif.</p> <p>The Awqaf Properties Development Department¹¹⁰ was launched in early 2003 as a department affiliated with the Ministry of Awqaf, Islamic Affairs, and Holy Places. It was established to serve as the investment arm of the Ministry of Awqaf, which develops and invests endowed lands and funds. Its main tasks are:</p> <ul style="list-style-type: none"> • Developing and investing movable and immovable endowment funds and maximizing their revenues. To this end, the department implements investment projects on endowment lands and invests endowment real estate in accordance with its nature and in partnership with the public and private sectors to achieve the optimum return for the endowment interest. • Supporting social and economic development in Jordan and combating poverty.

4.2 OTHER LAND STAKEHOLDERS

Other management stakeholders include professional organizations, private and cross sector non-profit organizations, academic and financial institutions and alternative disputes resolution centers as listed below.

4.2.1 Professional organizations

- Jordan Engineers Association (JEA)¹¹¹ which hosts the Surveying Engineers Committee (SEC)¹¹²
- The Offices and Engineering Companies Authority¹¹³
- Agricultural Engineers Association (AEA)¹¹⁴
- Jordanian Constructions Contractors Association (JCCA)¹¹⁵

- Jordanian Housing Developers Association (JHDA)¹¹⁶
- Jordanian Association for Real Estate Valuers (JAREV)¹¹⁷
- Jordan Bar Association (JBA)¹¹⁸
- Jordanian Geologists Association (JGA)¹¹⁹

4.2.2 Non-profit organizations (private and cross-sector)

- Jordanian Planning Forum (JPF)¹²⁰
- Hashemite Fund for the Development of *Badia* (HFDB)¹²¹
- Jordan Green Building Council (JGBC)¹²²

108 See [Ministry of Energy and Mineral Resources: Jordan Seismological Observatory](#)

109 See [Ministry of Awqaf Islamic Affairs and holy Places: Home Page](#)

110 See [Ministry of Awqaf Islamic Affairs and holy Places: Awqaf Properties Development Department](#)

111 See [Jordan Engineers Association: Home Page](#)

112 See [Surveying Engineers Committee \[Facebook page\]](#)

113 See [Jordan Engineers Association: About the Offices and Engineering Companies Authority](#)

114 See [Agricultural Engineers Association: Home Page](#)

115 See [Jordanian Constructions Contractors Association: Home Page](#)

116 See [Jordanian Housing Developers Association: Home Page](#)

117 See [Jordanian Association for Real Estate Valuers: Home Page](#)

118 See [Jordan Bar Association: Home Page](#)

119 See [Jordanian Geologists Association: Home Page](#)

120 See [Jordanian Planning Forum: Home Page](#)

121 See [Hashemite Fund for the Development of Badia \[Facebook page\]](#)

122 See [World Green Building Council: Jordan Green Building Council](#)

- Royal Society for Conservation of Nature (RSCN)¹²³
- Jordanian Society for Desertification Control and Badia Development (JSDCBD)¹²⁴
- Jordan Environment Society (JES)¹²⁵
- General Union of Jordanian Farmers (GUJF)¹²⁶
- Jordanian Arbitrators Association (JAA)¹²⁷
- Jordan Environmental Committee (JEC)¹²⁸
- Earth and Environment Protection Association (EEPA)¹²⁹
- The Association for Climate Change and Environmental Protection of Jordan (ACCHEPJ)¹³⁰
- Environment Association for the Southern Badia (EASB)¹³¹
- The Jordanian Association for the Combat of Desertification and Badia Development (JACDBD)¹³¹
- The Jordan Royal Ecological Diving Society (JREDS)¹³³
- Friends of Archaeology and Heritage (FoAH)¹³⁴
- Friends of the Environment (FOE)¹³⁵

4.2.3 Academic institutions

- University of Jordan (UoJ)¹³⁶
- Yarmouk University (YU)¹³⁷
- Jordan University of Science & Technology (JUST)¹³⁸
- Al- Balqa' Applied University (BAU)¹³⁹
- German Jordanian University (GJU)¹⁴⁰
- Al Hussein Technical University (HTU)¹⁴¹

4.2.4 Financial Institutions¹⁴²

- Jordan Mortgage Refinance Company L.T.D (JMRC)¹⁴³ - JMRC is a public shareholding company. It was established in mid-1996 based on the direction of the Government, with the cooperation of the International Bank for Reconstruction and Development and the support of the Central Bank of Jordan for the purpose of providing medium and long-term financing for the Jordanian housing sector.
- The Housing Bank for Trade and Finance (HBTF)¹⁴⁴ - The Housing Bank for Trade & Finance supports and promotes financing of residential construction in the Jordanian Kingdom, according to the government comprehensive development plan.

4.2.5 Alternative Disputes Resolution Centers

- Arab Engineering Arbitration Organization (Jordan)¹⁴⁵

4.3 STAKEHOLDERS' INTERACTION

Interaction and coordination between various land stakeholders in Jordan is weak due to regulatory and structural factors, among others. Governance of land management administration in the country is affected

123 See [Royal Society for Conservation of Nature: Home Page](#)

124 See [Devex: Jordanian Society for Desertification Control and Badia Development \(JSDCBD\)](#)

125 See [Guide to CSOs in Jordan: Jordan Environment Society](#)

126 See [Jordan Farmers Union: Home Page](#)

127 See [Jordanian Arbitrators Association: Home Page](#)

128 See [Guide to CSOs in Jordan: Jordan Environmental Committee](#)

129 See [Guide to CSOs in Jordan: Earth and Environment Protection Association](#)

130 See [Guide to CSOs in Jordan: Association for Climate Change and Environmental Protection of Jordan](#)

131 See [Guide to CSOs in Jordan: Environment Association for the Southern Badia](#)

132 See [Guide to CSOs in Jordan: Jordanian Association for the Combat of Desertification and Badia Development](#)

133 See [The Royal Marine Conservation Society JREDS: Home Page](#). The Royal Marine Conservation Society JREDS is also known as the Jordan Royal Ecological Diving Society.

134 See [Guide to CSOs in Jordan: Friends of Archeology and Heritage](#)

135 See [Guide to CSOs in Jordan: Friends of Environment Society](#)

136 See [The University of Jordan: Home Page](#)

137 See [Yarmouk University: Home Page](#)

138 See [Jordan University of Science and Technology: Home Page](#)

139 See [Al- Balqa' Applied University: Home Page](#)

140 See [German Jordanian University: Home Page](#)

141 See [Al Hussein Technical University: Home Page](#)

142 For other banks in Jordan please see [Central Bank of Jordan: Guide to Banks in Jordan](#)

143 See [Jordan Mortgage Refinance Company L.T.D: Home Page](#)

144 See [Bloomberg: The Housing Bank for Trade and Finance](#)

145 See [Federation of Arab Engineers: Arab Engineering Arbitration Organization](#)

by the multiplicity of institutions responsibilities and overlapping of authorities, in addition to lack of communication and coordination among agencies, and with other land stakeholders¹⁴⁶, because of lack of transparency and limited access to land-related information (UN-Habitat, 2014).

Urban planning responsibilities are scattered between several ministries in Jordan. In 2019, to move to decentralization, the responsibilities of MoMA which was overseeing the municipalities (responsible for local planning) and the HPC (responsible for approving the regional planning) were transferred to MoLA. On the other hand, according to law no.68 of 1971, the “Planning law”, MoPIC’s mandate was restricted to strategic national planning (*al-takhteet al-kawmi*) and did not include physical planning¹⁴⁷. Nevertheless, since the year 2000 MoPIC undertakes physical planning through its directorate of regional planning, currently named the Development and Enhanced Productivity Directorate. In addition, the National Planning Council (NPC) established under Planning Law no. 68 of 1971 was dissolved for ambiguous reasons, although its role could have been expanded and improved to allow the NPC to be used as an umbrella or a central agency for overseeing comprehensive urban planning in Jordan and coordinating the work, strategies, processes of various urban planning stakeholders, to ensure the implementation of the country’s national urban policy.

In addition to the urban planning powers granted to the local, district planning committees and the HPC by the temporary law no.79 of 1966 “the law of planning of cities, villages and buildings” as amended or the Urban Planning Law, other legislation grants

additional planning powers to new institutions which is a main cause for overlapping responsibilities between state agencies in Jordan. While the HPC is the highest physical planning agency in Jordan, according to the Urban Planning Law, and it is chaired by the Minister of Local Administration, GAM Council which according to law no.18 of 2021 “the Law of Greater Amman Municipality” is responsible for planning within Amman borders, and the Investment Council according to the investment law no.30 of 2014 is responsible for the management and development of the national investment policy in development areas, industrial cities and free zones in addition to urban planning are both chaired by the Prime Minister. Moreover, the ASEZA Board of Commissioners and JVA have urban planning powers in areas under their jurisdictions granted by their special laws: the law of ASEZA development no.30 of 2014, as amended, and the law of Jordan Valley development no.19 of 1988 as amended, respectively.

On the other hand, because urban planning is centralized in Jordan, there is poor municipal and public participation in the preparation of plans, and poor response from local stakeholders including non-governmental organizations (UN-Habitat, 2021).

It is submitted that the multiplicity of legislation creating multiple urban planning institutions with overlapping planning responsibilities, lack of coordination between urban planning institutions and local committees, and lack of a national urban policy are considered to be amongst the main challenges to efficient urban planning in Jordan, which is pivotal for controlling urban sprawl and achieving sustainable development across the country.

¹⁴⁶ Weak or lack of communication from GAM on zoning and building regulations, and the lack of detailed regulations for specific project categories has been reported by land investors and developers (UN-Habitat, 2020).

¹⁴⁷ According to law no.68 of 1971, strategic national planning included MoPIC preparation of national long-term plans for the development and evolution of the Jordanian society, economically, socially, demographically, and culturally.

In the agriculture sector FAO has noted that the main issues threatening the sector's sustainability and land resources in Jordan are: lack of institutional coordination with MoA, poor implementation of adopted policies and strategies, weak enforcement of legislation pertinent to resource protection, such

as illegal pumping, poor coordination between relevant institutions, contradiction between legislative mandates, lack of a national policy to protect resources, and the lack of sustained developmental programmes focusing on the protection of land from degradation, among others (Taimah, Chenini and Achouri, 2012).

CONCLUSIONS

Land is one of the most valuable assets in Jordan. Rapid population increase, uncontrolled urban sprawl, land degradation and desertification, changes in consumption patterns, and the additional pressure caused by the influx of refugees from Palestine, Iraq, and Syria¹⁴⁸ have strained Jordan's land resources, including water, pastures, and ecosystems. These factors have also impacted the sustainable use of land for economic development and access to affordable housing and public services.

Over recent decades, governmental land stakeholders in Jordan have taken several important steps to improve land management and administration and to better protect housing, land and property rights. Institutions and processes dealing with land management are generally well established, although some challenges remain, both in terms of legal and institutional frameworks and of implementation. This section provides a summary of the key findings of the study and recommendations for further improvement of land management and administration in Jordan.

Land registration and land tenure security

Jordan's legal framework protects **private property**. The Constitution provides that no property of any person may be expropriated except for purposes of public utility and in consideration of a just compensation. The 2019 Real Estate Ownership Law improved the protection of private property under the repealed Land Acquisition Law (LAL) of 1987, enabling landowners of expropriated land to recover their properties, including from the government, if the development that constituted grounds for expropriation did not commence.

A major contribution to the improvement of land administration has been the modernization of the Department of Lands and Survey (DLS) which now has considerably enhanced technical and administrative capacities and offers **improved cadastral services**.

Though Jordan's score on the international property rights index (IPRI) fluctuated substantially in recent years, it tended to increase through 2011 – 2020 ending at a score of 6.29 in 2020. Jordan ranked 42nd out of 129 countries and seventh regionally in the 2020 IPRI (PRA, 2020).

Jordan has maintained its ranking on the Transparency International's (TI) Corruption Perceptions Index (CPI) 2020 for the past two years. Scoring 49 points out of 100, Jordan ranked 60th among 180 countries on the index, which measures perceived levels of public sector corruption, and ranked fifth among Arab countries following the UAE, Qatar, Oman and Saudi Arabia (TI, 2020). Nonetheless, Jordan still faces challenges in establishing the rule of law and in combating corruption, as 86 per cent of Jordanians believe corruption is a significant problem in the country (TI, 2019). Efforts in maintaining and continuously improving the cadastre should be sustained and continued, to continue building on this positive trends.

Improvement of land tenure security along the continuum of land rights should be strengthened. The various types of land tenure rights should be recognized, adequately protected and better regulated. **Informal land rights** (not registered in the land registry) are not equally or properly protected. The JCC of 1976 and the new Real Estate Ownership Law of 2019 favors land registration and deprives informal land rights owners from the protection of state law.

Customary property rights systems on Jordan's rangelands, particularly grazing rights, are associated with tribal institutions (*Ashaer*). Previously, customary rights allowed for free movement across large communally held plots of land, with no one holding absolute rights to property. Customary rights also protected natural resources on those lands through traditional rangeland conservation. When the customary

148 In 2019, UNHCR estimated that Jordan is the second largest refugee host per capita worldwide, with 89 refugees per 1,000 inhabitants (UN-Habitat, 2021).

system was eliminated, and rangelands became State-owned as per Agriculture Law No. 20 of 1973, these areas became a target for land uses that were largely unsustainable (USAID, 2018).

The protection of customary land rights should be enhanced, including **tribal land rights** in *Al-Wajehat El-Ashayeria*, as insecure land tenure is a driver of conflict, environmental degradation and weak economic and social development (World Bank, 2021). In the present land tenure system the state has the legal right to manage customary lands, but this is not the case in practice; this conflict between state and community also contributes to environmental degradation in the rangelands. (USAID, 2018).

There has been a positive trend in the protection of **women's land rights**, such as the registration of properties in the name of women and combating the renunciation of inheritance. Efforts on this front need to be continued and enhanced, particularly to **eliminate inheritance renunciation** practices. Land laws in Jordan are gender neutral and access to courts is guaranteed for all without discrimination based on sex or any other grounds. However, lawyers are often unfamiliar with the Personal Status Law (USAID, 2013) and women are reluctant to resort to formal courts, preferring to rely on family and tribal mediation instead, often under the influence of their male relatives. Women's representation in Sharia courts is also a challenge. Overall, all stakeholders should work together to reduce the patriarchal pattern of power which dominates the access to, use of and control over land, housing, properties and other productive resources in the country.

The **management of state land** should be improved, including to optimize revenues by modernizing legislation related to investments, improving state land valuation techniques and enforcing legislation protecting state land from encroachment.

Housing

Jordan has made some advances in the provision of adequate housing for all. Despite this improvement, several sectors of society are still unable to access housing in appropriate locations (i.e., close to sources of their livelihood, with sufficient services, transport, infrastructure and amenities)¹⁴⁹. Jordan will need to produce between 62,000 and 74,000 housing units annually for a decade to reduce the current deficits and keep up with new household formation (World Bank, 2018). Low-income households and other vulnerable groups of the population should be prioritized when accounting for target groups in need of adequate housing as part of the National Housing Profile (NHP), which should be integrated within (NHS) (UN-Habitat, 2021 a).

The Jordanian **constitution** does not provide for the right to adequate housing. The country does not have a housing law, lacks a strategy for affordable housing and the only housing strategy in the country has not been updated since 1989. It is important that the right to adequate housing be recognized and included in the Jordanian constitution and that a housing law is enacted through participation of all public and private stakeholders, as legislation is a clear expression of sustained national commitments.

The **National Housing Strategy** (NHS) of 1989 should be updated and the powers of HUDC, a key stakeholder representing the housing sector policy in Jordan, should also be updated to cope with the high demand for housing.

Current **building codes** are outdated and unable to adequately deal with rapid urbanization and the lack of affordable housing. Measures should be taken to allow more housing units to be built on a plot of land, which would reduce per unit land cost (World Bank, 2018). There is a need to update and modernize the

¹⁴⁹ It is estimated that 70 per cent of Amman's population desires to access the private housing market but cannot afford to do so (JRP, 2020-2022).

National Building Law No. 7 of 1993 as amended and other relevant building and zoning regulations, to allow the government to tackle constraints on the residential real estate sector, such as low limits on the number of floors and plot density regulations, among others, and to significantly increase the construction of affordable housing in the country (World Bank, 2018).

Reasonable **tax rates** on building materials such as steel and cement, on housing projects and on rent should be applied, to not to harm the affordable housing industry, low-income groups and public and private land developers.

Partnerships between the public and private sectors (PPP) should be promoted, strengthened and incentivized, as they are an important component of sustainable development. Such partnerships could contribute to delivering infrastructure and affordable housing projects in accordance with the new Partnership Projects Between the Public and the Private Sector (PPP) Law No. 17 of 2020 and Investment Law No. 30 of 2014.

Urban planning and urban development

Jordan has failed so far to control urban sprawl and to sufficiently guide urban growth. The **legal and institutional fragmentation of the urban planning sector** should be addressed. All urban planning rules should be unified under one planning code that clearly assigns urban planning responsibilities to specific institutions vested with defined mandates to avoid overlapping of responsibilities, improve stakeholders' communication and ensure the proper implementation of adopted plans. Co-ordination and communication among planning stakeholders and across all levels of government in the planning and development process should be enhanced.

The **Urban Planning law** (Temporary Law No. 79 of 1966 as amended) is outdated, does not foster modern, inclusive and integrated approaches to planning and does not cover the entire country. For

this reason, some of the most important areas (Greater Amman Municipality, Aqaba Region, Petra Region and the Development Zones) have been exempted from the Planning Law and permitted to develop and adopt their own planning regulations, which are more in line with international good practices (WBG, 2018). Urban Planning Law should be updated to adapt to internationally recognized good planning practices (e.g., smart cities) and its application should be extended to the entire country (World Bank, 2018).

Land use regulations are outdated (Regulation No. 6 of 2007) and should be amended, including to restrict the construction of building on agricultural land, now permitted by the regulation. The **National Land Use Plan** of 2006 is not enforced and outdated. Urban planning should better integrate resilience and other urban planning considerations, such as investment policies for service and infrastructure development, industry, tourism, valorization of archaeological sites and agriculture (UN-Habitat, 2020). The revision process of land uses and zoning are lengthy in Jordan and there is a lack of criteria to approve land use modification (UN-Habitat, 2020).

On the positive side, the Ministry of Local Administration (MoLA) with support from UN-Habitat has worked on a **national urban policy** (JNUP), the first in Jordan, to guide and improve urban planning and achieve the JNUP vision: "Integrated and resilient urban systems that guarantee equitable distribution of development gains for all," to be followed by the updating of outdated regulations by the various planning entities (UN-Habitat, 2021a).

The scarcity of qualified **human resources** dedicated to urban planning, including for harnessing the opportunities of new technologies (e.g., GIS, use of open data, etc.), is a challenge. There is a lack of knowledge and data on the intersection between urban development and environmental considerations, which results in inaccurate plans and programmes (UN-Habitat, 2020). The capacity within and across large ministries

or municipalities of secondary cities to implement and monitor city development is lacking. To make informed decisions in a timely manner, these entities will require sufficient human and technical capacity, including equipment, software and technology to coordinate and manage housing integrated with urban development (UN-Habitat, 2021a).

The role of the **Engineering Syndicate** (and its specialized committees) should be enhanced and strengthened to be more involved in the technical issues and aspects related to the verification of urban plans and monitoring compliance with the Master Plan of the Country. Currently, the Engineering Syndicate verifies the buildings' plans only. Its role should be expanded to include the technical verification of cities' and villages' urban plans, rather than only approving construction works and housing project plans at the NBC or through its Higher Technical Construction Committee, as per law No. 24 of 2018 amending the National Building Code of 1993. Urban planning codes should be created to be used as a reference by the Engineering Syndicate in the evaluation and monitoring of urban plans' compliance and conformity preceding their ratification and adoption.

Property valuation and taxation

The rules related to **land valuation** should be unified into one code or by-law.

Concerning **property taxation**, it is recommended to improve the contribution of property tax to the Jordan's GDP by applying progressive tax rates to the real estate tax (*musaqafat*) and the real estate sale tax instead of the currently applied flat rate. Progressive rates should also be applied to the property registration fees rather than the current flat fee.

Property tax collection should be increased by promoting transparency and fighting corruption to encourage self-compliance of taxpayers. Unclearities regarding amounts to be paid in property tax and

exemptions should be eliminated. Currently, not all exemptions and reductions in property tax are stated in the tax law, which contributes to the confusion of the administrators as well as the taxpayers. For example, the betterment tax is stated in the Urban Planning Law No. 79 of 1966 and also in the new Real Estate Ownership Law No. 13 of 2019.

The accuracy of current **national valuation techniques** should be improved, including by adopting International Valuation Standards such as the Uniform Standards of Professional Appraisal and Practice (USPAP) used in the United States, or the European Valuation Standards (EVS) developed by the European Group of Valuer Associations. **Property values** should be constantly updated to reflect zoning and public work in the area and to provide accurate information to the land market.

The **cooperation and coordination** between DLS and the Jordanian Association for Real Estate Valuers (JAREV) should be increased. Only licensed valuers with a minimum of 25 years' experience should undertake property valuation work. JAREV should focus more on the capacity building of its members and ensure that they constantly update their valuation knowledge through continued learning programmes and twinning and cooperation agreements with other nations valuers' associations.

Agricultural lands

Agricultural land constitutes only 11.9 per cent of the total land of Jordan and the agricultural sector is currently at a turning point due to the lack of sustained national efforts to protect land resources from urbanization, degradation, fragmentation, desertification and illegal construction, among other concerns. The following recommendations, based on the MoA's national strategy for the development of the agricultural sector 2016-2025, should be urgently applied to protect the remaining agricultural land in the country.

Agricultural land should be preserved by **reducing encroachment** on pastoral areas; developing land use plans and practices in the *badia*; updating the national land use plan and enforce it to prevent any informal construction on agricultural land; halting the sprawl of urban areas over agricultural lands; and managing the competition on agricultural land from other land uses through allocation of land according to land use classification (Taimeh, Chenini and Achouri, 2012).

The **fragmentation of agricultural land** should be curbed through regulatory measures (legislative and administrative). Land related legislation which contribute to land fragmentation should be reformed¹⁵⁰. There is a need to ensure the effective and strict enforcement of Law No. 79, 1966 (including Land Use Bylaw No. 6, 1995 and bylaw No. 7, 2007) (Taimeh, Chenini and Achouri, 2012). Land fragmentation can also be managed through the *musha'a* collective system, particularly when removal of land co-ownership will inevitably lead to further farmland fragmentation or will compromise women's rights in property inheritance.

Incentives for farmers who achieve better integration between livestock and plant production should be introduced to enable them to improve their livelihood and reduce poverty (Taimeh, Chenini and Achouri, 2012).

The degradation and desertification of agricultural lands should be halted and reversed by enhancing soil health and implementing sustainable land management (SLM) technologies (FAO, 2022). Long-term programmes to fight land degradation and protect areas with high potential from increasing risk of degradation should be implemented. Such programmes should be site-specific and based on field

data with priority given to areas with highest potential that also suffer from high rates of land degradation, in order to provide the highest returns possible (Taimeh, Chenini and Achouri, 2012). The quality of agricultural soil and its productive capacity should be maintained. All necessary measures to protect ground and surface **water resources** from pollution should be introduced (Taimeh, Chenini and Achouri, 2012).

Land degradation

Strategies and action plans have been adopted to improve the provision of adequate housing, the protection of the environment and the strengthening of the agricultural sector. Efforts have been made to combat desertification. National land degradation neutrality (LDN) targets have been set, integrating LDN concepts and approaches in environmental and agriculture bylaws, fast-tracking the achievement of Sustainable Development Goals (SDGs), particularly Goal 15¹⁵¹. Key measures include sustainable agricultural management in crop lands; improved water management through water harvesting (for crop, range and forest/woodland); sustainable forest and woodland management; sustainable rangelands and pasture management activities; integrated watershed management measures; and alternative livelihood measures (MoE - LDN/TSP, 2018).

Land disputes resolution

The resolution of land-related disputes through ADR (arbitration, mediation and conciliation) should be promoted and encouraged to ensure a faster and more accessible resolution of land disputes and to reduce court congestion and case backlog. This could be done by placing increased attention on mediation, institutionalizing its processes, and increasing the

¹⁵⁰ Legislation with significant negative impacts on land resources included Law No. 79, 1966: Organization of Cities and Villages, and Buildings. The law did not include any article that clearly aims at protection of agricultural land, Law No. 48, 1953, which allows division of land to minimum of 10donums outside the municipal and village boundary and encourages land fragmentation within rainfed areas, and Bylaw No. 6, 1996: Land Division between Partners: This bylaw allows the division of parcels within specific governorates, to 4donums between partners, and lately, Land Use Bylaw No. 6, 2007. This was rather a zoning regulation but permitted building on agricultural land (Taimeh, Chenin and Achouri, 2012).

¹⁵¹ Goal 15: Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss.

numbers of specialized land disputes mediation and arbitration institutions and centers, strengthening their role.

Land information

Jordan was the first country in the region to pass an Access to Information Law making land data widely available, as open data provides numerous public and societal benefits. Open data surrounding land transactions increases accountability and transparency,

reducing corruption. Open data technologies enable mapping and access to information on land rights, which in turn can lead to more protection for community and landowners (Land Portal, 2018). However, the Access to Information Law is not adequately implemented (USAID, 2013). Data and information are scattered, as Jordan does not have an integrated database available (UN-Habitat, 2020). A further improvement of the datasets is required, ensuring that responsible entities provide regular updates (UN-Habitat, 2021a).

ANNEX 1 - MAIN LAND-RELATED LEGAL INSTRUMENTS

S/N ¹⁵²	Legislation Full Reference	Summary
1	Management of Public Land Law no.17 of 1974 as amended.	The law is composed of 23 articles. It regulates the lease of state land by a special committee chaired by the Minister of Finance and determines the terms and conditions for state land use for agricultural and housing purposes. Under the provisions of this law and the Leasing and Authorization of Government by-law no.53 of 1977, the Cabinet of Ministers have the right to lease or authorize Government property in return of rent equivalent to market prices, and in accordance with the recommendations set by the concerned ministry and higher commission of Government property. The Higher Commission is comprised of the following members: Minister of Finance (Chairman), Department of Land and Survey (Vice Chairman), Agriculture Credit Corporation, Secretary General of the Ministry of Interior, Secretary General of the Ministry of Municipal Affairs, and the Director General of Forestry and Grazing Land. The Cabinet has to approve the lease or authorization even if it is going to be used by a government body.
2	Jordan Civil Code no. 43 of 1976 (JCC).	The JCC consists of 1449 articles. It is the most important law after the new Land Ownership Law no.13 of 2019. The JCC replaced the Ottoman <i>Majalla</i> of 1876 which still applies for what does not conflict with the JCC (Article 1448). The JCC defines the immovable (articles 58-59) and public properties (article 60), and personal rights sources which includes: the contract in general, modalities of its conclusion, dissolution and enforcement, the sale contract, the donation, the company, the loan, conciliation, leasing of agricultural lands, " <i>Al Muzarah</i> " or "Sharecropping", " <i>Almusaqah</i> " or watering, " <i>Al Mugarasah</i> " or Sharecropping, lease of <i>Waqf</i> property, " <i>Al-Eaara</i> " or lending, contracting transactions, the labor contract, agency, bailment and the consignment contract, guarding, betting and gambling, lifetime salary, the insurance contract, personal documentation contracts (the guarantee), assignment of right, the property right and restrictions, common property, the family ownership, floors ownership, movable property ownership, real property, pledge, inheritance and the estate's division, bequest, connecting to real and immovable property, preemption, right of preference, possession, acquisitive prescription, possession of the proceeds in good faith, expenses reimbursement, responsibility for demolition of the property, disposition right, usufruct, the right to use and habitation, " <i>Musataha</i> " or the right to build or plant on third party's land, <i>waqf</i> (endowment), the way right, the passage right, the drinking right, the stream right, " <i>Massiel</i> " or lowlands' right to receive water flow, mortgage contract, possessive mortgage, documentation in kind by law (the privilege right) and premium rights (movable and immovable property).

152 Legislation list's order: oldest to newest.degradation and halt biodiversity loss.

3	<p>Landlords and Tenants Law no. 11 of 1994 as amended.</p>	<p>This law consists of 22 articles. It has repealed and replaced the old Landlords and Tenants law no. 62 of 1953 and amendments. The law applies to leasing of private property, except property used for agricultural investment or animal husbandry, or any real estate or part of it leased to a person or persons for the purpose of providing services to the real estate or to its beneficiaries. For lease contracts concluded after the entry in force of this law, tenants may prove the rental relationship by all accepted means of evidence. Lease contracts entered into force after 31 August 2000 are extended automatically, despite any contrary agreement by the parties but the rent shall be adjusted by agreement of the parties or through the court. Lease contracts concluded on and after 31 August 2000 are governed by the agreement of the parties. If the lease contract provides that it shall be extended after its expiry, the lease is extended one time only for a new period unless terminated earlier by the tenant. The owner has the right to vacate the property to make a change or reconstruct or demolish the property, when all the following conditions are fulfilled:</p> <ol style="list-style-type: none"> 1. Forty years have passed since the construction of the building. 2. Twelve years must have passed since the lease contract. 3. The existing building cannot withstand an increase in floors to the extent permitted by the provisions of the organization. 4. The owner of the leased premises must have obtained a legal building permit. 5. The landlord must have notified the tenant by a notary public at least six months in advance. <p>The tenant has the right to return to the leased premises after the reconstruction in accordance with the terms set in the law. The rent is re-assessed one time each five years.</p>
4	<p>The Mediation Law for the Settlement of Civil Disputes no.12 of 2006 as amended by law no.25 of 2017.</p>	<p>This law consists of 14 articles. The objective of the law is to promote mediation for the settlement of civil disputes and reducing the courts workload. The law provides for the setting up, at the headquarters of the Court of First Instance, a judicial department called "the Mediation Department" which is staffed by a number of first instance and conciliation judges called "the Mediation Judges". The parties to the case have to agree to the referral of their dispute to mediation. The Mediation judge shall conclude his mediation within a maximum period of three months from the date of the case referral to mediation. If the mediator reaches a settlement of the dispute, in whole or in part, they shall submit a report to the case management judge or the Peace judge and attach to it the settlement agreement signed by the parties to the dispute for ratification. Once the settlement agreement is ratified by the Peace judge it becomes final and executable. If the mediation fails, the Peace Judge might impose a fine on the party who obstructed the mediation based on the mediator's report and assessment.</p>
5	<p>Development Zones and Free Zones Law no. 2 of 2008.</p>	<p>This Law consists of 47 articles. The objective of the law is to beef up investment in the Kingdom. It provides for all matters relating to the establishment, management, and operation of development areas. The boundaries of these areas are determined by a decision from the Council of Ministers. Pursuant to the Law, the investors that are registered within the development areas are granted an array of exemptions and benefits, including (i) income tax rate; (ii) taxes on goods and services; (iii) all customs, duties and other fees and taxes on all materials, land, and property tax, among others. The law sets up an administratively and financially independent agency "Development and Free Zones Agency" sitting in Amman and linked to the Prime Minister. The objective of the agency includes laying down the public policy for the development of free zones with action plans and programmes and submits them for the approval of the Council of Ministers, applying urban planning law within its areas, managing municipal affairs in its areas, overseeing the work of developers and protection of the environment, water resources and biological diversity within their borders.</p>

6	Agriculture Law no.13 of 2015 as amended.	This Law consists of 73 articles, and it is divided into 14 Sections. It aims at re-organizing the agricultural sector in the Kingdom of Jordan. The Ministry of Agriculture shall regulate, organize, and develop the agriculture field in order to: increase the production of food and foodstuffs; use natural and agricultural resources without damaging the environment; create suitable conditions for investing in agricultural sectors and rural development; increase the production capacity; increase farmer's incomes, among others (ECOLEX).
7	Environmental Protection Law no. 6 of 2017.	This Law consist of 32 articles and aims at protecting the environment providing that (i) the Ministry of Environment is the authority responsible for environmental protection; (ii) the Ministry, together with the related parties, develops the policies and prepares the plans and programmes, works on forecasting climate change identifying the involved sectors, follows the implementation of international environmental agreements, protects the biodiversity identifying areas that need special attention, among others (ECOLEX). The law provides as well for the environmental licensing of establishments by the Ministry of Environment. Organizations should submit a study of the environmental effect assessment of the project (Article 5). The law also contains deterrent penalties for the violators of its provisions and such as financial penalties for violating the environmental license and for polluting (Article 18).
8	Natural Resources Law no. 19 of 2018.	The law is composed of 39 articles and aims at the protection and the development of natural resources exploitation in Jordan. The law also lays out the powers and duties of the MEMR and terms and conditions for granting mining licenses terms which shall not exceed 30 years and Terms and conditions for operating quarries, among others.
9	The Real Estate Ownership law no. 13 of 2019.	<p>This is the most important land law in Jordan. The law consists of 244 articles. It has repealed and replaced the following legislation and by-laws issued based on them:</p> <ul style="list-style-type: none"> • The Ottoman Land Law of 1858. • Land and Water Settlement Law no. 40 of 1952. • Law no. 41 of 1953 for Converting Lands from Meri (state land) to <i>mulk</i> or private ownership. • Law no. 42 of 1953 related to Land Delineation, Survey and Valuation. • Law no. 46 of 1953 related to Using Immovable Funds as Security for Debt. • Law no. 48 of 1953 related to the Division of Common Property. • Law no. 49 of 1953 related to the Disposal of Immovable Property. • Law no. 61 of 1953 related to the Disposal of Immovable Property by Moral Persons. • Law no.51 of 1958 on Amending Provisions Related to Immovable Property. • Law no.6 of 1964 on the Registration of Unregistered Immovable Property. • Law no. 25 of 1969 "Floors and Apartments Ownership Law". • Law no. 12 of 1987 "Expropriation Law". • Law no. 47 of 2006 "Renting and Selling Immovable Property to Non- Jordanians and Legal Persons". <p>The Real Estate Ownership Law is divided into ten chapters which regulates the following topics:</p> <ul style="list-style-type: none"> • Chapter One: General Provisions Definitions and classification of real estate, authoritative records, nullity, preemption, and agencies. • Chapter Two: Delineation and Surveying Real Estate and Determining their Values. • Chapter Three: Settlement of Real Estate and Water. • Chapter Four: Registering of Real Estate Not Previously Registered. • Chapter Five: Removing Co-Ownership. • Chapter Six: Real Estate Buildings and Complexes. • Chapter Seven: Ownership and Lease of Real Estate by Non-Jordanians and Moral Persons. • Chapter Eight: Real Estate Mortgage. • Chapter Nine: Land Acquisition. • Chapter Ten: Final Provisions.

10	<p>Public-Private Partnership Law no.17 of 2020 (PPP Law).</p>	<p>The law consists of 23 articles and aims at providing a structure within which PPP Projects can be identified, developed, and facilitated in Jordan. In addition, the new PPP Law provides a framework for the involvement of the private sector in PPP projects across Jordan. The most notable change under the new PPP Law includes the establishment of a PPP Directorate in the Prime Minister’s Office (PMO) which oversees the development of PPP projects. The law allows PPP projects in all economic sectors, other than those identified by the Cabinet based on the Investment Council’s recommendation. The new PPP Law, however, excludes projects with a capital expenditure of less than two million Jordanian Dinars from said law. Notably, the new PPP law establishes a 35-year maximum term for any PPP project, unless the Investment Council agrees to a longer period (Harker, 2020).</p>
11	<p>State Properties Conservation Law no. 11 of 2021.</p>	<p>This law consists of 12 articles. It has replaced old state lands and properties conservation law no. 14 of 1961. The law extends protection to state lands whether they are registered at DLS or not. Forest lands only are excluded as their protection is under the mandate of the forest department. The law grants the mandate to DLS to monitor and prepare a report about any encroachment on state lands, and to summon the violators to the State Property Conservation Court hearing (Article 9). The law has also increased the sanctions for the aggression against state lands to six months and/or a fine between 1000 -5000 JOD. for building on state lands or performing any extraction operation with possibility of doubling the sanction in case of repetition (Article 5).</p>

Source: Jordanian Official Gazette.

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ABOUT THIS PUBLICATION

This report analyses the land sector in Jordan by looking at its legal and institutional set up, its stakeholders, and the key land administration functions: land tenure, land value, land use, land development, and land disputes' resolution. The most important legislation is annexed and a set of preliminary recommendations for consideration by national stakeholders complement the report.

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