Housing, Land and Property Mapping Project

Jordan

**Background**

The following fact sheet and research memo have been developed to provide quick and key information of the legal and procedural context relating to Housing, Land and Property (HLP) within the target country. They are intended to inform programming and emergency responses, especially those involving shelter interventions. A rapid understanding of the tenure landscape in each country context will assist in delivering stronger and more equitable responses.

The HLP mapping project has been undertaken by Hogan Lovells lawyers for CARE International, using templates developed by the Australian Red Cross (ARC) and the International Federation of the Red Cross and Red Crescent Societies (IFRC). All of the research has gone through a verification process with in country lawyers and/or country experts.

**Document Change Management**

These documents are intended to be used and updated as necessary to ensure that they are always providing the most current and relevant information. We would appreciate ongoing feedback and updates from those working in country, in response or preparedness.

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Housing, Land and Property Law in Jordan

**1 Key laws and actors**

|  |  |
| --- | --- |
| [Laws](#Bibliography) | Constitution of Jordan. |
| [Key government actors](#KeyGovtActors) | The Department of Land and Survey (DLS) governs housing, land, building and planning, and liaises with 34 Land Registration Directorates (LRDs) and 2 land registration offices distributed across Jordan, in managing land across the country. |
| [Shelter cluster](#ShelterCluster) | None. |

**2** [**Common types of tenure**](file:///C%3A%5CUsers%5C1077087%5CDownloads%5CLWDLIB03-#7527901-v2-CARE_HLP_Factsheet_-_Jordan.docx)

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| --- |
| The table below summarises the most common types of tenure in Jordan. |
| **Tenure** | **Commonly Registered?** | **Key Features** | **Title document** |
| [State or Treasury land](#StateTreasuryLand) | Yes | Most of the land in Jordan is treasury land. Land may be leased or accredited to lessees. | Registration at the DLS |
| [Freehold](#Freehold)  | Yes in urban areas. Sometimes in rural areas. | Any transactions involving the sale or exchange of freehold land must be registered with the DLS to be valid. Some former tribal lands in rural areas are "sold" without registered title deeds and so would be null and void if tested in court.  | Transfer deed[[1]](#footnote-1) registered at the DLS |
| [Lease](#Leasehold) | Unknown | Given most of the land in Jordan is treasury land, this should be a common form of tenure. As with all property interests, leases must be registered with the DLS. | Registration at the DLS |
| [Sub-lease](#Sublease) | Unknown | It is unclear if sub-leases are permitted as the Civil Code permits sub-leases with the landlord's permission, whereas the Landlord-Tenant law provides that a landlord is entitled to apply to expel the tenant if the latter sub-leases the property. | Registration at the DLS |
| [Usufruct](#Usufruct) | Unknown | Rights to usufruct are recognised in Jordanian law under Article 70 of the Civil Code and the Lands and Water Settlement Law (Law No. 40 of 1952 and its amendments). | Registration at the DLS |

**3** [**Security of tenure of vulnerable groups**](file:///C%3A%5CUsers%5C1077087%5CDownloads%5CLWDLIB03-#7527901-v2-CARE_HLP_Factsheet_-_Jordan.docx)

|  |  |
| --- | --- |
| [Women](#Women) | Women’s rights to land are enshrined in the Constitution (Article 6). Jordanian Civil Law treats men and women equally. There are no requirements to have, for example, a male guardian in order to own or deal in property.There are also various protections enshrined in law such as Article 142 of the Provisional Jordanian Personal Status Law (No. 36 of 2010), which gives protection to women by guaranteeing non-enforcement of contracts obtained through coercion.However, *de facto* exclusion of women from property still prevails, as detailed below. |
| [Minority groups](#MinorityGroups) | The main minority ethnic groups in Jordan are Syrians, Palestinians, Egyptians, Iraqi, Armenian and Circassians.[[2]](#footnote-2) Of these minority groups, refugees (many of whom are Palestinian or Syrian) have the most precarious land rights. They normally live in rented apartments but with no formal lease agreements (which has led to evictions and disputes, and provides no security of tenure).[[3]](#footnote-3) The Dom gypsy community in Jordan, also known as the "ghajjar", meaning "gypsy" in Arabic, are a small but particularly vulnerable population (estimated at around 80,000 people) as most of these families live in tents with little access to water or electricity. Much of the community is nomadic or semi-nomadic and move to the Jordan Valley during the winter months.[[4]](#footnote-4) |
| [Informal settlements](#Informal) | One out of every ten refugees in 2016 lived in an informal settlement in Jordan, the majority of such settlements being on private land.[[5]](#footnote-5) |
| [Landless people](#Landless) | The government owns most land which is not privately owned and there are no mechanisms for landless people to legally own land (aside from the formal legal methods through leasing or purchasing land). |

**4** [**Eviction, expropriation and relocation**](file:///C%3A%5CUsers%5C1077087%5CDownloads%5CLWDLIB03-#7527901-v2-CARE_HLP_Factsheet_-_Jordan.docx)

|  |  |
| --- | --- |
| [Eviction](#Eviction) | Jordanians have a constitutional right against eviction. However, eviction is permitted (i) if the tenant fails to perform a material part of their consideration, or (ii) with "*good cause*", or (iii) based 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. |
| [Expropriation](#Expropriation) | Jordanians have a constitutional right against expropriation. However, expropriation is permitted in cases of "*public utility*" or "*public benefit*" in exchange for fair and just compensation. We expect this to include disaster situations. |
| [Relocation](#Relocation) | Jordanians (but not non-Jordanians, e.g. Syrian refugees) have a right against deportation and relocation. It is unclear whether there have been any legislative exceptions to this and, if so, whether any compensation is payable. In addition, tribal law requires the perpetrator of a serious crime and three generations of their family to relocate either for a number of years or pending the outcome of the tribal dispute resolution and peace process. This affects people living in areas where tribal law is prevalent and people in other areas who have tribal affiliations, especially since the state justice system and the police cooperate with tribal law. |

**5** **Shelter Cluster Key Contacts**

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| --- |
| None. |

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| Disaster Law Housing, Land andProperty Mapping ProjectJordan |
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**Disclaimer**

This report is the result of a desktop review of publically available information. This report is not legal advice.

1. Introduction
	1. Overview

CARE International aims to respond to disasters as rapidly and effectively as possible, by mobilising its resources (people, money and other assets) and using its network in a coordinated manner so that the initial effects are countered and the needs of the affected communities are met.

The Australian Red Cross, with technical support from the International Federation of Red Cross and Red Crescent Societies, has provided the research template to which this memorandum responds. This memorandum comprises three main sections:

* The first section, entitled 'Common types of tenure', provides an overview of the different types of land tenure in Jordan. It outlines the methods used to create and transfer tenure, and analyses the degree of security of tenure afforded by each form of tenure.
* The second section, entitled ‘security of tenure and vulnerable groups', considers whether, and to what extent, certain groups face legal barriers to owning or accessing land and housing. This section focuses primarily on women, foreign nationals and refugees, all of whom face legal and practical barriers to owning land.
* The third section, entitled 'eviction, expropriation and relocation', considers Jordanian statutory and case law which governs, or is applicable to, forced evictions, compulsory acquisition of land and relocations. This section also considers whether compensation is available in these situations.
	1. Background information on Jordan

Jordan is a small country bordered by Israel, Syria, Iraq and Saudi Arabia. It covers an area of 89,320 square kilometres and has a population of over 9 million of whom 4.2 million live in Amman,[[6]](#footnote-6) the country’s capital city. Approximately 16% of the total population live in rural areas.[[7]](#footnote-7)

The region that is now Jordan became part of the Ottoman Empire in 1516 and remained under Ottoman rule for several centuries until Arab and British forces seized power during World War I in 1918. The Conference of San Remo in Italy in 1920 created the British mandate over Palestine (including the area now known as Jordan), later confirmed by the League of Nations in 1922. In April 1921, the British decided that Emir Abdullah I bin Al-Hussein would administer the mandate in this region, then called "Transjordan". While Transjordan was purported to be an independent state, the British retained control in certain matters of finance, military and foreign affairs, which were administered by a British resident acting on behalf of the (British) High Commissioner for Transjordan.[[8]](#footnote-8)

In 1946, Transjordan gained independence, becoming a sovereign state and a constitutional monarchy under the official name of the "Hashemite Kingdom of Jordan”. It is divided into 12 governorates (*muhafazat*).

There has been an influx of refugees since 2012 as a result of the civil war in Syria; 82% of all refugees are settled in communities but 18% are hosted in refugee camps.[[9]](#footnote-9) This is in addition to the already settled or minority refugees in Jordan including those from Palestine, Iraq, Sudan and Yemen.[[10]](#footnote-10)



(Source: UK Government)[[11]](#footnote-11)

1. Common types of tenure
	1. Tenure typologies
		1. **What are the key pieces of legislation governing housing, land, building and planning? Please provide links to copies of the legislation.**

The key pieces of legislation governing housing, land, building and planning are:

* The Constitution of the Hashemite Kingdom of Jordan, promulgated in 1952 (the "**Constitution**");[[12]](#footnote-12)
* Law No. 43 of 1976 (the Civil Code)[[13]](#footnote-13) (the "**Civil Code**");
* Law No. 47 of 2006 (Law of Sale and Leasing of Immovable Assets to Non-Jordanian and Judicial Persons);[[14]](#footnote-14)
* Law No. 40 of 1952 (Lands and Water Settlement Law) and its amendments;[[15]](#footnote-15)
* Law No. 49 of 1953 (Disposition of Immovable Property Law);[[16]](#footnote-16)
* Law No. 17 of 1974 (Management of State Property Law) and its amendments;[[17]](#footnote-17)
* Law No. 28 of 1991 (Housing and Urban Development Corporation Law) and its amendments;[[18]](#footnote-18) and
* Landlord-Tenant Law (Law No. 11 of 1994)[[19]](#footnote-19) as amended by subsequent laws, including Law No. 30 of 2000[[20]](#footnote-20) and Law No. 22 of 2011.[[21]](#footnote-21)

**[Note: apart from the Constitution, we have not found any links to full texts for these pieces of legislation nor any English versions of the same.]**

The Department of Land and Survey (DLS) governs housing, land, building and planning, and liaises with 34 Land Registration Directorates (LRDs) and two land registration offices distributed across Jordan, in managing land across the country. The role of the DLS is discussed in greater detail in Section 2.1(b) below.

* + 1. **What types of tenure exist?**

The right to own immovable property is enshrined in the Constitution: Articles 11 and 12 provide that every person has the right to own immovable property but with the caveats that such property may be confiscated in accordance with the law or expropriated if required for public utility, though the latter would be exchanged for just compensation as prescribed by law.[[22]](#footnote-22)

Article 10 of the Constitution also provides that "*dwelling houses*" are "*inviolable*" and may not be entered into unless lawfully prescribed and in the manner so prescribed.

Article 70 of the Civil Code governs property rights including those concerning fee simple ownership, usufruct, rights to residence, utilisation of trust land (*al-Hikr*), dual lease of trust land (*al-Ijaratayn*) and vacancy of usufruct (*khuluw al-Intifa'*).[[23]](#footnote-23)

Background

The current system of land registration and tenure in Jordan has its roots in the original Ottoman Land Code of 1858, under which land was divided into five classes: (i) *mamluka* (lands privately owned by an individual or a group in fee simple, also known as "*mülk*" land); (ii) *miri* (lands owned by the state treasury); (iii) *mawfuqa* (land endowed to religious establishments); (iv) *matruka* (common land used for public activities); and (v) *mawat* (dead, unclaimed or uncultivated land). If the owners of certain types of *mamluka* lands passed away without heirs, these lands would also become *miri* lands. Although there were land registry offices ("*tapu*") which detailed land inventory for taxation purposes, the Ottoman Land Code required title deeds ("*qushan*") to be issued from the capital of the Ottoman Empire, Istanbul.[[24]](#footnote-24)

After the Ottoman Empire fell, the state of Transjordan was entitled under Article 139 of the Treaty of Lausanne to acquire the land registers and documents under the previous Ottoman land registration system.[[25]](#footnote-25) 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 the DLS, the principal government department dealing with land registration and management, was established.

Today, the DLS is responsible for cadastral surveying (i.e. the establishment and identification of property boundaries), registration of land property and management of treasury lands.[[26]](#footnote-26) Essentially all transactions relating to the rights of settled or registered land (ownership, usufruct, disposition, etc.) are governed by DLS and/or Land Registration Directorate procedures.

The DLS regulates the leasing, accreditation and dedication (for public bodies) of treasury lands, as well as the expropriation and control of subdivision and boundary fixing transactions. The DLS also licenses the licensed surveyors carrying out these transactions in addition to land assessors and land brokers and collects sales taxes and registration fees for the government.[[27]](#footnote-27)

The different types of tenure are shown in the table below:

|  |  |  |  |
| --- | --- | --- | --- |
| **Tenure** | **Registrable?** | **Commonly registered?** | **Section below**  |
| State or Treasury land | Yes  | Yes | (i) |
| Freehold | Yes | In urban areas – yes. In rural areas – not always. | (i) |
| Waste land  | By definition unregistered. But once the land is vivified this becomes Treasury land. | No  | (ii) |
| Lease | Yes  | Unknown | (iii) |
| Assignments and sub-leases | No (sub-leases possibly) | No (sub-leases possibly) | (iv) |
| Usufruct Rights  | Yes (once land is settled) | Unknown | (v) |

* + - 1. Land owned by the state treasury or privately owned

**State or treasury land**

The majority of land in Jordan is owned by the State, particularly the lands east of the Hijaz railway. At the time Transjordan was established and land rights were registered, the population was much smaller and only a small part of the land was registered under private ownership. Since then, the increased population of Jordan has resulted in a greater demand for land, in particular, the lease or accreditation of treasury land. However the process of obtaining a lease or accreditation is complicated and onerous. For example, treasury land can be leased to someone who proves they have exploited the land but, paradoxically, it is illegal to exploit treasury land without a right to lease or accreditation.

Once the treasury land has been leased for five years, the lessee can undergo the necessary (and onerous) administrative procedures to apply for accreditation with the DLS in return for a reasonable price. Once accredited, the land cannot be sold or disposed within 10 years of that date.[[28]](#footnote-28) While it appears that the process of accreditation may result in the applicant acquiring a right to the land superior to a lease, it is unclear if it will result in full freehold ownership of the land.

**Freehold land**

Any transactions involving the sale or exchange of freehold land must be registered with the DLS to be valid. Currently registration cannot be done by post, and registrants must go to the DLS headquarters or relevant Land Registration Directorate in person. To complete a land sale transaction, two witnesses are also required to be present and to provide their signatures.[[29]](#footnote-29)

To complete a property sale transaction, the parties must obtain an official sale form from the DLS together with the cadastral map and certificate of ownership, and obtain a tax clearance form from the Ministry of Finance. The parties will also have to pay a property transfer tax of 10% of the sale price (4% paid by the seller and 6% paid by the purchaser) and a stamp duty of 0.6%, payable by the buyer within one month of the conclusion of the sale contract.[[30]](#footnote-30)

**Special status regions**

Although generally no land-related transaction is considered valid or legal without DLS approval, lands falling within certain special status regions may be exempted from the obligation to obtain approval. For example, the Jordan Valley (Al Ghawr) region falls within the remit of the Jordan Valley Authority (JVA). Title deeds were only issued for the farmer tenants in the valley recently after a DLS property survey in the region carried out for the benefit of the JVA.

Other special status regions include the Aqaba region (in which most governmental matters are administered by the Aqaba Special Economic Zone Authority (ASEZA)) and the Petra region. However, in these two regions, land transactions must still be registered with the DLS.[[31]](#footnote-31)

 **Tribal land (*Wajehat El-Ashayeria*)**

The state began to settle and register rights in land and water after the implementation of Law No. 40 of 1952 (Lands and Water Settlement Law) and its later amendments, starting with the already inhabited and agriculturally developed regions in the west of the country, before expanding to the east to the range lands claimed by Bedouin tribes (although all land settlement works in the region stopped after a decree from the Prime Minister in 2006). Technically, Law No. 20 of 1973 provides that all such range lands are owned by the State, however in practice much of the land is used and sold by Bedouin tribes (who claim it is theirs) without reference to the DLS registration system,[[32]](#footnote-32) as detailed in Section 2.1(c).

As the vendor does not have registered ownership of the land in the DLS, the transaction cannot be formally registered with the DLS. Nevertheless buyers purchase these sale deeds (*hijja*) as they are cheap and seek to build housing on the land. However, such buyers later encounter issues in trying to link up to municipal water or electricity services due to the lack of valid DLS-registered title deed. The DLS sought to solve this issue by mapping the land and registering the lands in the occupiers' names (after payment of a nominal fee to the state). In 2008, King Abdullah the Second then offered the Bedouins an area of land mainly around the Az Zarqa'a region,[[33]](#footnote-33) as detailed in Section 2.1(c).

* + - 1. Waste land

Waste land (or "*mawat*") is not surveyed or fixed on the DLS maps and is considered to be owned by no one but to be possessed by the State. However, pursuant to Law No. 40 of 1952 (Lands and Water Settlement Law) and its amendments, once the waste land has been vivified or exploited, the State obtains ownership rights.[[34]](#footnote-34) Such land can be distributed by the State for the purpose of making it suitable for agriculture – any person who develops the land in this way (that is authorised to do so) receives a right of priority (*awlawiyya*) to lease the land once it is surveyed and fixed on the maps.[[35]](#footnote-35)

* + - 1. Leasehold

Tenancy is governed by two laws: the Civil Code and the Landlord-Tenant Law (Law No. 11 of 1994)[[36]](#footnote-36) as amended by subsequent laws, including Law No. 30 of 2000[[37]](#footnote-37) and Law No. 22 of 2011[[38]](#footnote-38), with the latter taking precedence over the Civil Code.[[39]](#footnote-39) There is some ambiguity as to whether the Landlord-Tenant Law applies to rented furnished accommodation.[[40]](#footnote-40)

The Civil Code identifies tenancy as a bilateral contract under which the failure of one party to perform a material part of the consideration excuses the other party from performing their obligation (e.g. a landlord's failure to make repairs could excuse their tenant from their obligation to pay rent). The contract is legally binding as soon as the landlord and tenant, assuming each has the legal capacity to contract, agree on the property to be leased and the rent to be paid. While there is no required form and agreement can be expressed in any way, it is advisable to evidence a tenancy agreement in writing, particularly for long-term tenancies.[[41]](#footnote-41) In any case, as a lease is a registrable interest, it is likely that a document recording or evidencing the verbal lease agreement should be registered with the DLS.

There can also be two types of tenancy agreement:

* + - 1. a fixed duration contract whereby the parties agree on the tenancy lasting a specific duration of time; or
			2. an agreement for the tenant to pay rent in regular successive intervals until a termination notice is given (e.g. monthly) but where no duration of time is specified.

The Landlord-Tenant Law, however, does not recognise a tenancy at will, under which either party can terminate the contract at any time (presumably only once notice has been served) and where the length of the tenancy's duration is not specified .[[42]](#footnote-42)

Each party in a tenancy contract is entitled to certain statutory rights:

|  |  |  |
| --- | --- | --- |
|  | Rights | Obligations |
| Landlord  | 1. Right to receive the agreed rent during the duration of the tenancy;[[43]](#footnote-43) and
2. Right to receive the property in as good a condition as it was leased out in (upon termination of tenancy).[[44]](#footnote-44)
 | 1. Duty to place the tenant in possession of the leased property by delivering the keys and making sure they have means of taking possession;[[45]](#footnote-45)
2. Duty to guarantee the tenant's right to undisturbed possession (i.e. eliminating obstacles that could prevent their right to benefit from the property, including other tenants making excessive noise);[[46]](#footnote-46) and
3. Duty to maintain the property in a suitable condition for the duration of the tenancy (including repairing defects but excluding defects or damage incurred by the tenant).
 |
| Tenant | 1. Exclusive right to possess the property (so the landlord cannot ordinarily enter the property without the tenant's consent);[[47]](#footnote-47) and
2. Right to have the property maintained in a suitable condition for the duration of the tenancy.
 | 1. Duty to pay rent and to do so upon delivery of the property unless the landlord and tenant have agreed otherwise;[[48]](#footnote-48) and
2. Liability for any defects or damage in the property caused by the tenant (including ordinary wear and tear) unless it is attributable to an act of God.[[49]](#footnote-49)
 |

* + - 1. Assignment and sub-leasing

Since tenants hold exclusive possession of the property, they can assign some or all of their rights and duties under the tenancy to another party, though this will be subject to the existing conditions of the lease.[[50]](#footnote-50)

Sub-leases, on the other hand, are a grey area: under the Civil Code sub-leases are permitted with the landlord's permission, but the Landlord-Tenant Law provides that a landlord is entitled to apply to expel the tenant if the latter sub-leases the property (note that we assume that the landlord cannot expel the tenant after it has given consent to a sub-lease). It is also unclear whether a landlord must give reasons if he/she decides not to permit a sub-lease.

Even after a tenant has assigned its lease to another, he remains liable to the landlord for his duties under the tenancy contract (including during the term of the lease following the date of the assignment). However under a sub-lease, the sub-lessee becomes personally liable to the landlord for its duties.[[51]](#footnote-51)

* + - 1. Usufruct

At common law, a usufructuary right is a person's temporary right to use and enjoy property belonging to another without impairing or altering the property, for example the right to use water from a river belonging to another. It appears this concept also exists in Jordanian law as usufructuary rights are recognised under Article 70 of the Civil Code and Law No. 40 of 1952 (Lands and Water Settlement Law) and its amendments.[[52]](#footnote-52)

* + 1. **Security of Tenure**

In theory, the Jordanian land registration system should provide a high degree of security of tenure for all registrable interests of land (e.g. freehold ownership and leasehold). Most land in Jordan (around 95%) is now mapped and registered with the DLS as land parcels, each with a unique code consisting of the name and number of the village, the *hawd* (block of parcels), the quarter (inside cities and villages), and the parcel number.[[53]](#footnote-53) The DLS has sole authority to issue official bonds validating transactions for rights relating to immovable property (ownership, usufruct, disposition, etc.) save for certain exempted special status regions, and the DLS keeps digitised records of all cadastral plans and registers. The comprehensive database (in Arabic) is available online (at [www.dls.gov.jo](http://www.dls.gov.jo)) and registered plans can be obtained without charge.

However there are drawbacks to the DLS cadastral system which affect security of tenure in practice: (i) first, the cadastral plans only show boundaries of land parcels and not names, contour lines or buildings; (ii) secondly, land property information is considered confidential so a person can only have access to information about its own property unless it presents a court order; and (iii) thirdly, the registered plans are considered definitive to the extent that in practice actual land boundaries are "re-established" to match those on the filed plans.[[54]](#footnote-54)

The confidentiality attached to and lack of detail available on the registered plans, combined with the strict application of the registration system results in room for confusion and corruption. Even if a party wishes to purchase a specific segment of land, they will not be able to easily find out the name of the owner of the land in order to contact them or confirm if the person purporting to sell them the land is the true owner.

An example of such confusion was reported by the Jordan Times in February 2016 when 25,000 property owners in the Jubeiha area of Amman were affected by a court ruling that found that the ownership of over 226 *dunums* of land (on which the 25,000 properties had been built) would revert to the original owners on the basis that the lands had been sold using forged documents. It is unclear if the affected property owners had successfully registered their interest with the DLS.[[55]](#footnote-55)

In the World Bank's "Doing Business" 2010 Report, Jordan was ranked 106th out of 183 countries in registering property, based on the criteria of the number of procedures involved in land title transactions (7 for registering property in Jordan), the time required for registration (22 days) and the cost.

**Security of tenure in relation to leases**

Leases have a degree of security as they can be terminated upon the expiry of the tenancy term or for "good cause" by either party, but they are not terminated by the death of either party. However the heirs of a tenant are entitled to terminate the tenancy if they are unable to pay the rent or if they determine the property to be more than what they need.[[56]](#footnote-56) If the landlord terminates the tenancy, they are obliged to compensate the tenant.[[57]](#footnote-57)

Under the Landlord-Tenant Law, termination of the rental contract can occur when there is:[[58]](#footnote-58)

1. Non-payment of rent (though the landlord seeking termination must serve a 15-day notice to quit for non-payment, as detailed in Section 4.1(a) below);
2. Unauthorised sub-leasing of the property;
3. Abuse of the property (e.g. by using it for prostitution);
4. Use of the property for a purpose different than stipulated in the contract;
5. Damage caused beyond ordinary use;
6. Abandonment of the property by the tenant; and/or
7. A need by the landlord of the dwelling for personal use for themselves or a member of their direct family, and they lack any other possibility for housing.

Different iterations of the Landlord-Tenant laws (as amended up to 2011) have resulted in amended expiry dates for leases depending on when those leases were entered into:[[59]](#footnote-59)

* Leases beginning before 1 January 1984 were held void on 31 December 2013. All leases beginning from before this date have therefore been deemed to have terminated.
* Leases signed between 1 January 1984 and 31 August 2000 may be extended up to another 30 years, provided that the new lease expiry date does not go beyond the year 2020.[[60]](#footnote-60)
* Leases concluded after 31 August 2000 are governed by the terms of the contract in question, and are left in the control of the parties (unless the issue is brought to the courts).[[61]](#footnote-61)

	+ 1. **How does tenure differ between urban and rural areas? If possible, please provide statistics about the prevalence of each type of tenure in urban and rural areas.**

Statistical data for 2018 and 2019 is not available but a significant difference between urban and rural areas will be that most freehold land is likely to be in the urban areas of Jordan, whereas rural areas will mostly be made up of treasury lands (some of which will be leased out to private persons) or waste land, for the reasons discussed in Section 2.1(b) above.

While there should be a similar degree of security of tenure for all areas as the Jordanian land registration system applies to all land and the majority of land tenures, it may be more difficult to trace the true owners of land in rural areas and to confirm that the seller in a property transaction is the true registered owner of the land. As described in respect of tribal lands in Section 2.1(b), it is not uncommon to find people "selling" land in rural parts of Jordan (particularly the east) when they are not registered owners of the land. These sales deeds (*hijja*) are not seen as valid in the eyes of the law.

* 1. Documenting tenure
		1. **Proof of ownership and settlement of land rights**

To prove ownership of immovable property, the owner need only produce a registration bond issued by the DLS without any need to provide supporting evidence to the contents of such bonds. Such bonds can only be invalidated or corrected under Law No. 40 of 1952 (Lands and Water Settlement Law) and its amendments. This law regulates the registration, recognition and dispute of rights of disposition, ownership or usufruct in land and water, and provides the DLS with the power to settle property rights in an area of land or water.

If the DLS decides to commence a settlement of rights over a specific "settlement area", it will publish the relevant details in its official gazette (e.g. the area of lands or water and commencement date for the process) and issue a public settlement announcement to those living in the relevant area. Once the process has begun, all persons who claim to have a right of usufruct, ownership or disposition or any other related rights in the land and water can submit their claims and supporting documents to an authorised officer, who will investigate these claims. During this process, the DLS or an authorised officer can try to attempt reconciliation between any conflicting parties and have the parties sign a reconciliation bond in front of witnesses to resolve the conflict. Finally, after all claims have been checked, a Schedule of Rights will be prepared detailing the rights of all the parties affected by the settled area. Objections in writing may be made within 30 days of the publication of the Schedule of Rights and are transferred to the Settlement Court, with a chance to further appeal available if the value of the case is above 200 Jordanian dinars.

Once the settlement process is completed, any actions (e.g. sale, exchange or partitioning) relating to the rights of land or water in that area are subject to the procedures of the DLS including registration with the DLS, and in the event of non-compliance are null and void.[[62]](#footnote-62)

* + 1. **What non-legal documents or actions (e.g. verbal agreements or handshakes) are used to create or transfer tenure?**

Leases, assignments and sub-leases do not need to made in a particular form: see Section 2.1(b)(iii) on leases, assignments and sub-leases. However as referenced above it is likely that parties will need to provide a written document to record or evidence the non-written transaction in order to register it with the DLS (note that it is unclear if assignments need to be registered with the DLS).

* 1. Customary ownership

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 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 recognised as having a right to certain preferred grazing areas.

Today, much of these lands are technically owned by the state, although in practice sales and leases of lands in the Badia region are commonly made without reference to the DLS registration system. Buyers of such land will not be formally recognised as owners of the land in the eyes of the law and so may encounter a number of issues, including having a low degree of security of tenure;[[63]](#footnote-63) see paragraphs on "Tribal land" in Section 2.1(b).

* 1. Informal settlements

Over the years, Jordan has experienced several influxes of refugees from nearby countries. As at 2014, it was estimated that there were around 2 million Palestinian refugees, over 1.4 million Syrian refugees and 1.4 million Iraqi refugees in Jordan.[[64]](#footnote-64) These numbers have since decreased considerably - in July 2019, the UNCHR reported, amongst others, over 660,260 Syrian refugees, 67,453 Iraqi refugees, 14,689 Yemeni refugees and 6,149 Sudanese refugees (note: while there continue to be Palestinian refugees in Jordan, their numbers were not reported).[[65]](#footnote-65) However it should be noted that these numbers only reflect the number of registered refugees in Jordan and so the total number of refugees may be higher.

In recent years, there has been a particularly large influx of Syrian refugees. The majority (84%)[[66]](#footnote-66) of these refugees live in cities and towns, with assistance from NGOs including: cash-for-rent aid; building or upgrading of substandard housing units and the installation of accessibility kits catered for specific disabilities.[[67]](#footnote-67) However, a significant number of Syrian refugees still live in one of three refugee camps – Za'atari, Azraq and Emirati-Jordanian (also known as Mrajeeb Al Fhood).[[68]](#footnote-68) The Za'atari camp, which is jointly run by the Syrian Refugee Affairs Directorate (a Jordanian government agency) and UNHCR, currently houses around 78,000 Syrian refugees and has arguably evolved into a semi-permanent settlement. At its peak it housed double the amount of people and was considered to be Jordan's "fourth largest city" and the second largest refugee camp in the world.[[69]](#footnote-69) All three of these camps are located in the north, near the Jordan-Syria border, with the Za'atari camp in the Mafraq Governate and the Azraq and Mrajeeb Al Fhood camps in the Zarqa Governate.

There are 10 further Palestinian refugee camps officially registered with the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA): [[70]](#footnote-70)

|  |  |  |
| --- | --- | --- |
| **Name of camp** | **Location** | **Comments** |
| Baqa'a  | About 20 km north of Amman | Currently the largest refugee camp in Jordan. |
| Amman New Camp  | Southeast of Amman |  |
| Jerash (also known as "Gaza")  | 5 km from the Roman ruins of Jerash |  |
| Marka (also known as "Hitten") | 10 km northeast of Amman |  |
| Husn (also known as "Martyr Azmi el-Mufti") | 80 km north of Amman |  |
| Souf | 50 km north of Amman |  |
| Irbid | Near the town of Irbid, in northern Jordan |  |
| Talbieh | 35 km south of Amman | Most of the inhabitants are displaced people rather than refugees (and mostly Bedouin).[[71]](#footnote-71) |
| Jabal El-Hussein | Northwest of Amman | Considered by some to be part of Amman. |
| Zarqa  | Set up near Zarqa | Appearance of camp is now similar to other urban parts of Zarqa. |

Most of these camps have housed Palestinian refugees and displaced persons since the 1950s and 1960s, and have become semi-permanent settlements, if not part of Amman itself. Over the years, the camp's inhabitants have replaced prefabricated shelters with more durable concrete shelters.[[72]](#footnote-72)

In addition to the abovementioned established camps for Syrian and Palestinian refugees, there are a number of even more temporary settlements for refugees and displaced persons in Jordan. For example, Syrian refugees who either cannot afford housing in Jordan or who are unable or unwilling to live in the camps have established informal tented settlements (ITS) . In an assessment conducted in 2014, the non-governmental organisation REACH identified 125 informal settlements for Syrian refugees alone.[[73]](#footnote-73) Many of the ITS households are forced to live there for social and cultural reasons. A UNICEF survey in 2013 found that inter-community tensions within the Za'atari refugee camp had been an important factor in causing Syrian families to live in ITS instead, with the majority of ITS residents coming from the Aleppo, Hama and Rural Damascus governorates while the majority of the Za'atari camp population originated from the Syrian governorate of Dara'a.[[74]](#footnote-74) Other vulnerable groups who live in informal settlements include the Dom gypsies, who continue to lead nomadic and semi-nomadic lifestyles (i.e. moving to the Jordan valley in the winter).

The rules and contractual arrangements as to accommodation in the Palestinian and Syrian refugee camps are not publically available. However realistically it is not likely that the inhabitants will have any legal right to title (in Jordanian law) to the houses or shelters that they live in in the refugee camp (or in any form of ITS or informal settlement).

1. Security of tenure and vulnerable groups
	1. Women
		1. **Can women legally, own, rent and inherit land and housing?**

According to Article 6 of the Constitution, “*all Jordanians shall be equal before the Law*”. This right is also enshrined in Shari’a Law, customary law and Jordanian Civil Law. Women have an equal right to own, rent, mortgage and enter into contracts governing land or property regardless of whether they are married or have a male sponsor. In fact, the Provisional Jordianian Personal Status Law (No. 36 of 2010) states that each spouse shall have separate financial liability, and has a number of provisions governing and protecting inheritance rights of women.

Inheritance rights depend on a person's “status” in relation to the deceased, such that women may legally be entitled to inherit more than men if they have superior status to the male heirs. Shari’a law states that one may not deprive another of their right to inheritance (regardless of gender). Article 319 of the Provisional Jordanian Personal Status Law[[75]](#footnote-75) states that an attorney must inform all heirs of their inheritance, which combats the issue of unawareness of entitlement. There is also specific protection where a husband attempts to deprive or force a wife into giving up her inheritance or property.[[76]](#footnote-76) This is restricted to the woman only. For members of her family such as non-citizen children of a Jordanian woman, please see Section 3.3(b)(i) below.

* + 1. **In practice, do they? If not, why not?**

On its face, there is equality in the law to protect women, and many women own or rent property, but the practical realisation of these legal rights is still lacking as women do not own or rent property to the same extent as men. This is due to a number of reasons:

* + - 1. Societal norms

More efforts are needed to remediate restrictive social norms and implement measures, such as awareness campaigns, to promote the use of joint-ownership of land for married couples and to ensure women’s legal rights are realised. As Jordan is still a patriarchal society, it is often the woman that keeps home, and women have weak economic empowerment relative to men. Generally households headed by women have fewer economic assets than those headed by men: 43% of male heads of households are recipients of agricultural development loans and 14% of loans relating to income-generating activities, compared to 21% and 9% respectively of female heads of households.[[77]](#footnote-77)

The social pressure against women exercising rights to property is greater in rural areas. A 2012 Jordan Demographic and Health Survey showed that married women in urban areas (e.g. those in the Central region and Amman, not living in Badia areas or refugee camps) were more likely to own a house than married women in rural areas. More generally, married women with higher levels of education or wealth and of a greater age are more likely to own property.[[78]](#footnote-78)

* + - 1. Exclusion or pressure by men

Though there are legal protections for women’s rights to inheritance, female heirs can face pressure to relinquish this right. This can be both through physical violence and through more subtle coercion. For instance, male heirs may offer their female counterparts “gifts” in exchange for property rights. A study by the Jordanian National Forum for Women in the Governorate of Irbid found that 74% of women in the governorate did not enjoy their full inheritance rights and 15% voluntarily relinquished their inheritance rights,[[79]](#footnote-79) so this is still a practical obstacle for women in Jordan.

Women also face social stigma if they challenge violations in inheritance law, meaning that few apply to the courts to protect their rights.[[80]](#footnote-80)

* + - 1. Lack of knowledge

While there have been improvements in the law (e.g. Article 319 of the Jordanian Personal Status Law requires a real estate lawyer to inform all heirs of their inheritance), greater awareness of women's property rights is still much needed.[[81]](#footnote-81) Studies have shown that many women lack knowledge of their rights to inheritance or details surrounding the division of inheritance (in that they may be entitled to equal or more assets than their male counterparts), which is a practical barrier to enforcing their rights.[[82]](#footnote-82)

* 1. Indigenous groups
		1. **Is indigenous customary ownership (or custodianship) of land legally recognised?**

See Section 2.3 above on customary ownership.

* + 1. **Does customary ownership provide indigenous people with a high degree of security of tenure?**

See Section 2.3 above on customary ownership.

* + 1. **If not, what are the barriers to indigenous people living on or owning their land?**

Since there is no customary ownership in a formal legal sense, this question is not relevant, save to the extent that informal sales still occur underneath the formally owned and registered land and property rights. Where sales are not registered with the DLS, they will not be considered valid (even if a group possesses customary title (*hiija*)). Although most tribes still have some control over their lands, their rights are not officially recognized by the national government. This does not prevent tribes from living harmoniously, as they have for centuries, but the lack of ownership (even in the custodial sense) has eroded incentives for indigenous people to preserve the land.

* + 1. **Is there conflict between indigenous groups regarding land ownership?**

There is no evidence of any such conflict.

* + 1. **If so, to what degree? Are there mechanisms for resolving these conflicts?**

N/A.

* 1. Minority groups
		1. **Can minority groups (i.e. ethnic minorities, immigrants and stateless people) legally own and/or rent land and housing?**

Though all Jordanians are equal under the Constitution, this is not the case for foreign nationals living in Jordan, especially immigrants, refugees, and non-citizen families of Jordanian women. For the avoidance of doubt, people of other Arab nationalities that are not Jordanian, are not considered as a Jordanian under the Constitution.

Syrian refugees, as a group, have perhaps the lowest level of security of tenure in Jordan. While registered refugees number 756,551 as of April 2019[[83]](#footnote-83) (although the actual number is estimated to be much higher at around 1.3 million for Syrian refugees alone[[84]](#footnote-84)), only 10% of them live in camps. Nearly 70% do not have security of tenure.[[85]](#footnote-85) Many rent properties without basic rental contracts, leaving them vulnerable to eviction.

As noted in Section 2.4 above, there are many other refugee groups in Jordan, in fact the UNHCR estimates there are around 57 different refugee nationalities in Jordan.[[86]](#footnote-86) Each group faces their own challenges especially since Syrian refugees are often prioritised in the distribution of humanitarian resources.[[87]](#footnote-87) For instance, Sudanese refugees are banned from formally entering the labour market and their income stream is unstable, which means their access to secure housing is limited and they are at the mercy of landlords, who are able to evict them without notice.[[88]](#footnote-88) There is a lot of competition for housing close to the UNHCR office in Amman and there have additionally been reports of Sudanese refugees facing racism and distrust and therefore finding it difficult to find a landlord that will rent to them.[[89]](#footnote-89) Tenure for Sudanese migrants in Jordan is therefore extremely precarious.

A further group of refugees is Palestinian refugees, specifically Gazans in Jordan. Unlike West Bank Palestinians, Gazan Palestinians have not been given Jordanian citizenship which was justified under the guise of preserving the refugees' rights of return.[[90]](#footnote-90) In reality, this deprives Gazans of many of the rights described in earlier sections of this report. Most Palestinian refugees reside in one of the ten UN recognised refugee camps and three informal settlements as noted in Section 2.4 above.[[91]](#footnote-91) These camps are overcrowded and living conditions are dismal.

As described in section 2.4 above, the Dom gypsy community in Jordan mostly live in tents on the outskirts in the East of Amman with little access to water or electricity. Much of the community is nomadic or semi-nomadic and move to the Jordan Valley during the winter month. Though this group have full rights under the constitution and are in theory in a better position than those who are not Jordanian citizens, the realisation of any rights is lacking and social exclusion remains problematic for this group.

* + 1. **If so, are they subject to special conditions or restrictions?**
			1. Children and foreign national spouses of Jordanian women residing in Jordan

In this situation, the woman has to be attached to all the property.[[92]](#footnote-92) Land laws are so restrictive that all property must be registered in the woman's name. Their children and spouses who are foreign nationals cannot acquire property without obtaining approval from the Minister of Finance (or other relevant Minister). Even after this, it is difficult to sell on the property. For the avoidance of doubt, Jordanian women are able to transfer property to other Jordanian citizens as normal.

* + - 1. Non-Jordanian foreigners

Non-Jordanian prospective landowners have to obtain approval from the Minister of Finance before they can purchase residential or commercial property in Jordan (according to the Law of Sale and Leasing of Immovable Assets to Non-Jordanian and Judicial Persons (No. 47 of 2006)). This law also restricts the period of tenure of a leasehold to one three-year period, with an option to extend tenure for another three years. A further condition is that there must be reciprocal property ownership rights in their home state. In practice, foreigners who can afford to purchase or lease a property are likely to be granted permission to do so.

* + - 1. Refugees

Many refugees rent property in Jordan if they can afford it. Those who cannot afford it often end up in informal settlements where they do not have a legal right to own or occupy the property. There are now programmes where a group of prospective renters can negotiate with a landowner to upgrade houses in exchange for a rent-free right to occupy a property legally for 12 to 24 months. This is a programme that is predominately used by refugees who cannot afford to pay market rent, to enable them to have a place to live. The arrangement will be documented by a formal agreement and registered with a local authority, providing protection from eviction.[[93]](#footnote-93)

As mentioned above in Section 2.4, the rules and contractual arrangements in the established Palestinian and Syrian refugee camps are not publically available. However, realistically, it is not likely that the inhabitants will have any legal right to title (under Jordanian law) to the houses or shelters that they live in.

* + 1. **In practice, do minority groups legally own and/or rent land and housing? If not, why not?**

See Section 2.3 on customary ownership and Section 2.4 on informal settlements above. A number of vulnerable Jordanians and refugees live in urban areas and legally rent housing units with the assistance of cash-for-rent aid from NGOs. However as to the refugee camps, even where these have evolved into semi-permanent settlements, the refugees still lack land and property rights and could potentially be subject to lawful eviction from their homes.

* 1. Landless people/squatters
		1. **Do landless people/squatters have rights to land and/or housing (e.g. adverse possession)? If so, are those rights respected?**

See Section 2.3. There are still many informal settlements in Jordan but these do not provide secure property rights for tenants as the relevant legal right still lies with the owner of the land (either the State or a private owner). Informal sales and transfers of land are not recognised as legally valid unless registered with the DLS.

* 1. General questions
		1. **Are there any other persons or groups that face difficulties in accessing or maintaining secure tenure (for example, due to internal displacement)?**

N/A: there has not been any internal displacement in Jordan. Please see sections 2.4, 3.3 and 3.4 above for discussion on Dom gypsies in Jordan.

1. Eviction, Expropriation and Relocation
	1. Eviction
		1. **Are there laws or regulations prohibiting forced evictions?**

Article 9(ii) of Jordan's Constitution provides for a general right not to be evicted: "*No Jordanian may be prevented from residing at any place, or be compelled to reside in any specified place, except in the circumstances prescribed by law*".[[94]](#footnote-94) Note that this right is provided only to Jordanians. It does not extend to any foreigners.

The circumstances in which one may be evicted are contained on a general level in the Civil Code and on a more specific level in the Landlord-Tenant Law.[[95]](#footnote-95) In event of a conflict between the two, the latter takes precedence over the former.[[96]](#footnote-96) Unlike the Constitution, there is no indication that the application of these two laws is limited to Jordanians.

As detailed in Section 2.1(b)(iii), the Civil Code requires landlords to provide tenants a guarantee of undisturbed possession (or else face liability) and grants tenants the right to exclusive possession.[[97]](#footnote-97) However, tenancy contracts are bilateral contracts under the Civil Code such that a failure by one party to perform a material part of its consideration excuses the other party from performing its obligations. Further, the Civil Code allows landlords to terminate tenancies for "*good cause*", a phrase which is not legislatively defined. Landlords who terminate tenancies for "*good cause*" must pay compensation to tenants but need not provide any notice in order to terminate.[[98]](#footnote-98)

The Landlord-Tenant Law contains specific grounds for termination, listed in Section 2.1(c). If a landlord wishes to terminate a lease on grounds of non-payment of rent, they must serve notice: "*Upon non-payment of the prescribed rent, wholly or partially, a legal notification should be served upon the tenant and within 15 days a legal action of ejection can be brought by the landlord before courts.*" However, if their tenant has failed to pay rent three or more times in the past, they are not required to give any notice before evicting their tenant.[[99]](#footnote-99)

* + 1. **In practice, are those laws adhered to?**

Eviction proceedings brought under the Landlord-Tenant Law must be conducted in accordance with Jordan's procedural code. This is a time-consuming, complex and expensive process: the average eviction case reportedly takes 137 days and requires 22 procedural actions from filing to enforcement.[[100]](#footnote-100) In addition, decisions in eviction cases, which are heard in the Magistrate's Court, may be appealed to the Courts of Appeal and finally to the Court of Cassation, lengthening the eviction process further still. As a result, landlords often strike deals with tenants rather than go through formal eviction processes.[[101]](#footnote-101)

* 1. Expropriation
		1. **Are there laws or regulations permitting the government to expropriate land?**

Article 11 of the Constitution provides for a general right against expropriation, with a public utility carve-out: "*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 law.*"[[102]](#footnote-102) Note that this right is also provided only to Jordanians. It does not extend to foreigners.

The Investment Law (No. 30 of 2014) and the Land Acquisition Law (No. 12 of 1987) also contain provisions on expropriation.[[103]](#footnote-103)

The Investment Law, which does not specifically pertain to residential land, states that “*ownership of any economic activity may not be removed or be subjected to any procedures that would result in the same, unless it is expropriated for the public benefit, on the condition that fair compensation is to be paid to the investor, in a currency, which may be exchanged without delay.*”

Similarly, Articles 3 and 9 of the Land Acquisition Law state that land may be expropriated provided that:

* + - 1. it is for public benefit;
			2. there is fair and just compensation; and
			3. there is direct negotiation between the purchasers or public benefit project and the landowners until agreement is reached. If no agreement is reached, cases are referred to the Magistrate's Court and may be appealed to higher courts if necessary.

Articles 11 to 26 further provide for the proper amount of compensation for expropriated land to be based on: the amount of land confiscated; the purpose of confiscation; the percentage of land confiscated; and the status and size of the leftover land.

* + 1. **If so, are those laws or regulations applicable in the context of a disaster?**

The phrases "*public utility*" and "*public benefit*" are not defined in legislation or guidance, but we expect they would extend to disaster situations.

* 1. Relocation
		1. **Are there laws or regulations governing relocations?**

Article 9 of the Constitution prohibits deportations from Jordan and relocations within Jordan: "*(i) No Jordanian may be deported from the territory of the Kingdom. (ii) No Jordanian may be prevented from residing at any place, or be compelled to reside in any specified place, except in the circumstances prescribed by law.*"[[104]](#footnote-104)

This right is provided only to Jordanians and therefore does not extend to Syrian refugees, who are a vulnerable group that may be in greatest need of it.

Further, in practice, it is not only state law that matters, but also the tribal law of the Bedouin tribes. Tribal law continues to be applied in many parts of Jordan, including by those in urban areas with tribal affiliations and non-Muslims with tribal affiliations. The state justice system often defers to it (particularly where both parties agree to apply tribal law) and the police system cooperates with tribal leaders. Further, male members of the royal family and members of Parliament often act as tribal mediators and arbitrators.[[105]](#footnote-105)

Relocations may occur as part of the tribal peace and dispute resolution process. If a serious crime (i.e. one involving damage to life, limb or honour) is committed, the perpetrator and his family going back three generations must relocate to a different area to avoid the victim's family taking revenge against them and a conflict thereby ensuing. This process is known as *jalwa*. The length of the *jalwa* may be a mere few weeks or it may be a number of years. It depends on the seriousness of the crime, whether or not the two families reach a settlement under the overarching peace and dispute resolution process, and the terms of this settlement. Sometimes, instead of *jalwa*, the two families may declare a temporary truce or cease-fire (*atweh*) before the peace and dispute resolution process has begun. Temporary relocationmay be – but is not always – a condition for *atweh*. The actual relocation is often supervised by the police to prevent bloodshed.[[106]](#footnote-106)

Given that *jalwa* extends to three generations of the perpetrator's family, it can involve mass relocations and therefore be disruptive to the family's shelter, schooling, health and community.[[107]](#footnote-107) To mitigate these disruptive effects, a draft amendment to the Criminal Prevention Law 2016 proposes that *jalwa* be limited to the perpetrator's immediate family, i.e. their parents and children, and last for one year with any extensions subject to approval by a civil administrator.[[108]](#footnote-108)

* + 1. **Are there any other laws or regulations (ie, human rights instruments) that are applicable to relocations?**

It is unclear whether any laws have been passed prescribing the circumstances in which a person may be compelled to relocate as envisioned by Article 9(ii) of the Constitution.

However, in practice, an example of relocation is the evacuation and relocation of residents of several buildings in Jabal Al-Jofeh. After cracks appeared in one building, the General Directorate of Civil Defence (see Section 5.2) relocated local residents to furnished apartments, aided by the police, social development officials, CARE Jordan, and the Islamic Charitable Centre. The buildings later collapsed.[[109]](#footnote-109)

* 1. Compensation
		1. **Are there laws or regulations providing compensation for people who are relocated, forcibly evicted, or whose land is expropriated?**

As stated in Section 4.1(a), landlords who do not guarantee their tenants' exclusive possession (for example, by forcibly evicting them) face liabilityunder the Civil Code.[[110]](#footnote-110) Similarly, the Civil Code, the Investment Law and the Land Acquisition Law require fair or just compensation to be paid when land is expropriated.

As it is unclear whether there are any laws prescribing the circumstances in which people may be relocated, it is also unclear whether they are required to be compensated in such cases.

* + 1. **In practice, are these laws or regulations adhered to?**

We have found no information on the workings of these laws in practice.

* 1. Shelter cluster
		1. **Is there an active shelter cluster in Jordan?**

There is no active shelter cluster in Jordan operated by Shelter Cluster, the global organisation.[[111]](#footnote-111) However, as detailed in Section 5.3, there is a separate Shelter Working Group which is co-chaired by the UNHCR and the Norwegian Refugee Council.

* + 1. **If not, has the shelter cluster been activated during any previous disasters?**

We have found no indication that a shelter cluster has ever been activated in Jordan by Shelter Cluster during any previous disasters.

1. National Framework and Actors
	1. Are there laws/regulations/policy guiding shelter provision in disaster response and recovery?
		1. **Laws and regulations**

Jordan has three sets of laws on disaster response and recovery, accompanied by a number of ancillary laws.

First, Article 124 of the Constitution provides for the enactment of a “Defence Law” in the event of an emergency necessitating the defence of the Kingdom, providing such powers to such persons as are specified therein to take actions and measures necessary to ensure the defence of the Kingdom, including suspension of ordinary laws.[[112]](#footnote-112) Jordan accordingly enacted the Defence Law (No. 13 of 1992). This law only becomes active if (a) there are wars, a state leading to them, internal armed uprising, general disasters, or outbreak of a plague or epidemic, and (b) a Royal Decree is issued based on a decision of the Council of Ministers. The Defence Law grants the Prime Minister a variety of powers, including the power to seize property, capture buildings, and establish works on them or manage or utilise or regulate their use.[[113]](#footnote-113)

Second, Article 125(i) of the Constitution makes provisions in respect of more serious emergencies: “*In the event of an emergency of such a serious nature that action under the preceding Article of the present Constitution will be considered insufficient for the defence of the Kingdom, the King may by a Royal Decree, based on a decision of the Council of Ministers, declare martial law in the whole or any part of the Kingdom.*” The Article also provides that when martial law is declared the King may issue by decree such orders as may be necessary for the defence of the Kingdom, notwithstanding any other laws.[[114]](#footnote-114)

Finally, the Civil Defence Law (No. 18 of 1999) created the Higher Council for Civil Defence (“**HCCD**”). It authorises the HCCD to manage and face 'emergency cases', defined as any unordinary or sudden cases which are (a) faced by the Kingdom or any part of it, and (b) announced by the Prime Minister. As part of its responsibility for setting up general shelters in Jordan, the HCCD is given the power to seize real estate and buildings necessary to set up such shelters.[[115]](#footnote-115)

The ancillary laws which support the above major sets of laws are: the Municipalities Law (No. 29 of 1955), the Public Security Law (No. 38 of 1965), the Jordan National Red Crescent Society Law (No. 3 of 1969), the Jordanian National Construction Law (No. 7 of 1993), and the Jordanian Armed Forces Temporary Law (No. 64 of 2001).[[116]](#footnote-116)

* + 1. **Policies**

The major policy effort in this area is Jordan’s National Natural Disaster Risk Reduction Strategy 2019 – 2022, which was devised by the National Center for Security and Crises Management (“**NCSCM**”).[[117]](#footnote-117) Despite the name, this strategy also touches upon disaster response and recovery and mentions housing and shelter.

At a more high level, the Government had also come up with a National Resilience Plan 2014 – 2016. This plan included two aims to relieve stress on housing in Jordan in the wake of the Syrian refugee crisis. These were to: (a) bring new residential units onto market, and (b) implement a large-scale affordable housing programme to assist refugees and low-income Jordanian families.[[118]](#footnote-118)

* 1. Which government agency takes the lead in housing/land/shelter issues in peace time and in disasters?

In peace time, housing, land and shelter issues fall under the remit of the Housing and Urban Development Corporation.[[119]](#footnote-119) There is also a Ministry of Public Works and Housing but its focus is on public works and not on housing.[[120]](#footnote-120)

There is no one central disaster response agency, but in practice, the HCCD is treated as the coordinating agency for policy and action. The HCCD is a joint effort between the Ministry of the Interior and the General Directorate of the Civil Defence (“**GDCD**”). The Minister of the Interior acts as the Chair (and takes a more strategic policy role) and the GDCD acts as the Vice-Chair (and takes a more operational role, being a paramilitary organisation which reports to the Ministry of the Interior). The rest of the members of the HCCD are various government agencies and ministries and third party organisations involved in disaster response and recovery.[[121]](#footnote-121)

In addition, the NCSCM plays an overarching role of strategic management of crises and integration and coordination of the various governmental agencies’ efforts across all types of crises.[[122]](#footnote-122)

* 1. What other government agencies are involved in shelter issues in disaster response?

In relation to the Syrian refugee crisis specifically, the Syrian Refugee Affairs Directorate manages Za'atari and Azraq, the two largest refugee camps in Jordan, with the assistance of the Ministry of Public Works and Housing.[[123]](#footnote-123)

The GDCD’s National Comprehensive Plan for Encountering Emergencies & Disasters gives further details of agencies which are involved in shelter issues in disaster response. This Plan is from 2003 but there is no indication that the information within it has changed:[[124]](#footnote-124)

* The Ministry of Public Works and Housing (as mentioned above);
* The Ministry of Finance (financing of shelters);
* The Jordanian Armed Forces (active in shelter and relief operations);
* The Public Security Directorate (active in rescue, evacuation and subsequent sheltering);
* The Ministry of Higher Education (which can use universities as shelters);
* The Ministry of Education (which can use schools as shelters);
* The Ministry of Social Development (which organises shelters for old people, the homeless, juveniles, and children in need of care and protection);[[125]](#footnote-125)
* The Ministry of Religious Endowment (which can use mosques as shelters);
* The Highest Council of Youth (which can use youth clubs and centres as shelters); and
* The Ministry of Culture (which can use its clubs and centres as shelters).
	1. Is there a shelter cluster in Jordan? If so, how does this function?

See Section 4.5 above.

* 1. Does IFRC or the Host NS have recognised role in shelter in Jordan?

The IFRC operates in Jordan through the Jordan National Red Crescent Society, which is a constituent member of the HCCD.[[126]](#footnote-126) It played a role in sheltering Iraqi refugees in Jordan from 2003 onwards. While it has not provided shelter for Syrian refugees in Jordan, it has provided them with cash assistance which has enabled many of them to obtain housing.[[127]](#footnote-127)

* 1. In previous disasters, were beneficiaries of shelter assistance required to provide proof of security of tenure? If so, which actors required proof and what type of evidence was necessary?

There is no evidence to make clear whether beneficiaries of shelter assistance have previously been required to provide proof of security of tenure.

* 1. What is the breakdown of the different forms of tenure identified in Stage One? If possible, please provide statistics and identify differences between urban and rural areas.

See Section 2.1(d). Statistical data as to the breakdown of the different forms of tenure for 2018 and 2019 is not available. However the 2015 census conducted by the Jordanian government showed the following:[[128]](#footnote-128)

|  |  |  |  |
| --- | --- | --- | --- |
|  | Urban | Rural | Total (across Jordan) |
| Property owned by household or household member | 983,152 | 140,195 | 1,123,347 |
| Rented (Furnished / Unfurnished) | F: 31,688U:486,850 | F: 663U: 20,518 | F: 32,351U: 507,368 |
| Owned by relative | 40,985 | 4,400 | 45,385 |
| Provided in return for work | 29,924 | 5,455 | 35,379 |

Most freehold land (and much of the population) is concentrated in the west, particularly in the heavily urbanised northwest centring around Amman, while the eastern regions, which are rural and mainly arid desert land, are mostly made up of treasury lands or waste land (see Section 2.1(b) above).[[129]](#footnote-129) As discussed in Section 2.3 above, while treasury lands technically belong to the state, the Bedouin tribes which had previously installed their own system of land tenure and grazing rights continue to make transactions of property rights outside of the legally recognised land registration system.

* 1. Are there in-country agencies active in working in HLP rights, or who could assist with understanding further information on HLP rights?

In addition to CARE Jordan, which provides shelter assistance indirectly (such as through its cash for rent programme), other agencies in Jordan active in working in HLP rights include the Norwegian Refugee Council (NRC) and the UN High Commission for Refugees (UNHCR). Together, the two agencies co-chair the Shelter Working Group which aims to provide Syrian refugees in Jordan with adequate shelter and housing, including creating refugee housing units.[[130]](#footnote-130) The NRC also provides shelter and settlements for vulnerable Jordanians, advises on housing rights, evictions and landlord-tenant disputes, and operates the Urban Shelter Project to provide rent-free housing for Syrian refugees.[[131]](#footnote-131) Other agencies, such as the International Catholic Migration Commission (ICMC), Caritas, Première Urgence Internationale, Medair, International Orthodox Christian Charities (IOCC) and Intersos also distribute cash-for-rent aid, primarily for Syrian refugees, with a minority of beneficiaries being deprived Jordanian households.[[132]](#footnote-132)

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