

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

THE PERMANENT MISSION OF
THE HASHEMITE KINGDOM
OF JORDAN
GENEVA

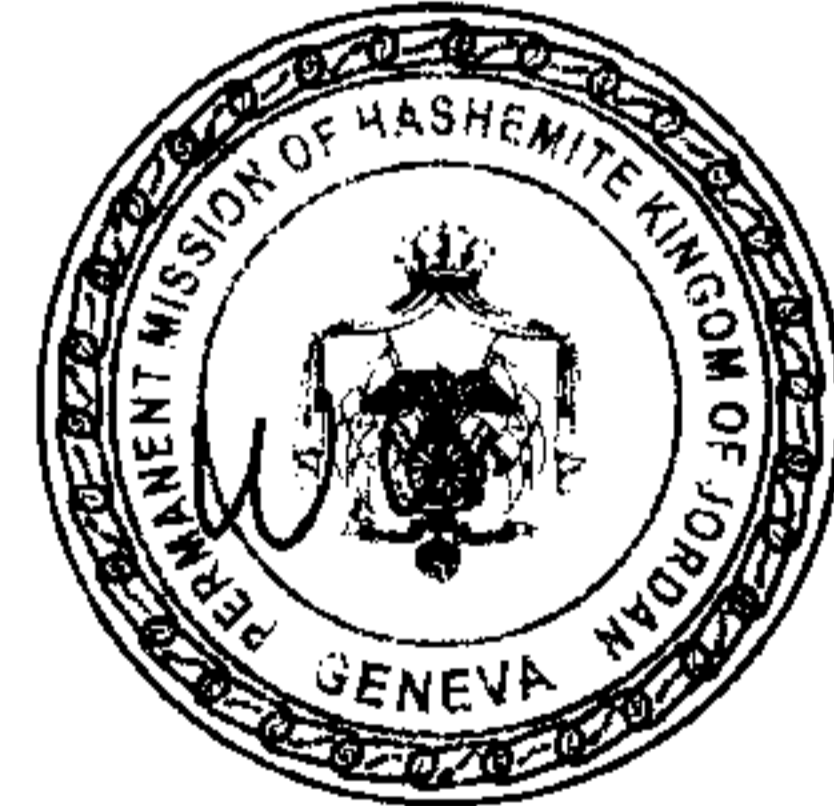


البعثة الدائمة
المملكة الأردنية الهاشمية
جنيف

Ref: MD-- 2-1-264

The Permanent Mission of the Hashemite Kingdom of Jordan to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights in Geneva and with reference to the latter's letter dated 28th November 2019, regarding the request of Mr. Léo HELLER, UN Special Rapporteur on the human rights to safe drinking water and sanitation, has the honour to enclose herewith a copy of the response from the competent Jordanian authorities to the questionnaire in relation to resolution 33/10 of the Human Rights Council.

The Permanent Mission of the Hashemite Kingdom of Jordan to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights in Geneva of its highest consideration.



Geneva, 10th January 2020

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Mandate of the Special Rapporteur on the human rights to safe drinking water and sanitation

Questionnaire

The Special Rapporteur's thematic report to the General Assembly to be presented in October 2020 will focus on privatization and the human rights to safe drinking water and sanitation. For general guidance, the following table summarizes the limits of the report scope, clarifying what situations will or will not be included on it:

The scope of this report includes:	The scope does NOT include :
<input checked="" type="checkbox"/> Private sector actors (for-profit organizations)	<input checked="" type="checkbox"/> Non-profit organization that undertake service provision <input checked="" type="checkbox"/> Informal service providers <input checked="" type="checkbox"/> Community-led service provision <input checked="" type="checkbox"/> State-owned enterprises
<input checked="" type="checkbox"/> Enterprises that government owns capital and shares in, but where a large proportion of shares are owned by private investors.	<input checked="" type="checkbox"/> State owned-enterprises, i.e., any corporate entity in which the government owns almost all the capital or the voting shares
<input checked="" type="checkbox"/> Private sector participation with specific focus on service provision	<input checked="" type="checkbox"/> Private sector participation in subsidiary activities across the whole water and sanitation cycle by, inter alia, supplying materials and equipment, developing engineering designs and building infrastructure
<input checked="" type="checkbox"/> Impact of remunicipalization and risk of private sector participation	<input checked="" type="checkbox"/> Comparative analysis on risks and advantages of water and sanitation provision by public and private entities
<input checked="" type="checkbox"/> Both water and sanitation services	
<input checked="" type="checkbox"/> Assess the level of risks and reasons behind those risks that private sector participation brings when for-profit organizations are heavily involved in service provision	<input checked="" type="checkbox"/> Whether human rights dictates a specific type of model or service provision



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Questionnaire - State

The Special Rapporteur would welcome answers to the following questions:

Current situation and trends

1. How does the private sector participate in water and sanitation provision in your country? Please clarify the modalities of relationship with the different tiers of government and types of contracts. Please provide information separately for water service provision and sanitation service provision.

Private sector participated in the implementation and operation of wastewater treatment plant, called As-Samra TWWP. In addition, private sector participated in DISI project, it is a ground water basin common between Jordan and Saudi Arabia, the company is responsible for conveying water from the basin to the governorates and localities in the middle of the country, operations are coordinated directly with the government body.

2. If there is no provision of water and sanitation by private entities in your country, please clarify the rationale behind such policy.

Water is provided through governmental companies, this is due to two reasons: sensitivity and scarcity of water resources in Jordan, in addition to the transition from governmental provider to governmental utilities, this is not a sudden movement to private provider.

3. How has the level of involvement of private providers in water and sanitation evolved in the last decades?

Level of involvement of private sector providers in water and sanitation is related to building facilities such as treated wastewater plant, conveying water, operation and maintenance, this was not the case in the past; participation of private sector was so limited in the previous decades.

4. What are the expectations of your Government about the level of involvement of private providers in the short, medium and long terms? If there is a trend of increasing or decreasing private provision, please clarify the underlying reasons.

The government is looking forward and exploring horizons for new opportunities to involve private sector in water and sanitation projects and provision of services for optimization of the efficiency of the overall sector and its inter-linkages with other sectors such as energy, food and agriculture.

5. Please provide detailed information on legislation concerning participation of the private sector in water and sanitation (please highlight whether the legislation of your country encourages, allows for or prohibits this to occur) and concrete examples of related instruments and mechanisms.

Public-private partnership (PPP) orientation has shed its light on water sector in Jordan; these partnerships aim to mobilize financial resources for investment and introducing new water projects and finding new water resources. The working legislation for PPP of 2014 is general and pertains all sectors; it is being reviewed and updated to come up with the 2020 version which is expected to cope with external, micro and macro changes.



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Private provision

6. In the event the private sector is involved in provision of water and sanitation services, what process has your Government (also if the decision was taken by a former executive) taken prior to the decision to adopt this model of provision? What types of concerns have been considered in such decisions?

Private sector does not provide water and sanitation in a systematic manner or under a certain model. Water and sanitation delivery in Jordan is a public service.

7. How has the private sector contributed to the realization of the human rights to water and sanitation in your country? What kind of drawbacks and risks does your Government identify and what instruments are available to overcome them?

Water and sanitation in Jordan is a basic human right and public service guaranteed by the government.

8. What would be the necessary conditions for an enabling environment for the realization of the human rights to water and sanitation by private service providers? How could eventual risks to the fulfillment of those rights be mitigated?

Water and sanitation in Jordan is a basic human right and public service guaranteed by the government.

9. How have courts ruled regarding alleged human rights infringements by private water and sanitation service providers? What are legal remedies for users' complaints regarding any aspect of alleged violations of the human rights to water and sanitation when private sector are in place?

Water sector infringements for water and sanitation human rights: No foreseen cases in this regard.

10. Who defines performance for private operators? Who oversees the prioritization of those unserved or underserved? Please clarify how regulation takes place when there is private provision.

The regulator is the Ministry of Water and Irrigation / Water Authority of Jordan.

11. What types of specific policies are in place to ensure affordability and sustainability when there is a private provision?

Affordability and sustainability are the functions of government, but in case of individual shops selling water bottles, arbitrations are done individually as a standard commodity through Ministry of Water and Irrigation, Ministry of Health and municipalities.

12. In the case of private provision, who finances service expansion to the poor? Who finances infrastructure renewal?

Not Applicable.

13. To what extent does the private actor bring its own financial resources to the service?

Not Applicable.



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14. With climate change, many countries are facing problems related to water availability. What are the responsibilities of private providers on addressing risks of supply disruption due to water scarcity?

In case of supply disruption, due to water scarcity, private suppliers (e.g. tankers) sell water for money, but they don't bear the responsibility of provision.

15. Has your country faced any documented case of corruption involving private sector provision of water and sanitation services?

There are no contracts for such provision; corruption is not applicable.

Remunicipalization

16. What are the legal means available to a local government when it is dissatisfied with the performance of a private service provider?

Not Applicable.

17. Has your country experienced cases of remunicipalization? Why and how has it occurred? What types of difficulties has the public authority faced to establish the new municipal provider? Please, provide details of those processes.

Not Applicable.