

Water Governance Benchmarking Criteria

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A. GOVERNANCE FUNCTIONS

1. Organizing and building capacity in the water sector

- 1.1 Creating and modifying an organizational structure [1, 2, 3](#)
- 1.2 Assigning roles and responsibilities [4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15](#)
- 1.3 Setting national water policy
- 1.4 Establishing linkages among sub-sectors, levels, and national sub-regions [16, 17](#)
- 1.5 Establishing linkages with neighboring riparian countries [18, 19](#)
- 1.6 Building public and political awareness of water sector issues [20, 21](#)
- 1.7 Securing and allocating funding for the sector [22, 23](#)
- 1.8 Developing and utilizing well-trained water sector professionals [24](#)

2. Planning strategically

- 2.1 Collecting, managing, storing and utilizing water-relevant data [25, 26, 27](#)
- 2.2 Projecting future supply and demand for water
- 2.3 Designing strategies for matching expected long-term water supply and demand and dealing with shortfalls (including drought mitigation strategies)
- 2.4 Developing planning and management tools to support decision making

3. Allocating water

- 3.1 Awarding and recording water rights and corollary responsibilities
- 3.2 Establishing water and water rights transfer mechanisms
- 3.3 Adjudicating disputes
- 3.4 Assessing and managing third party impacts of water and water rights transactions

4. Developing and managing water resources

- 4.1 Constructing public infrastructure and authorizing private infrastructure development
- 4.2 Forecasting seasonal supply and demand and matching the two
- 4.3 Operating and maintaining public infrastructure according to established plans and strategic priorities
- 4.4 Applying incentives and sanctions to achieve long and short term supply/demand matching (including water pricing) [28, 29](#)
- 4.5 Forecasting and managing floods and flood impacts

5. Regulating water resources and services

- 5.1 Issuing and monitoring operating concessions to water service providers
- 5.2 Enforcing withdrawal limits associated with water rights
- 5.3 Regulating water quality in waterways, water bodies, and aquifers (including enforcement) [30, 31, 32, 33, 34](#)
- 5.4 Protecting aquatic ecosystems [35, 36, 37](#)
- 5.5 Monitoring and enforcing water service standards

B. GOVERNANCE PROCESS CHARACTERISTICS

1. **Transparency.** 38, 39
2. **Participation.**
3. **Accountability and Integrity.** 40, 41, 42
4. **Rule of law.**
5. **Coherency and Integration.**
6. **Responsiveness.**

C. CROSS CUTTING CATEGORIES

1. **Water Sources**
 - 1.1 Surface water 43, 44
 - 1.2 Groundwater
 - 1.3 Derivative water (reclaimed, reused, desalinated)
2. **Water Uses**
 - 2.1 Irrigation
 - 2.2 Municipal
 - 2.3 Industrial
 - 2.4 Environmental 45, 46
 - 2.5 Hydropower
 - 2.6 Fisheries, navigation, recreation
 - 2.7 Other uses (including social, esthetic, and religious uses)

ENVIRONMENTAL PROTECTION LAW NO. 52 OF 2006

Article 1:

This law shall be cited as the Environmental Protection Law of 2006[], and shall be effective as of the date of its publication in the Official Gazette.

Article 2:

The following terms and expressions, wherever appearing in this Law, shall have the meanings assigned thereto below, unless the context provides otherwise:

The Ministry: The Ministry of the Environment.

The Minister: The Minister of the Environment.

The Secretary General: The Secretary General of the Ministry.

The Environment: The surroundings that include living and non-living beings and matter and all of the components of the surroundings in terms of air, water and earth and the interaction thereof, and things erected by Man thereon.

Elements of the Environment: The air, water and earth and all of the components thereof.

Pollution: Any change in the Elements of the Environment that may lead, directly or indirectly to harming the Environment, or negatively affecting its elements or affecting Man's exercise of his natural life, or upsetting the natural balance.

Deterioration: An effect on the Environment that reduces its value or spoils its nature or bleeds its resources or harms living beings or archeological remains.

Environmental Protection: Protection of the components and Elements of the Environment and improvement of same and prevention of the deterioration or pollution thereof or the reduction thereof to within the safe pollution thresholds, and these components include the air, the water, the soil, natural beings and Man, and the resources thereof.

Sustainable Development: Development that utilizes natural resources in a manner that maintains them for future generations and protects environmental integration and does not cause the deterioration of the Elements and components of the ecosystems and do not upset the balance thereof.

Technical basics: A document which sets out the characteristics of a service or product, methods of production and management systems, and it may also include the technical terms, symbols, data, packaging and placement of marks, and the requirements of the specifications list applicable to the products or which is limited to any of them, and with which compliance shall be compulsory.

The Court: The competent court.

Article 3:

A- The Ministry is deemed the competent party to protect the Environment in the Kingdom and the official and public bodies shall execute the instructions and decisions issued by virtue of the Law and the regulations issued by virtue thereof, at the risk of legal liability as provided for herein and in any other legislation. ⁴

B- The Ministry is deemed the competent reference at the national, regional and international levels as regards all environmental matters and affairs, in cooperation and coordination with the competent parties. ¹⁶

Article 4: ⁵

For the purpose of achieving the goals of environmental protection and the improvement of its various Elements in a sustainable manner the Ministry, in cooperation and coordination with the competent parties, shall carry out the following duties:

A- Setting a general policy for environmental protection, and preparing the plans, programs and projects necessary to achieve Sustainable Development.

B- Preparing the specifications and standards for the Elements and components of the Environment.

- C- Monitoring and measuring the elements and components of the Environment and follow-up thereof through scientific centers authorized by the Ministry in accordance with set standards. ²⁵
- D- Issuing environmental instructions necessary to protect the Environment and its components and the conditions to establish agricultural, development, commercial, industrial, housing, mining and other projects and all services relating thereto for compliance therewith and the adoption thereof within preconditions for the licensing or renewal of licensing thereof in accordance with the legal principles in force.
- E- Monitoring and supervision of public and private corporations and bodies including companies and projects to ensure their compliance with environmental specifications and measurements and the set technical standards.
- F- Conducting research and studies related to matters of the Environment and the protection thereof. ²⁶
- G- Setting the principles (basics) of the handling of materials harmful and hazardous to the Environment, and the collection, classification storage, transportation, destruction and disposal thereof in accordance with regulations issued for that purpose. ^{30, 35}
- H- Coordinating national efforts aimed at protecting the environment including setting a national strategy for awareness, education and environmental contact, and to transfer, utilize and provide environmental data and take the measures necessary for that purpose. ²⁰
- I- Approving the establishment of national reserves and parks and the management, monitoring and supervision thereof.
- J- Preparing environmental emergency plans.
- K- Issuing publications related to the Environment. The Ministry is the competent party to issue reports on the state of the Environment in Jordan. ^{6, 21, 38}

L- Improving relations between the Kingdom and the Arab, regional international states, authorities and organizations in matters related to protection of the Environment and recommending the joining thereof and following up the execution thereof. ¹⁸

Article 5:

The Ministry, in cooperation and coordination with the bodies concerned with environment matters on the local, Arab and international levels, shall be responsible for protecting the Elements and components of the Environment from pollution and shall endeavor to execute agreements concerning Environment matters. ^{7, 19}

Article 6: ^{31, 36}

A- Materials prohibited from being entered into the Kingdom shall be set by instructions issued by the Council of Ministers upon the recommendation of the Minister.

B- Hazardous waste is not permitted to be entered into Jordan. This waste shall be defined by virtue of instructions issued by the Council of Ministers upon recommendation of the Minister.

C- In the event of the discovery of hazardous waste entered into the Kingdom or the entry of any environmental pollutant in an illegal manner, the Ministry, in coordination with the concerned authorities, shall return same to its origin at the expense of the party who entered it into the Kingdom and shall levy fines and recoup costs and losses suffered by the Kingdom.

D- Any person violating the provisions of this Article shall be fined an amount of not less than (20,000) Twenty Thousand Dinars or by imprisonment for a period of not less than 3 years and not exceeding fifteen years, or both. ²⁸

Article 7:

A- For the purposes of this Law, the specialized officer named by the Minister in writing upon the recommendation of the Secretary General shall be granted police powers and he may enter any industrial, commercial, handicraft or agricultural shop or any establishment or corporation or any other entity whose activities may affect in any way the Element and components of the Environment to ensure its

compliance and the compliance of its activities with the standard environmental conditions.

- B- 1- The Minister, upon recommendation of the Secretary General, may notify the establishment or corporation or shop or any other entity in violation, and shall set the period within which the violation must be removed. If the violation is not removed the violator will be referred to the Court.
- 2- The Minister may in emergencies or dangerous situations, on the basis of a technical committee formed for that purpose, issue a decision to remove the violation at the expense of the violator, or provisionally shut down any of the entities referred to in Paragraph 1 hereof before the Court issues its decision.
- C- The perpetrator of any of the violations provided in this Article, after the end of the period of notification and the failure to remove the violation shall be punished by imprisonment for a period of not less than thirty days and not exceeding 3 months or by a fine of not less than Three Hundred Dinars and not exceeding Five Thousand Dinars. In case of a repeat of the violation, the fine shall be doubled. If the violation is repeated a third time, the entity shall be shut down until the violation is removed.

Article 8:

Subject to the provisions of any other legislation, it is forbidden at the risk of legal liability to discharge any material polluting or harmful to the marine Environment in the territorial waters of the Kingdom or on the beach within the boundaries and distances set by the Minister by virtue of instructions issued for that purpose. 32, 37, 43, 45

Article 9: 33

- A- The captain of a ship or vessel or tanker or boat that discharges or pours or empties or dumps any pollutant in the territorial waters or on the beaches of Jordan shall be punishable by imprisonment for a period of not less than one year and not exceeding 3 years or a fine of not less than Ten Thousand Dinars, or both.
- B- A person who perpetrates any of the violations referred to in Paragraph A hereof is obligated to remove the violation within the

period set by the Court. In the event that the perpetrator fails to do so, the Ministry or whoever it delegates shall remove same at the expense of the perpetrator, and shall levy an additional 25% of such expense as administrative costs, and the vessel, ship or boat shall be impounded with all of its contents until all amounts due on it shall be paid.

Article 10:

Any person who picks coral or shells and removes same from the sea or deals therein or causes harm of any form thereto shall be punishable by imprisonment for a period of not less than 6 months and not exceeding one year or by a fine of not less than Ten Thousand Dinars and not exceeding Twenty Five Thousand Dinars, or both.

Article 11: 34, 44, 46

A- 1- It is forbidden to dump, dispose of, or collect any materials harmful to the Environment, whether such materials are solid, liquid, gaseous, radioactive or thermal, in the sources of water.

2- It is forbidden to store any of the materials listed in Paragraph 1 hereof in the proximity of water sources within the safe limits set by the Ministers by virtue of instructions issued for that purpose, including the protection of water basins, in coordination with the concerned parties.

B- Any person perpetrating the acts stated in Paragraph A hereof shall be punishable by imprisonment for a period of not less than 3 months and not exceeding 2 years or by a fine of not less than Ten Thousand Dinars and not exceeding Fifty Thousand Dinars, or both, and shall be obligated to remove the subject of the violation within the period set by the Court based upon a technical report. If the perpetrator fails to meet this obligation, the Ministry or whoever it delegates shall remove such violation at the expense of the perpetrator, and shall levy an additional 25% of such expenses as administrative costs. He shall also be fined an amount of not less than Fifty Dinars and not exceeding Two Hundred Dinars for each day he fails to remove the violation after the end of the period set by the Court for such removal.²⁹

Article 12:

- A- The Minister shall issue instructions for the purpose of defining the sources of noise and specifications for the maximum thereof, and the requirements for compliance with the prevention or reduction thereof to below the minimum environmentally permissible level.
- B- Any person violating the instructions referred to in Paragraph A hereof shall be punishable by imprisonment for a period of not less than one week and not exceeding one month or by a fine of not less than One Hundred Dinars and not exceeding Five Hundred Dinars, or both.
- C- The owner of a vehicle or machine or a person who causes noise shall be fined an amount of not less than Ten Dinars and not exceeding Twenty Dinars.

Article 13:

- A- Every corporation or company or establishment or any entity established after the coming into force of this Law and which conducts activities that negatively impact the Environment is obligated to prepare an environmental impact assessment report for its projects and submit such report to the Ministry to take the appropriate decision in its regard.
- B- The Minister may request any corporation or company or establishment or other entity established prior to the coming into force of this Law and which conducts activities that affect the Environment to prepare an environmental impact assessment report for its projects if so required by environment protection exigencies. ⁴⁰

Article 14:

- A- The Minister, upon the recommendation of the Secretary General, may approve the environmental projects and studies submitted by official and civil corporations and the private sector and non-governmental organizations. These entities are obligated to submit regular reports to the Ministry regarding the progress of activities in these projects from the financial and technical standpoints. ^{27, 41}

B- The Ministry is entitled to supervise these projects from the environmental aspect and monitor the progress thereof to ascertain the proper execution thereof. ⁸

Article 15:

The Council of Ministers, upon the recommendation of the Minister, may form a consultative committee on which are represented those entities concerned with the Environment, provided that its members have competence and expertise. The number of members and the appointment of the chairman of the committee, as well as its duties and powers, and all other matters relating to that committee shall be defined by instructions issued for that purpose. ^{9, 24}

Article 16:

There shall be established at the Ministry a fund referred to as the *Environment Protection Fund*, from which money shall be spent on protecting the Environment *and its* Elements within the aims of achieving the goals and objects set forth in this Law and the regulations issued by virtue thereof. ²²

Article 17: ²³

A- The Fund shall be fed by aid, donations and grants presented to the Fund from public corporations, civic and private entities, and Arab, regional and international entities, provided that the Council of Ministers approves the funding presented to the Fund from *Foreign* entities; *As well as* fees, charges and fines collected by virtue of this Law.

B- The procedures related to depositing, conserving, expenditure and disposal of the monies in the Fund shall be *specified* by virtue of regulations issued by the council of Ministers for that purpose. ¹⁰

Article 18:

Any person who violates the provisions of the regulations and instructions related to environmental protection in natural reserves and national parks shall be punishable by imprisonment for a period of not less than one week and not exceeding one month, or by a fine of not less than One Hundred Dinars and not exceeding One Thousand Dinars, or both, without prejudice to any more severe penalties set forth elsewhere in this Law or in any other legislation.

Article 19:

- A- The owners of factories or vehicles or workshops or any entity that conducts activities with a negative impact on the Environment and emit environmental pollutants must install equipment or take the necessary measures to prevent or reduce the emission of such pollutants therefrom, and to control such pollutants before emission from such factories or vehicles into the air to within the limits permitted based on the set standards.

- B- The owner of a factory who commits a violation referred to in Paragraph A hereof and does not remove such a violation within the period set by the Minister or whoever he delegates, shall be referred to the Court, who is entitled to issue a decision to shut down such factory and punish the perpetrator by imprisonment for a period of not less than one week and not exceeding thirty days, or by a fine of not less than One Hundred Dinars and not exceeding One Thousand Dinars, or both. He shall also be obligated to remove the violation within the period set for that purpose, and he shall be fined an amount of not less than Fifty Dinars and not exceeding One Hundred Dinars for each day that he fails to remove the violation after the end of the period set for that purpose.

- C- 1- The owner or the driver of a vehicle who commits any of the violations appearing in Paragraph A hereof, and does not remove or reduce such violation to within the level permitted pursuant to instructions issued for that purpose within the period set therefor shall be punishable by a fine of not less than Ten Dinars and not exceeding Twenty Dinars, and his license shall be suspended until the violation is removed.

2- The official authorities that license vehicles shall not license or renew the licenses of vehicles unless they comply with the set standards.

- D- Any person who commits any of the violations referred to in Paragraph A hereof shall be punishable by double the maximum prison time or the fine stipulated in Paragraph B if the violation is repeated a second time, and by triple the maximum prison time for any subsequent repeat of the violation.

Article 20:

Nothing in this Law shall preclude the applicability of a more severe punishment provided for in any other law in force.

Article 21: ¹

A- All movable and immovable property, rights and projects belonging to the General Corporation for the Protection of the Environment shall be transferred to the Ministry, and it shall be responsible for all of the obligations of the General Corporation.

B- The officers and employees of the General Corporation for the Protection of the Environment shall be transferred to the Ministry in accordance with the provisions of the Civil Service Regulations in force.

Article 22:

The Minister may delegate to the Secretary General or the Governor or the Environment Director in any Governorate any of his authorities provided for in this Law. ²

Article 23:

The Ministry, upon the approval of the Council of Ministers, may delegate any of its duties and powers to any ministries, corporation or volunteer organizations concerned with the field of environmental protection, provided that such delegation shall be specific and in writing. ^{3, 17}

Article 24:

The licensing and the renewal of the licensing of non-governmental organizations operating in the field of environmental protection shall be carried out by the competent authorities after obtaining prior approval from the Ministry, in accordance with instructions issued by the Minister for that purpose. ¹¹

Article 25:

A- The Council of Ministers shall issue the regulations necessary for the execution of the provisions of this Law, including the following: ¹²

- 1- Nature Protection Regulations.
- 2- Environment Protection from Pollution in Emergency Situations Regulations.

- 3- Water Protection Regulations. ¹³
- 4- Air Protection Regulations.
- 5- Marine Environment and Coastal Protection Regulations. ¹⁴
- 6- Natural Reserves and National Parks Regulations
- 7- Management, Transport and Handling of Harmful and Hazardous Materials Regulations.
- 8- Management of Solid Waste Regulations.
- 9- Environmental Impact Assessment Regulations.
- 10- Soil Protection Regulations.
- 11- Charges and Wages Regulations.
- 12- Environmental Protection Fund Regulations.

B- Instructions issued by virtue of the provisions of this Law shall be published in the Official Gazette. ^{39, 42}

Article 26:

Environment Protection Law No.12 of 1995 is hereby repealed, but regulations issued by virtue thereof shall remain in force until amended, repealed or replaced.

Article 27:

The prime minister and the ministers are entrusted with the execution of the provisions of this Law. ¹⁵

[ss]