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## **Second Consultation Workshop on the Governance of PPPs in the Water Sector of Jordan**

*Governance & Financing for the Mediterranean Water Sector project*  
National Policy Dialogue in Jordan

*5 February 2014*  
*Amman, Jordan*

### **Workshop Summary**

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## Outcomes and organisation of the workshop

The Second Consultation Workshop of the Jordan Policy Dialogue, in the framework of the *Governance and Financing of the Water Sector* project, was organised by GWP-Med and the OECD in Amman on 5 February 2014 and gathered the key stakeholders in the water and wastewater sector in Jordan. The Workshop provided the opportunity for the Project team to present and discuss preliminary recommendations from the draft Report *Jordan: Overcoming the Governance Challenges to Private Sector Participation in the Water Sector*. The discussions were organised in 4 sessions and provided the space for the Jordan stakeholders to reflect on the draft Report and also present current initiatives and reforms:

- 1- Diagnosing governance challenges to PSP in the water sector: key highlights from the report;
- 2- Managing PPPs in a fiscally constrained environment through appropriate budget processes;
- 3- Enhancing stakeholder engagement to improve accountability and buy-in;
- 4- Reducing the regulatory risk through supporting the development of a high-quality water regulatory framework.

Discussions in the workshop refined the recommendations proposed in the report and set the foundations for the development of a roadmap of actions. Next steps involve receiving feedback from stakeholders; revising the report and submitting to stakeholders an action plan that identifies concrete steps to implement the recommendations by the end March / early April 2014.

The Agenda and full list of participants are included in Annexes 1 and 2 respectively.

## Summary of Discussions

### Opening Session

Opening the workshop, H.E. Eng. Basem Telfah, Secretary General of the Ministry of Water and Irrigation, restated the Ministry's commitment to the project. Following a brief review of Jordan's key challenges affecting the water sector and the country's experience with private sector participation, Eng. Basem shared with the participants the expectations as well as the anticipated added value of the work in support of the current and ongoing water sector reform process.

In his opening remarks, H.E. Dr. Shaddad Attili, Minister of Water in Palestine, reaffirmed his support to the *Governance and Financing of the Water Sector* project and the importance of understanding water PSP in the course of national water reform efforts, as in the case of Palestine with the ongoing implementation of the Water Governance Programme. Dr. Shaddad stressed the merit of experience sharing and the learning value from the findings of the Jordanian Policy Dialogue, especially as Palestine is also among the focus countries of the project.

In the context of the Southern Co-Presidency of the Union for the Mediterranean assumed by Jordan and the endorsement of the Programme by its 43 countries members, Mr. Fuad Bateh, Senior Advisor for Environment & Water at the UfM, stressed the significance of the Governance and Financing for the Mediterranean Water Sector Project for Jordan as well as for the whole Region.

Finally, Prof. Anders Jägerskog, Counsellor at the Embassy of Sweden in Amman, highlighted the support of the Swedish Government to this endeavour, manifested through the strategic partnership and the financial support of Sida, which, together with financing from the European Investment Bank, have been catalytic for commencing with the implementation of the project.

## Governance challenges to PSP in the water sector

The stakeholders expressed broad agreement with the diagnostic analysis and the recommendations put forward in the background report *Jordan: Overcoming the Governance Challenges to private Sector Participation in the Water Sector*.

Discussions acknowledged the important governance and financing challenges faced by the water sector of Jordan and the urgency to act. Several factors are putting pressure on the capacity of the water sector to deliver the needed water services, including the current refugee crisis.

At the same time, the discussions underscored the fact that Jordan is on the verge of realising major projects in the water sector that could relieve some pressure from the water sector and deliver important economic and social impacts for the sector and beyond.

The capacity of the country to capitalise on these benefits will depend on its ability to complete the on-going stream of reforms aimed at improving the financial sustainability, transparency and accountability of the water sector through appropriate institutional, legislative and regulatory conditions.

Stakeholders generally agreed that the reforms go in the right direction but that the country needs to take the extra step that will put the water sector on a firmer footing to benefit from the upcoming major projects. This involves:

- Consolidating the institutional and legislative frameworks for PPPs
- Enhancing transparency and accountability of the water sector to users and other stakeholders
- Seeing the reform of the regulatory framework through.

Managing PPPs in a fiscally constrained environment through appropriate budget processes. There is a consensus amongst the stakeholders regarding the challenges the water sector represents with respect to fiscal sustainability, budgetary transparency and treatment, challenges ensuring value for money, capacities needed. This is a sound foundation to build reform.

The key institutional challenges are addressed in the new PPP framework law. Most of the gaps that the Report points out will be addressed if the law is approved. However, given the history of hesitancy and the lack of a clear minister-champion, there are grounds for caution as to whether and when the law will pass.

Regardless of the new PPP framework law passing, more should be done regarding enhancing transparency and facilitating discussion about the future of the water sector. In particular two initiatives can be pursued without delay:

- First, the creation of a holistic financing plan that sets out the challenges, scenarios and financing options - a government white paper. This should form the basis for a political debate and subsequently a financial strategy for the water sector and publicly commit the government to specific actions. It would also provide the government with the ideal interface with the donor community. While there are three year investment plans in place, these seem to not serve this role sufficiently.
- Second, the development of an annual contingent liability report that discusses the fiscal risks the government is carrying from the water sector and other SOE/guarantees. While the government does count guarantees as public debt, SOE and other contingent liabilities need to be addressed further and a more qualitative discussion would be beneficial as recommended in the OECD Best Practices for Budget Transparency and in particular point 2.6 on contingent liabilities<sup>1</sup>

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<sup>1</sup>OECD Best Practices for Budget Transparency, available at : [www.oecd.org/governance/budgeting/Best%20Practices%20Budget%20Transparency%20-%20complete%20with%20cover%20page.pdf](http://www.oecd.org/governance/budgeting/Best%20Practices%20Budget%20Transparency%20-%20complete%20with%20cover%20page.pdf)

General PPP capacity issues in line departments can also be addressed without delay and before the PPP law is passed. An investigation of the possibilities for aligning sectoral laws to support good PPP governance should also be undertaken.

### **Enhancing stakeholder engagement to improve accountability and buy-in**

There is consensus on the need for greater stakeholder engagement, especially to raise awareness on the economic value of water beyond the existing efforts to sensitise the population on scarcity. An important window of opportunity to make this happens is the ongoing discussion about the new mandate of the Highland Water Forum, which could include topics related to economic value and costs of water. Another good step in this direction is the recent initiative taken by utilities to provide a tariff breakdown in the bills. This is a positive means to sensitise the population, but is not sufficient to convey detailed information about the cost of treating, transporting and distributing water.

Other activities contributing to stakeholder engagement were mentioned for consideration in the report, including ACWUA training programmes and activities on PSP for Jordanian utilities, as well as some CSR initiatives to empower civil society organisations in the MENA region. Also worth considering are existing provisions for public participation in the environmental impact assessment tools, and the on the ground implications of the Aarhus Convention (the case of Lebanon was mentioned as a good practice for a binding law setting the framework conditions for public participation).

It was acknowledged that many conditions for successful stakeholder engagement in water PSP are exogenous to the water sector. They refer to the role of CSOs (and administrative obstacles they face when carrying out their activities), government (direct and indirect democracy) and donors' incentives at large in the technical assistance programmes. They relate to the capacity of stakeholders to engage in knowledgeable and informed public debates, with result-oriented frameworks and incentives to contribute to the decision-making or at least contribute to impactful projects and initiatives.

There is a role for each stakeholder to make engagement happen: the to-be-created regulator could address some of the issues related to information generation and disclosure to the general public, donors can incentivise further public participation against financial support, NGOs can better articulate their concerns to reflect unheard voices (beyond environmental issues) such as women, youth and marginalized groups, water related ministries could set up coordination platforms to enhance policy coherence, research centres and academics have a role to play in providing the neutral, independent and evidence-based assessment of pros / cons of PPPs to dispel some myths and avoid ideological biases. The ongoing review of privatisation processes in Jordan, when completed, is expected to assist in this respect.

## **Reducing the regulatory risk through supporting the development of a high-quality water regulatory framework**

There is a consensus among water stakeholders on the need to continue and deepen the current reforms of the regulatory framework for water services in Jordan. In this context, the strengthening of the PMU as the utility regulator is a step in the right direction.

The discussions highlighted the fact that several areas of the regulatory framework for water services need further attention:

- Further consolidation is needed of the key performance indicators to palliate the dispersion of information institutionalised through the current assignment agreements which specify up to 100 targets. This would help forge a common language across utilities that would facilitate performance monitoring and improvement.
- More should be done on improving transparency on key aspects of water services beyond the existing law on free access to information. For the time being the availability and accessibility of information remains uneven across operations / regions. Companies have committed to put their reports on their website, which would be an important first step in that direction.
- Tariff setting needs to be grounded on technical considerations. In particular, independent assessment of the costs could be undertaken to support recommendations to the government on tariffs and subsidies.

Beyond the low hanging fruits from increased transparency, the stakeholders acknowledged that the most difficult step in improving the regulatory framework will be to address the institutional changes required to clarify the allocation of responsibilities and empower the relevant institutions.

## **ANNEX 1: AGENDA**

## Governance of PPPs in the Water Sector of Jordan

### Second Consultation Workshop of the GWP-Med / OECD Jordan Policy Dialogue

5 February 2014, 9h00 – 18h00  
Amman, Jordan

#### Agenda

This joint GWP-Med / OECD workshop follows up on meetings held in Amman in October 2013 on the governance of PPPs in the water sector of Jordan. It aims to convene the key stakeholders of Jordan's water and wastewater sector to help build a shared understanding on the main obstacles to private sector involvement in Jordan's water sector and identify some concrete tools and practices that can help overcome them.

The workshop is based on a substantive report, prepared by the OECD Secretariat and shared with the participants ahead of time, which outlines the main governance challenges to undertaking PPPs in Jordan's drinking water sector and identifies recommendations in three critical areas:

- 1) Managing PPPs in a fiscally constrained environment through appropriate budget processes;
- 2) Reducing the regulatory risk through supporting the development of a high-quality water regulatory framework;
- 3) Enhancing stakeholder engagement to improve accountability and buy-in.

Discussions in the workshop will help refine the recommendations proposed in the report and set the foundations for the development of a roadmap of actions. The setting of the Workshop's sessions will consist of short introductory remarks on each of the three areas followed by discussions with and reflections from the participants. The report will be revised subsequently and sent back to stakeholders by end March / early April 2014.

**Background:** The project on *Governance and Financing for the Mediterranean Water Sector* is a joint undertaking of the Organisation for Economic Cooperation and Development (OECD) and the Global Water Partnership-Mediterranean (GWP-Med). It aims to diagnose key governance bottlenecks to mobilizing financing through public private partnerships (PPP) for the Mediterranean water sector and to support the development of consensual action plans based on international good practices. The three year project (mid 2013- mid 2016) was labelled by the Union for the Mediterranean (UfM) in July 2012 and officially launched in May 2013. It received support letters from countries where it will be implemented, including Jordan. The project involves work at national and regional level. The process draws on established OECD methodology and expertise in water, regulatory policy, multi-level governance and budget, GWP-Med's solid background on IWRM, water governance and consultative policy dialogues as well as previous work undertaken jointly by GWP-Med and the OECD in Egypt and Lebanon. It involves evidence-based policy dialogues, fact-finding missions, analytical reports, bilateral and multilateral interviews, questionnaires, case studies and peer-reviews. Strategic partnerships with the European Investment Bank (EIB) and the Swedish International Development Agency (SIDA) have been instrumental in setting the project in motion. The steady support of the GEF MAP/UNEP MedPartnership and the Mediterranean Component of the EU Water Initiative (MED EUWI) has been catalytic for concretising the project's line of work.



## Agenda

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### 9h00 – 9h30 – Introduction

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#### Welcome Remarks

- Ministry of Water and Irrigation, *H.E. Basem Telfah, Secretary General*
- Ministry of Water of Palestine, *H.E. Shaddad Attili, Minister*
- Union for the Mediterranean Secretariat, *Mr. Fuad Bateh, Senior Advisor for Environment & Water*
- Embassy of Sweden in Jordan, *Prof. Anders Jägerskog, Counsellor, Regional Development Cooperation, Water Resources*

#### Brief report on the project's progress

- Brief recall of the project activities, outputs, timeline and methodology, *Anthi Brouma, GWP-Med Project Leader, Head of Middle East and North Africa Region, GWP-Med*

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### 9h30 – 11h00 – Diagnosing governance challenges to PSP in the water sector: key highlights from the report

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*This session will discuss the assessment made in the report of the main governance challenges to successful PSP in the water sector of Jordan and the opportunities to improve the regulatory and institutional framework, financial sustainability and the accountability mechanisms that underpin successful PSP.*

Jordan has had a variety of experiences with private sector participation (PSP) both in greenfield projects and service provision. The government is considering involving the private sector in even larger capital projects. PSP is seen as potentially making an important contribution to the development of Jordan's water sector, particularly to meet the upfront costs of investment and to transfer technical knowledge. In this context, learning from past experiences, as well as understanding the framework conditions and tools needed to make PSP work will be critical to ensure that the country can reap the benefits of PSP.

- **Presentation of the findings: OECD (20')**
- **Discussion with participants (60')**
- **Conclusions from the discussion (10')**

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### 11h00 – 11h30 – Coffee break

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**11h30 – 13h00 – Managing PPPs in a fiscally constrained environment through appropriate budget processes**

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*This session aims to discuss the recommendations made in the report in relation to the institutional setting and tools in place in Jordan to ensure proper budget management of PSP.*

The financial sustainability crisis faced in the water sector of Jordan may represent an opportunity for the private sector to help address the upfront costs of infrastructure projects. However, it may also lead to inadequate decision making and short-sighted choices. Experience shows that a multiplicity of government institutions and methods need to be in place to ensure a successful PPP program. In essence they concern the establishment of a strong institutional and legal enabling framework, a grounding of PPPs in value for money and the use of the ordinary budgetary process in order to ensure that the PPP project and the overall PPP portfolio is affordable for the public purse and for the end users. The draft PPP law under scrutiny by the government and the establishment of a PPP unit provide important opportunities to set a good basis for this.

- **Presentation of key recommendations** by *Ian Hawkesworth, Head, PPP and Capital Budgeting, OECD Public Governance and Territorial Development (20')*
- **Intervention** by *Hamzah Jaradat, Advisor & Director, PPP Unit, Ministry of Finance (10')*
- **Discussion with participants (50')**
- **Conclusions from the discussions (10')**

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**13h00 – 14h00 – Lunch**

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**14h00 – 15h30 – Enhancing stakeholder engagement to improve accountability and buy-in**

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*This session aims to discuss the recommendations made in the report in relation to the engagement of end-users and other stakeholders in WWS in Jordan, as well as the mechanisms that can be used by the government and the operators to facilitate their participation.*

Until recently, accountability to the public in Jordan's water sector has been rather weak. Stakeholder engagement, although not completely absent, has remained sporadic in both water resource management and water and sanitation services. Arab spring's push to move from the traditional role of "government" as the single decision making authority to a more "open government" triggered a momentum to reconsider modalities for engaging with the wider public from better and more transparent information, to consultation and co-decision. Better engagement with stakeholders can help Jordanian authorities build *political acceptability* for private sector participation directly but also indirectly through increased *willingness to pay* triggered by better information about the economic value of water as a resource, and the cost of producing, treating and managing water services. Conversely, stakeholder engagement can exert a strong push towards more accountability of private actors and public authorities.

- **Presentation of key recommendations** by Aziza Akhmouch, Head, Water Governance Programme, OECD Public Governance and Territorial Development (20')
- **Targeted interventions** (10')
- **Discussion with participants** (50')
- **Conclusions from the discussions** (10')

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**15h30 – 16h00 – Coffee break**

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**16h00 – 17h30 – Reducing the regulatory risk through supporting the development of a high-quality water regulatory framework**

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*This session aims to discuss the recommendations made in the report in relation to the improvement of the regulatory framework for water services underpinning successful private sector participation.*

Gaps in the current regulatory framework are likely to deter PSP in the water sector of Jordan or impede the country's efforts to make the most of it. A sound regulatory framework reduces the costs to business and enhances the chances that PPP projects bring value for money. In addition, tariff regulation is a critical determinant of revenues in the sector. The current strengthening of PMU's role and discussions around the establishment of a dedicated regulator for the water sector provide an opportunity to clarify the allocation of regulatory functions and fill existing gaps.

- **Presentation of key recommendations** by Céline Kauffmann, OECD Project leader and Deputy head, Regulatory Policy Division, OECD Public Governance and Territorial Development (20')
- **Intervention** by Iyad Dahiyat, Director, PMU, Ministry of Water and Irrigation (10')
- **Discussion with participants** (50')
- **Conclusions from the discussions** (10')

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**17h30 – 18h00 Conclusions and Recap of Next Steps: Project team and MWI**

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## **ANNEX 2: LIST OF PARTICIPANTS**

## Governance of PPPs in the Water Sector of Jordan

### Second Consultation Workshop of the GWP-Med / OECD Jordan Policy Dialogue

### List of Participants

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