

Public expenditures Perspectives in the Water Sector

Please find hereafter my comments related to your sentence:

'Olive trees in the Azraq region are a very inefficient use of water'. You can find this information in our document related to Agriculture in the Highlands. The yield of olive trees is lower in the Azraq region than in the North of the Highlands. The inefficiency of this crop in this area is even mentioned in the McKinsey report, i think.

The fact that olive trees are planted to establish property rights isn't in any report but we know it through our interviews with stakeholders groups from the region. The problem in Azraq is in essence a matter of land tenure and the number of illegal wells. To understand the agricultural situation in Azraq, it is important to know the land tenure issue:

The Law Nr. 20 of 1973 recognizes the State as the owner of rangelands and it gave the authority of managing this land to the Ministry of Agriculture. The vast area of the Badia land belonged to the State and was treated as rangelands, whereas Bedouins consider land as a private property, based on tribal claims and proprietorship under a legal title of land that has been given to them by the State since 1940 (Source: Dr. Salem Al-Oun, Land Tenure and Tribal Identity in the Badia of Jordan: Reality and Projections", 2005, Al Al-Bayt University).

Land ownership can be categorized as the following:

1. Private land called Miri and Mulk, owned by individuals.
2. Tribal land (Wajehat El Ashayeria) claimed by the tribes and historically distributed by the Sheikhs.
3. State land (free access to all resources) owned by the State and at the same time claimed by tribes, although it is not divided among the tribe members.

There is a misunderstanding by both parties (government and people) as to which land is state land and which land is tribal land. Bedouins distinguish between two kinds of lands: the tenure which is tribal land belonging to one tribe and respected by other tribes (nobody other than the 'owning' tribe has the right to use, cultivate or own it) and private land which is registered and documented for individuals.

Since 1970, many rangelands in Jordan have been moved from State ownership to Bedouin ownership based on the argument of Bedouin settlements. Government policy has been motivated by the conception that giving away land might encourage Bedouins to settle. Other forces have contributed to this phenomenon such as that most Government cabinets were driven by political and social forces and tried to avoid conflicts with Bedouins. Most of the time, giving away land was considered a reward for some tribal key figures. Settlement became a tool to gain the right to own land by law and then it was sold to non Bedouins or non-settlers. Originally, urban settlers found an opportunity to own private farms at affordable prices, irrigated with quality water that cannot be found to this extent anywhere else. In Azraq, the

cost of digging wells and of extracting water is in fact much cheaper than in other areas of Jordan where in 2007, the average energy cost per extracted cubic meter was 0.060 JD compared to 0.150 JD in Mafraq (Ansgar, 2007). Investors' financial capabilities were well above those of the poor Bedouins, whose economic hardship forced the majority of them to sell land for cheap prices. Agriculture, particularly the hardy olive trees, was the cheapest proof of investment in the land, therefore the number of farms, hence the number of wells, mushroomed.

Currently, the Department of Land and Survey is in charge of the registration of land in someone's name:

- In most Arab countries, there is a law called "Wa'd el Jad" that states that Bedouins have the right to informally/inofficially sell tribe-owned land. It so happens that individuals and tribes claim certain lands as theirs simply by delineating them. Tribes claimed hundreds (if not thousands) of Dunums in Azraq, and the Sheikhs of these tribes in their turn, sell this "tribe-acquired" land according to wa'd el jad by means of an informal piece of paper. Of course, land acquisition by 'Wa'd el Jad' is not recognized. It is considered as an illegal acquisition of land.
- Concerning land acquisition of Treasury Land (state-owned land):
 1. If the farmer has already established his farm, he has to go to the Government (DLS- Department of Land and Survey, which depends on the Ministry of Finance) to contract with him:
 - Farmer informs DLS about the fact that the land is now under agricultural use,
 - DLS surveys the quality and intensity of his farming activities with the help of the MoA department present in that area. The role of DLS is to check if there is any legal claim to this land.
 - In case this farm is profitable and older than 15 years, a Committee established by the MoA gives its permission and sends the report to DLS.
 - In case of an agreement on the legalization of this land, the only constraint is that the same land can't be sold for the next 10 years in order to avoid the trade of treasury land.
 2. If the farmer wants to establish a farm, he has also to go to the DLS to contract with him:
 - Farmer informs DLS about the fact that he wants to make an investment on governmental land,
 - DLS forms a committee to check if there are any claims to that land,
 - In case the committee grants the applicant the approval to invest on the land, a contract of one year can be signed, renewable and negotiable each year. Generally the legalization of that land comes after 5 years. I think the criteria are based on economical and social reasons but this has to be checked.
 3. For the renting processes, the renting contracts are organized by the Land Registration Directorates.

I don't know if this helps you. Basically, the idea is even in case of an illegal acquisition, if the illegal owner can prove a form of investment, the official acquisition of this land can be obtained. In the Badia, the cheapest proof of investment remains agriculture. Actually, this same idea is picked up in the Groundwater By-Law. There it says that extraction from non-licensed operating wells must stop, except: "in case there are economic or social reasons justifying the continuity of extracting water from the said wells [..], allow the extractions of water from the said wells...". So actually it doesn't matter if it is State Land or Tribal Land, as long as somebody can prove profitable investment.

We shouldn't forget that 'everybody is a farmer' in this country and the main objective governing many sectors is to keep this country stable and to avoid any trouble. We are confronted with the resistance of a traditional society versus that of a modern one. To tackle this issue in Azraq and in the Badia, it is to 'attack' the Jordanian tribal system. I think the most important point from which to tackle this issue is water. Farmers need to freeze the growth of planted areas (this process needs to be monitored and controlled). Clear criteria need to be established for the investment on land (based for example on profitability, initial investment, social reasons, etc). The legalization of land needs to be more transparent and fair.