



GENERAL REVISION OF ADVENTURE TOURISM LEGAL FRAMEWORK IN JORDAN

Abstract

This review is prepared by the Development and Promotion of Sustainable Adventure Tourism Project (MEDUSA) partners in Jordan as part of the Destination Overview Activity of WP3 in August 2020

Jordan Partners - Royal Society for the Conservation of Nature (RSCN) and Jordan Inbound Tour Operators Association (JITOA)

lina@jitoa.org; tareq@rscn.com.jo

Contents

1. Background	2
2. Jordan’s Adventure Tourism in the Legal Context.....	3
2.1 Governing Bodies.....	3
2.2. Adventure Tourism and Conservation.....	6
RSCN – The Royal Society for the Conservation of Nature.....	6
JREDS - The Royal Marine Conservation Society of Jordan	7
2.3 Adventure Tourism Regulations and Instructions.....	7
3. Critical Gaps and General Recommendations	8

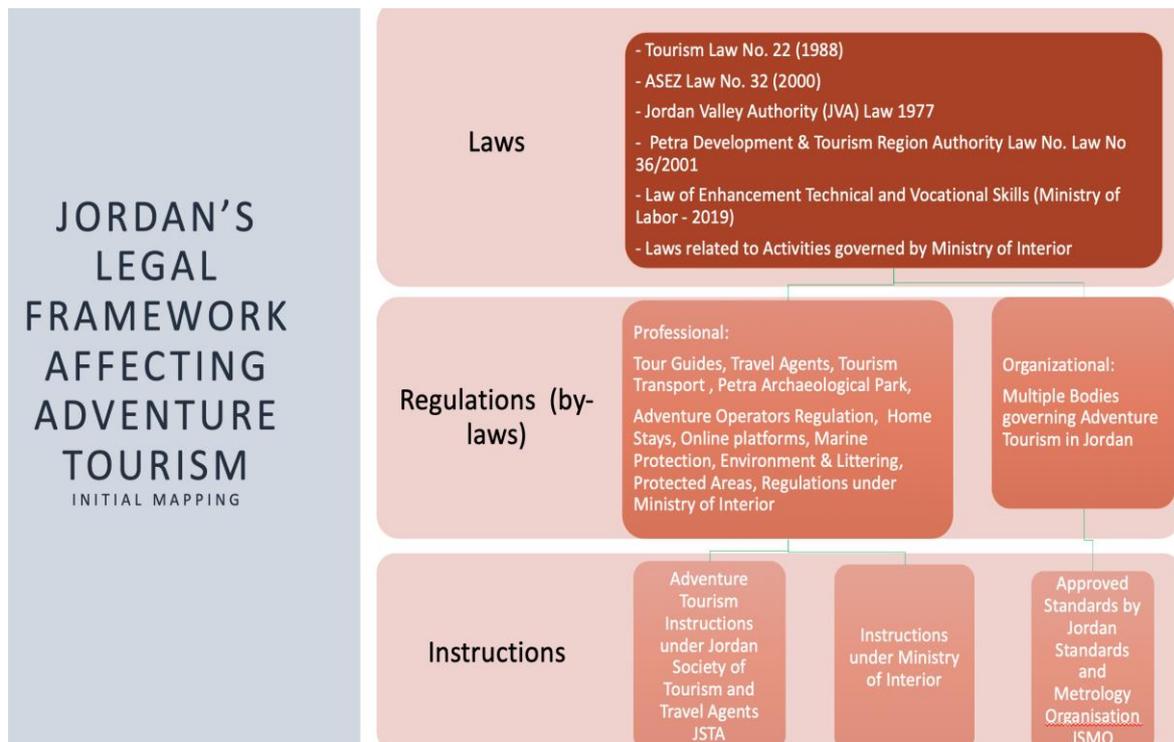
1. Background

On the 9th of January 1988, the Jordanian Government issued a new tourism law replacing its previous version, and the Tourism Law (#20, 1988) was approved. This law governs MOTA's responsibilities and identifies its various roles concerning tourism and heritage. The law also sets the base for the setup and governance of sector associations, licensing of tourism establishments and mitigation rules.

The law sets provision for numerous regulations and instructions that govern tourism operations in the Kingdom. It is necessary to note that, in order of importance, the law presides over regulations first and then instructions. Whether law, regulations or instructions, if in draft form, they are not of consequence until they have been incorporated officially.

In regards go adventure tourism, there is no separate Law in force, and the sector is in essence governed by the generic Tourism Law. In addition a few regulations and instructions were issued pertaining to Adventure Tourism per se, yet there remain some gaps in this legal set up.

Therefore, as part of the MEDUSA project analysis of the Adventure sector, a general review of the governing laws, regulations and instructions have been mapped, to identify widespread gaps which followed several discussions with various sector representatives. The below chart maps the legal framework governing adventure tourism in Jordan as well as the governing bodies overseeing sector development, promotion, and regulations.



As is clear from the graph, the tourism industry is governed by various public bodies, with varying remits. Some work on a national level, while others work in specified geographic areas.

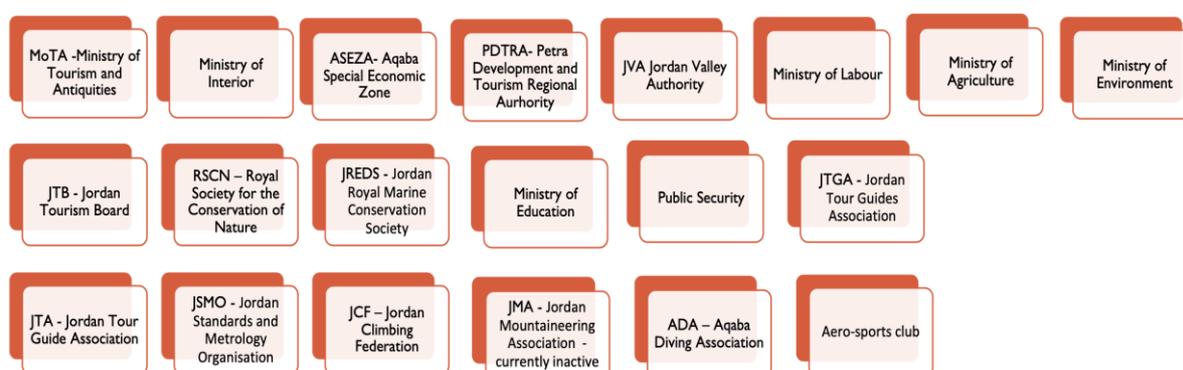
2. Jordan's Adventure Tourism in the Legal Context

2.1 Governing Bodies

MoTA is the chief representative of the Tourism Sector in Jordan. However, the legal landscape is fragmented and encompasses various self-governing bodies and authorities with their laws, regulations and instructions that govern the Adventure Tourism Sector.

The following bodies were identified as those governing/affecting adventure tourism in Jordan in various forms.

VARIOUS BODIES GOVERNING ADVENTURE TOURISM IN JORDAN – INITIAL MAPPING



MOTA – Ministry of Tourism and Antiquities

Article #3 of the Tourism Law (#20,1988) sets out MoTA's responsibilities as follows:

- 1) The protection of tourist sites
- 2) The licensing of various tourist activities and professions, and the classifications thereof (such as travel agencies, tourist transportation companies, hotels, campsites, tour-guides, handicrafts, traditional works, tourist restaurants, as well as amusement and recreational centres)
- 3) Facilitating Tourism-related administrative procedures
- 4) Conduction promotional campaigns
- 5) Encouraging domestic tourism
- 6) Supporting business investments in the sector
- 7) Providing tourism activities supported by qualified staff, who have the abilities and skills required
- 8) To perform studies to ascertain needs and improvements impacting the sector performance

NTC - The National Tourism Council (led by MoTA)

Under Article number 5 and 6, the Tourism Law called for the establishment of a Higher Council of Tourism Committee (HCTC). The HCTC, since 2021, has been referred to as the National Tourism Council (NTC). The reference to HCTC in the Tourism Law, and the use of the term NTC as yet have do not appear to have been formally aligned with each other. The NTC is composed of the Minister of Tourism (as head of the Council), the Minister of Interior, the Minister of Industry and Commerce, the Minister of Health, Minister of Planning, Minister of Culture, the Chairperson of Royal Jordanian Airlines, the Chairperson of ASEZA, the Chairperson of the Social Security Corporation, the Secretary-General of MoTA and three representatives from the private sector, selected by the Minister of Tourism to be members of the Council.

The National Tourism Council is responsible for setting general policies that impact the tourism sector. The Council presents proposals and drafts for tourism laws and finalises international agreements with other countries and international institutions. The Council works on establishing vocational tourism centres for training and capacity building. Additionally, the Council sets criteria for obtaining a variety of licenses within the tourism professions and has sign-off for various promotional campaigns.

It is important to note that Adventure Tourism is built on the laws and by-laws of tourism, meaning that any adventure tourism inclusions will require review and sign off by the NTC.

While the Tourism Law and its amendments (#20, 1988) gives the Council the right to the above, it is unclear to what extent the NTC is currently active and productive. At present, the Committee does not appear to be conducting meetings, though this will have require more insight.

Note:

In the amended Tour Guides Regulations (2020), NTC (HCTC) is referred to as a 'Board'. However, in the description of the law, the 'Board' is referred to as 'Committee'. The use of the word 'Board' in the regulation is, therefore, incorrect and not aligned. As a result of wrongly referring to the Committee rather than 'the Board', the Tour Guides Regulations are not compatible with the law and therefore may be considered unlawful.

As Adventure Tourism falls within the same legal scope as tourism, Adventure Tourism too will suffer the same consequences of misaligned legal references.

ASEZA – Aqaba Special Economic Zone Authority

The Government of Jordan established ASEZA, issuing Law No.32/2000, in which ASEZA has become the successor of the Aqaba Region Authority and Aqaba Municipality. The Aqaba Special Economic Zone (ASEZ), which includes Wadi Rum, has been very oriented towards tourism, encouraging considerable investments in hotels, tourism services and facilities. Under the ASEZ regulations, there are many differences with the rest of the country, including the levy of taxes, foreign labor, community inclusion, the proper use of environmental resources and others. The law also gives ASEZA, as the governing body in the Zone, the right to lead tourism planning, development and promotion in the Zone.

PDTRA - Petra Development & Tourism Region Authority

In 1995 the PDTRA was established as a public body that concerns itself with the city and improvement projects in the Petra region. At that time, PDTRA was linked with MoTA. However, in 2001 it was made an autonomous public body associated with the Prime Minister. The PDTRA Law

No 36/2001, states in article #4 that the PDTRA is an autonomous public body. It is both financially and administratively independent. In 2005, a new law for PDTRA was issued (No15/2005). Under article 5 the law stipulates that the law aims to drive economic and social development by adopting strategies and plans that related to multiple angles including developing the tourism sector, classifying various sites according to their potential for tourism, protecting archaeological sites and other.

JVA - Jordan Valley Authority

The JVA was established in 1973. The law of authority was issued in 1977. The boundaries of JVA were determined by issuing the Law of Jordan Valley Development No19/1988. The area extends from the northern Jordanian border to the village of Qatar in the south, in Wadi Araba. The area is pretty much all the western land along the Jordan River, the Ghor areas and Wadi Araba including the Dead Sea (paragraph B of Article no 2 of JVA Law) .

The tasks of JVA include the development of the tourism environment in the Jordan Valley, pinpointing the sites that are suitable for tourist activities (under paragraph d of article 3). The JVA is associated with Ministry of Water and Irrigation and is directed by said Ministry, not by MoTA. The fact that JVA reports to the mentioned Ministry and not MoTA is due to the vital importance of the Jordan Valley in terms of water management, including overseeing the Dead Sea and dams.

Many Adventure Tourism Sites are located in the JVA area. However one of the main issues is that geographical areas have not yet been pinpointed in terms of suitability, level of risk and other relevant categorization for adventure tourism use

Ministry of Interior

The Ministry of Interior was established in 1921, coinciding with the establishment of Trans Jordan. The Ministry is responsible for preserving security and public order as well as providing the best service to citizens in urban, rural and Bedouin areas and is tasked with keeping up the national public policy of encouraging investment in tourism.

In 1958, law number 29 was passed, separating Public security from the Army. In 1965 the Law for Public Security (number 38) was passed. The law specified, amongst others, the duties of the force to preserve order and security and implement laws and regulations, judicial and legitimate orders and assisting public authorities in executing their functions according to stipulated laws and carrying out other duties of enforcing the law.

The Ministry of Interior has the right to close any area which is considered a dangerous area as was the case after the tragic events relating to loss of life at the Dead Sea.

From an Adventure Travel perspective this is highly relevant. The Ministry of Interior is the body that licenses any group activities, including Biking Groups. The Ministry of Interior has the right to issue or revoke any license.

Vocational and Technical Skills Development Commission (under Ministry of Labour)

The Vocational and Technical Skills Development Commission is a legal entity formed under the Act of 2019 under the Ministry of Labour. The role of the Commission is to be the legal and technical body for the vocational and technical trainings. The new law gives the authority to replace all other vocational education institutions to rehabilitate vocational schools and institutes, under the Law of

Enhancement (2019). The Law of Enhancement hence supersedes MoTA's position to take on these authorities and responsibilities as it pertains to the (adventure) tourism sector¹.

Ministry of Education

The Ministry of Education authorises groups of school children to venture out to tourism and archaeological sites, including into adventure tourism areas. The regulations for these trips require permissions from MoED and Ministry of Interior. If the areas are any areas controlled by independent bodies, like the RSCN or the Army for example, then this body also has to give permission to allow the trip to take place. No permission from MoTA is required.

The fatal incident in which 21 people, mostly children on a school trip, were killed in a flash-flood, led to the resignations of Jordan's tourism and education ministers. To prevent future recurrences of tragic events, it is of paramount importance that the correct measures, legal framework, the hierarchy of responsibilities and accountabilities are set in place. The law and regulations especially as they pertain to adventure tourism and school trips must be put in place to manage risk while optimising adventure tourism as a growth sector going forward in an informed, aligned and effective manner.

2.2. Adventure Tourism and Conservation

There are several bodies in Jordan that are tasked with conservation efforts. In recent years, these entities started introducing tourism activities into the protected areas and connecting these activities with local communities to increase employment and support their livelihoods. Adventure tourism in particular is therefore touched by two of these organizations.

RSCN – The Royal Society for the Conservation of Nature

RSCN is an independent organization. It is committed to setting up and managing a number of designated protected areas covering some of the most beautiful natural landscapes in Jordan in order to safeguard Jordan's natural environment and biodiversity. RSCN is committed to enforcing the Wildlife Protection Act through a special mandate from the Ministry of Agriculture, and works closely with law enforcement agencies, including the Rangers (environmental police), to protect biodiversity.

RSCN is also designated as the management and enforcement authority for CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora).

RSCN provides capacity building and training, to environmental institutions and practitioners throughout Jordan and the Middle East. The aim is to share their expertise and empower others to join in the protection of nature. RSCN also promotes public action for environmental protection through campaigns and activities run by an advocacy committee².

Through its Wild Jordan brand, the RSCN is developing and promoting tourism activities within the reserves and providing eco accommodation options, camping, guided hikes, bird watching

¹ <https://www.jordantimes.com/news/local/new-commission-formed-organise-vocational-training>

² <https://www.rscn.org.jo/what-we-do>

programs, horseback riding, zip line and cultural programs linking the reserves to communities around them. As such most of the activities offered by RSCN fall under the Adventure Tourism categories.

JREDS - The Royal Marine Conservation Society of Jordan

The Royal Marine Conservation Society of Jordan (JREDS) was founded in 1993. JREDS officially became the first specialised Jordanian non-profit, non-governmental organisation dedicated to the conservation of the marine environment in 1995. JREDS focuses on Marine Conservation, Outreach and Advocacy and Sustainable Development and to foster a culture of marine conservation in Jordan. JREDS also promotes environmentally sound initiatives and advocates for penalties for polluters and the enforcement of the law and regulations to maintain a healthy marine environment³.

JREDS works closely with ASEZA to maintain focus on marine environment issues, and such is considered an important partner in regulating the diving sector in Aqaba

2.3 Adventure Tourism Regulations and Instructions

Any reference or relevance to Adventure Tourism will be subject to prevailing tourism laws, noting that regulations and instructions for Adventure Tourism will, in essence, be governed by the published underlying law to which they refer.

Regulations that were issued under the umbrella of Tourism Law (#20,1988) and antiquities Law (#21/1998) include; Tour Guide Regulations No34/1998, Travel Agency Regulation No11/2005, Hotel and Tourist Facility Regulation No7/1997, Tourist Transport Regulation No7/1995, Jordan Tourism Board Regulation No 62/1997 and Petra Archeological Park Regulation No.78/2007 amongst others.

The areas where Adventure Tourism takes place, in particular, the six pilot areas as set out under the MEDUSA project, include the Jordan Valley as well as Wadi Rum and Aqaba. These are the areas that have specific laws. MoTA is not the leading authority in these areas. However, the Jordan Valley, Aqaba and Wadi Rum are of crucial importance in developing Adventure Tourism in Jordan. Even if MoTA were to sign MoUs with the various authorities like ASEZA, PDTRA and others to foster collaboration and alignment, the prevailing laws would supersede such MoUs.

Further mapping needs to be done to dive deeper into collaboration and cooperation between MoTA and independent authorities to develop Adventure Tourism in a legal, aligned and sustainable manner.

On the matter of obtaining approvals, licensing and certification for (adventure) tourism stakeholders a variety of parties and government bodies have been identified and are set out in the graph below.

Note that the Ministry of Industry and Trade is the ministry that is responsible for all commercial activities in Jordan, which includes (Adventure) Tourism activities

³ <http://www.jreds.org/en-us/Programs>

CURRENT OPERATIONAL APPROVALS/ LICENSES/CERTIFICATIONS REQUIRED FOR ADVENTURE TOURISM – INITIAL MAPPING

Adventure Tour Operator	Adventure Tours	Adventure Tour Guides	Online Adventure Promotion
<ul style="list-style-type: none"> • Ministry of Tourism • Ministry of Industry & Trade • JSTA – Jordan Society of Tourism and Travel Agents 	<ul style="list-style-type: none"> • Ministry of Tourism • Ministry of Interior & Public Security • Ministry of Agriculture • Ministry of Environment • Ministry of Education (for schools) • RSCN and Protected Areas Laws 	<ul style="list-style-type: none"> • Ministry of Tourism • Technical and Vocational Skills Requirements under Ministry of Labor • JTGA – Jordan Tour Guides Association 	<ul style="list-style-type: none"> • Ministry of Industry & Trade

3. Critical Gaps and General Recommendations

Trough the reading of the various legal tourism documents, as well the through the discussions with the various tourism stakeholders, the following primary issues have been identified as affecting the future development of Adventure Tourism in Jordan and that need to be addressed in a more focused approach.

Definition of Adventure Tourism

<p>GAPS:</p> <ul style="list-style-type: none"> • The legal definition of Adventure Tourism and missing elements, as mentioned above, must be addressed and clarified. • The legal definition of adventure tour operators and the operational requirements need to be revised in the context of the amended description. • Without a definition of Adventure Tourism, it is not possible to classify guides, camps, tour operators or relate insurance requirements and design insurance products.
<p>RECOMMENDATIONS:</p> <ul style="list-style-type: none"> • Define Adventure Tourism in clear terms – offering suggested definition for review and adaptation • <i>Engage with MoTA / JVA / PDTRA / ASEZA / Baptism Site/ RSCN / Jordan Trail / Civil and Governmental Society organisations related to (adventure tourism) for holistic stakeholder engagement</i>

GAPS:

- Lack of a clear hierarchy of regulations governing adventure tourism and operations. There is vagueness in the responsibilities of various stakeholders as well as unregistered, unqualified, uncertified, unclassified operators and service providers.
- Lack of clarity regarding the role of MOTTA and other official stakeholders in the overall context of adventure tourism governance (e.g. school trips approvals to be shared between MOTTA and MoED) & (civil defence and rescue plans)
- Lack of awareness on The Law of Enhancement and the manner in which all vocational training must be authorised in order to ensure legal certifications
- Lack of awareness, exposure and understanding of the laws by the private sector. The laws are not published or compiled in one place for ease of access.
- Lack of enforcement of the relevant law (whether Tourism, Enhancement, Environment or other)
- Lack of cooperation between MOTTA and other relevant Ministries and Authorities to ensure effective governance (within the tourism sector and across supporting industries)

RECOMMENDATIONS

- Conduct an in-depth study on Tourism Law in general and its pertaining regulations and their effect in Adventure Tourism in particular
- Gain buy-in and commitment to collaboration from relevant stakeholders before completing and issuing any new legal document related to adventure tourism
- Review draft instructions for adventure tourism and recommend more effective guidelines in line with requirements as set out.
- Map the disconformity of the various legislations governing adventure tourism
- Ascertain where the 'Law of Negligence' is most prevalent and expose the level of risk and therefore priority to address and resolve
- Ensure close cooperation with independent authorities, including ASEZA, PDTRA, JVA and seek better collaboration and engagement. All of them will be instrumental in adventure tourism development within their local authorities.
- Assess international best practices, make it relevant to Jordan and embed. Noting that best practices cannot be legally enforced yet are an excellent addition providing laws, regulations and instructions are sound and aligned. The USAID-LENS project developed recommendations for best practices for adventure tourism, which were discussed and approved at the time by a variety of stakeholders. These could be revised and adopted for the best use of resources.
- Engage in legal awareness with regards to Adventure Tourism for stakeholders in the Adventure Tourism Value Chain through capacity building workshops and accessible online material
- Build awareness of operators, adventure guides, community engagement guides and others to understand classifications, activities and requirements
- Start with the law, not with the regulations – and build up from there to avoid future misfits and legal disconnects.
- Ensure a neutral body to monitor, evaluate and enforce the law
- Review activities, rules and regulations every six months and adjust and update where required as Adventure Tourism evolves
- Effectively work across Ministries and governing bodies and align forces and responsibilities.
- Create a central, easily accessible data source for all stakeholders to find details on laws, regulations, instructions and best practices as they pertain to adventure tourism

Classification & Certification

GAPS:

- Lack of classification for adventure locations and activities per complexity and its nature, which could be classified into High Risk, Medium Risk and Low risk (this also should include the adventure camps and villages)
- Activities are not comprehensively listed, and events including air and water-based activities are missing and as a result, can not be classified
- Lack of clarity on Certification of Adventure Tourism Guides as well as Community Engagement Guides
- Lack of consensus on adventure guides training standards
- Tour Operators certification is missing, and many operators are not registered
- Lack of rescue training for Civil Defense concerning adventure tourism, with only 15 people currently trained

RECOMMENDATIONS:

- Define and classify all activities, across all terrains and on land, in the sky or on, in or underwater as an introduction, intermediate or advanced levels including activities not yet mentioned or relevant adventure tourism product development
- Address the age groups limitations in different categories and possibly link them to the classification of high, medium and low-risk activities and locations. Make a logical sense of requirements in line with risk, physical ability and other relevant factors. Age requirements are confusing. A 13-year-old is allowed to ride a horse but can only hike when aged 18 and over, thus destroying family impacting leisurely outdoor family activities that are low risk.
- Define group sizes per activity, guide requirements, age restrictions
- Map the Adventure Tourism Value Chain conduct needs analysis as it pertains to certification, vocational training, community engagement and other
- Delve into the Safety Management Systems and requirements and regulations, including Search and Rescue
- Facilitate and encourage operator and service provider registration
- Train and certify Rescue Trained human resources ensuring the correct legal pathway to do so
- Set, agree and approve training standards and requirements and implement to ensure practical and valid training for Adventure Guides and Community Engagement Guides

Operational Aspects

GAPS:

- Lack of operational committees and commissions that will help set the guidelines and approve new activities. Workarounds are being found which poses a safety risk to the whole adventure sector
- Lack of insurance for domestic adventure tourists and exposure of a threat to international travel insurance claims due to lack of having an aligned legal system in place
- Lack of equipment standards according to terrain, activity and risk factor and skills as well as equipment certification [*Currently under process through JSMO Adventure Committee*]
- Lack of approved rules and guidelines for various activities [*Currently under process through JSMO Adventure Committee*]
- Lack of efficiencies through bureaucratic complexities. Absence of one-stop-shop

- Lack of governing bodies alignment. Complex number of stakeholders in a hard to navigate landscape impacting reduced efficiency and effectiveness
- Prevalence of subjective agendas driving adventure tourism. Cutting corners or ignoring the bigger legal picture to push forward is occurring
- Lack of expertise and professional interest in developing adventure tourism found among governing bodies that inform, regulate and promote adventure tourism
- Apparent absence and lack of effective monitoring and evaluation of sector operation and law enforcement

RECOMMENDATIONS:

- Assess best practices as implemented by RSCN and make use of their existing expertise within the reserves to be applied where possible outside the reserves.
- Review existing laws and regulations specific to ASEZA, PDTRA, JVA and embed best practices. For example; Wadi Rum, Regulation No24/2001 stressed the protection of heritage and environmental aspects, highlighting the importance of taking care of all components in the ecosystem to guarantee the sustainability of resources including endangered and rare wildlife and species on the verge of extinction. The regulation has highlighted efforts to reduce pollution (article no.3). It serves as an example of how regulatory measures can help both to support the ecosystem and align with the needs and requirements of Adventure Travelers in that context.
- Engage and embed adventure tourism experts and aficionados within MoTA and JTB and other relevant bodies and authorities
- Ensure that all adventure tourism operators are licensed. The entity that has been registered and insured should conduct the activity or should sub-contract a registered and authorised party who is also protected.
- Explore insurance for the sector (for a client, operator, guide) and include minimal compulsory requirements according to international best practices
- Create an online one-stop-shop for all matters relating to Adventure tourism including laws, licensing, qualifications, standards, certifications, regulations, best practices, awareness, safety management systems and other for human resources, equipment and all aspects of the adventure travel value chain
- Ensure Monitoring and Evaluation of sector operation and stringent law enforcement

Mapping

GAPS:

- Lack of clearly mapped structure of responsible bodies as related to the tourism sector and how they interact including which authority has higher legal power in the hierarchy
- Lack of comprehensively mapping and listing in detail the activities public use. A guide is currently in the making in this regard, but unless it is comprehensive for all parties and is well promoted then it will be of little use
- Lack of geographical mapping locations have not been mapped defined nor categorised for professional or public use
- Lack of clarity on whether an 'association' or 'federation' sport (climbing, mountaineering) should be mapped and covered under Adventure Tourism regulations

RECOMMENDATIONS:

- Map the adventure tourism terrain
- Publish detailed mapping and listing in detail and build awareness with stakeholders and beneficiaries

- Specify locations and geography and examine intensity and risk levels according to international standards and understanding
- Align specific activities to specific, named and defined locations and areas and their boundaries
- Take seasonal patterns into account – especially rainfall and flooding risks and embed in a regulatory context.
- Review and map legal structures, committees and commissions addressing issues, gaps, risk and opportunities supported by private and public sectors
- Review Associations and Federations that engage in activities that are related to adventure tourism and qualify and classify according to needs and requirements if relevant

In conclusion

The Adventure Tourism sector has immense potential for Jordan.

On the other hand, if the legal framework is misaligned, the consequences are likely to negatively impact Jordan's opportunity to build up in this sector. In the current circumstances, the full spectrum of factors that have not yet been defined nor determined, are all risks that need to be addressed and reorganized to ensure the safety of anyone working or experiencing adventure in Jordan.

As stated in article 2.56 from the civil law: Any harm coming to anyone through 'negligence' will require compensation by the party who is deemed negligent.

A detailed legal study is urgently needed to assess, map and recommend measures to be taken to better build a strategic, sustainable and resilient Adventure Tourism sector in Jordan.