



Funded by the European Union
بتمويل من الاتحاد الأوروبي

مشروع تعزيز الحماية الاجتماعية
لدعم الدمج الاجتماعي
Support to Social Protection
Programme
Helping Deliver Social Inclusion



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الدراسات الاقتصادية والمعلوماتية
ECONOMIC & INFORMATICS STUDIES



In the framework of the EU-funded Project “Support to Civil Society Organisations (CSOs) and De-institutionalisation with CSOs”

National and Local debates on the Role of CSOs in Enhancing Social Protection and Governmental Reform Measures for the Legislative Framework Regulating Societies and CSOs in Jordan (2008 Societies Law)

Summary of the Contributions of CSOs over the Course of Six Local and National Debates.
Compiled by Phenix Center for Economic & Informatics Studies.

This publication was produced with the financial support of the European Union. Its contents are the sole responsibility of the Phenix Centre for Economic and Informatics Studies and do not necessarily reflect the views of the European Union.



TABLE OF CONTENTS

Acronyms	3
Background	3
Themes emerging from the six debates:	6
1. Legal definition of CSOs	6
2. Freedom of association	6
3. The role of CSOs in Jordanian society	7
4. Registration for CSOs	8
5. Regulating and monitoring CSOs	9
6. Financial challenges and restrictions	10
7. Coalition building	11
8. Bureaucracy and paperwork	12
9. Digitalisation	13
10. Decentralisation and localisation	14
11. Cooperation with the Government of Jordan	15
12. Transparency, fairness and equal treatment	16
13. COVID-19 and future crises preparedness	17
Conclusion	18

Acronyms

CBO	Community-Based Organisation
CSO	Civil Society Organisation
GoJ	Government of Jordan
INGO	International Non-Governmental Organisation
MoSD	Ministry of Social Development
MoITS	Ministry of Industry, Trade, and Supply
NGO	Non-Governmental Organisation

Background

A series of five local and one national debate sessions to support the community dialogue around the review of the 2008 Societies Law took place in Amman, Aqaba, Jerash, and Karak in the summer of 2021 with the support of the EU funded project implemented by Expertise France¹ to enhance the contribution of CSOs to social protection.

The debates also included dialogue on broader, non-legislative matters relating to cooperation between CSOs and government in the development and delivery of social protection. This dialogue is an important part of the Civil Society Organisation (CSO) Component ("Stronger Together") implemented by Expertise France.

Over the summer, these events involved 471 participants from CSOs and other stakeholders from across all 12 governorates, with an even representation of men and women. In addition, over 7,000 participants were able to follow the debate sessions online through Facebook.

¹Expertise France, the French public agency for international technical assistance is the implementer of the CSO Component (Stronger Together) of the European Union-funded "Support to Social Protection" Programme. This Programme was launched in 2019 in partnership with the Ministry of Social Development in order to contribute to the Jordan 2025 vision and related strategies. The CSO Component's objectives include promoting the role of CSOs in the development of social protection, in the implementation of the National Social Protection Strategy, helping MoSD fulfil its mandate; strengthening the capacity of CSOs in advocacy, delivery, monitoring and evaluation of social services; enhancing their participation in the provision of quality, inclusive and innovative social services; enabling them to play an active part in the de-institutionalisation reform, and in supporting the economic independence of vulnerable groups.

- Four of the local debate sessions were moderated by Dr Sawsan Al-Majali, a former senator and a member of the Board of Trustees of the National Centre for Human Rights and the National Council for Family Affairs, who also moderated the national debate held in Amman along with Ms Nadeen Nimry, a journalist specialising in human rights.
- The session in Aqaba was moderated by Ms Nadia Rawabdeh, Director-General at the Social Security Corporation.

The first segment of each debate session began with a presentation on the findings of recent studies on CSOs in Jordan by Mr Ahmad Awad, the Director of the Phenix Centre for Economic and Informatics Studies. These studies, which examined the role of CSOs in facing challenges and shaping the future of social protection in the context of a crisis such as the Covid-19 related crisis, were conducted by the Centre for the purpose of the “Stronger Together” project. Mr Awad presented the key findings :

- + CSOs in Jordan play a significant role in providing social assistance and services to beneficiaries;
- + the pandemic presented new challenges: CSOs in Jordan have had to adapt very quickly in a challenging environment while struggling in the face of exclusion throughout the COVID-19 response and recovery decision-making process;
- + the main challenges faced by CSOs include:
 - limited cooperation and coordination between the CSOs and governmental actors such as the MoSD and the Registrar of Societies;
 - insufficient partnerships between the private and public sectors in providing support for CSOs; and
 - difficulties in obtaining financial support.

To address these issues, recommendations by Phenix included the enhancement of CSOs’ technical capacity to apply for grants and the removal of undue governmental restrictions on CSOs, including on receiving financial aid from non-Jordanian actors.

During the national debate, the main themes and views expressed at the local debates were summarised by Dr Sawsan and, in addition to Mr Ahmad Awad’s contribution, there were presentations by Mr Moath Momani, Director of Lawyers Without Borders (LWB) and Mr Omar Jarah, the Director of Aman for Human Rights in Zarqa.

Mr Momani explained that LWB has launched the Civil Space Watch and had carried out a study with a desk review of existing legislation and regulation and of international standards for Freedom of Association (including a review by the UN Special Rapporteur) and for the protection of human rights defenders, and a survey across all 12 governorates with 700 urban and rural CSOs.

The study found that:

- + fragmented registration was an issue, as 81% of respondents were registered under the MoSD and the remaining 19% were registered under other ministries;
- + 84.2% of CSOs were in favour of a centralised regulatory framework;
- + nearly half of CSOs were not alerted when their request for registering a CSO was processed, among other challenges of bureaucracy, paperwork, etc.;
- + the most important freedoms and rights for CSOs were those related to financial freedom, as 87% of surveyed CSOs stated that regulations for financial approval were in need of amendment;
- + with regard to support provided by the GoJ to CSOs:
 - restrictions on foreign funding made CSOs more reliant on local funding;
 - 66% stated that they have not received any support (material, financial, or otherwise) from the GoJ.
 - CSOs struggle to register coalitions under the current law.

Mr Omar Jarah, the Director of Aman for Human Rights in Zarqa, presented his organisation's work with CSOs across Jordan and their opinions on needed reforms. At both a personal and legal level, these included:

- + the lack of coordination and follow-up with civil society actors, in particular that the MoSD:
 - does not follow up on projects;
 - lacks technical and qualitative monitoring and evaluation;
- + the lack of technical expertise among MoSD and GoJ staff in general, leading to delays;
- + financial challenges for Jordanian CSOs, such as banking institutions often declining to work with CSOs;
- + weakness in CSO members' knowledge of the law, suggesting the desirability of:
 - a centre providing training to CSOs to raise their awareness of the law;
 - a guidebook for financial best practices for CSOs, published by the MoSD.

The second segment of the local debate sessions was preceded by presentations by experts involved in the preparation of the reform, and all debates included a discussion about the proposed reforms to the Societies Law of 2008 with HE Taha Maghareez, the Secretary-General of the Registrar of Societies of the Ministry of Social Development. HE Maghareez outlined:

- + the reform process related to the law since 2013;
- + challenges with legal definitions for "civil society" and "voluntary work";
issues of:
 - classification of CSOs;
 - the number of founders necessary to create a CSO;
 - the process of digitisation within the Registrar;
 - centralising the regulatory framework for CSOs.


Over the course of the six debate sessions, several themes were discussed among all participants. The following is a summary of the main ideas that emerged from these events. By the nature of the debate sessions, there were some areas where no consensus was reached; nonetheless, this report aims to present the proceedings in a way that accurately reflects the different perspectives that were shared.

Themes emerging from the six debates



1. Legal definitions of CSOs

Participants were invited to share their definitions of “civil society” in order to inform the legal definition under the new law. The following definition was suggested by participants in the first debate session: “Civil society is a synonym for the voluntary sector, or the non-profit sector, which includes organisations that are not part of the government sector or the private sector, as civil society is a voluntary, solidarity field directed at the service of the public good.” Other participants across other debate sessions supported this definition, noting that civil society is defined by its voluntary nature and rooted in the aim of serving the public good².



*“There is no independence for societies in Jordan. We need more independence.”
- A representative of a society in Amman.*

2. Freedom of association

Participants in all of the debate sessions touched upon themes of freedom of association, including issues regarding the establishment and registration of a CSO, control over CSOs’ activities, and the right to dissolve a CSO.

Many participants stressed that the right to freedom of association and forming CSOs is protected by the Jordanian Constitution. Participants also stressed the importance of reducing restrictions on civil society in terms of regulation, and that there is an urgent need for more independence to be granted to civil society actors in order to comply with the Constitution. Some voiced their concerns that the new law would impose new restrictions on their work, which would violate the spirit of the Constitution and create more challenges for civil society in Jordan.

Nevertheless, there was unanimous agreement across all participants in the debates that there should be a regulating framework for civil society actors to hold them accountable and ensure that the public good is being served, while there were disagreements about the specifics of the regulating framework .

One participant noted that his organisation was licensed under the Ministry of Interior, and as such was forbidden from joining the Union of Societies in the Municipality of Amman, which put the organisation at a disadvantage and excluded them from opportunities for support. This remark was seconded by a participant who was representing a CSO registered under the Ministry of Cultural Affairs.

²The EU considers Civil Society Organisations to include all “non-State, not-for-profit structures, non-partisan and non-violent, through which people organise to pursue shared objectives and ideals, whether political, cultural, social or economic. Operating from the local to the national, regional and international levels, they comprise urban and rural, formal and informal organisations.”

https://ec.europa.eu/europeaid/sectors/human-rights-and-governance/civil-society_en



“We are the real right arm of the Ministry [of Social Development].” – The head of an association for promoting the rights of people with disabilities in Ajloun

3. The role of CSOs in Jordanian society

A participant cited a report by the Ministry of Planning, which found that the work of CSOs brings in approximately 5% of Jordan’s Gross National Income, to argue that civil society should have a larger role. He also cited the need to “flip” the hierarchy of CSOs, with grassroots, rural and local CSOs receiving their fair share of support.

Some participants voiced that the vilification and demonisation of CSOs in Jordanian society was a major challenge for their work; CSOs are sometimes regarded as “beggars”, which undermines their credibility in the eyes of the general public. Also, many segments of society do not trust foreign INGOs and view them with scepticism, and this affects the attitude towards CSOs in general. The conspiracy theory of “foreign agendas” is a challenge to local societies and associations and civil society in Jordan as a whole. It was noted that the issue of misperceptions of CSOs in Jordanian society goes hand-in-hand with a lack of mutual understanding and trust between the GoJ and CSOs, which hinders cooperation between the two.

It was suggested that collecting and publishing reliable statistics on the contribution of CSOs, in particular in the field of social protection would facilitate recognition of the role of CSOs and help promote trust.



“Increasing the number of founders for an association is unconstitutional, as the constitution did not place a limit on the number of founders.” – A representative of an association providing free healthcare services in Amman.



4. Registration for CSOs

Some participants argued that the process of establishing a CSO should be easier, as Jordanians have the freedom to establish CSOs under the Constitution: the registration process should not require the permission of the Registrar of the MoSD, but should be merely a formality enabling a CSO to register freely provided it has met certain criteria.

The proposed requirement for “non-residential headquarters” was criticised, as placing, in some cases, an additional financial burden and unnecessary constraint on CSOs.

The issue of the minimum number of founding members for a CSO was also discussed, as some participants felt that this number should be higher since the field of civil society is crowded and some CSOs are struggling to obtain funding. Others disagreed, finding that this would go against the Constitution, and argued that competition between CSOs could in fact be beneficial to the public good.

Participants also expressed their concerns about different procedures for registration for organisations registered under the MoSD and other organisations that were established through Laws and Special Acts specific to those types of organisations. In particular, representatives of organisations registered as not-for-profit companies under the Ministry of Trade and Industry noted that while they would not object to registering under the Ministry of Social Development if there were no cumbersome restrictions, the limitations forced on societies registered under the MoSD made them prefer to register as not-for-profit companies instead.

It is clear that non-governmental organisations were open to the idea of being included in a common CSO legal framework. However there are some concerns this could lead to restrictions on the way they operate.



“When a CSO is accused of a wrongdoing, you should focus on whether or not they committed that particular wrongdoing – not open a full and lengthy investigation on every possible thing they could have done wrong since they first began operations.”

– The head of an association in Zarqa.



5. Regulating and monitoring CSOs

Many participants proposed that there should be a fully autonomous entity to monitor the activity of societies, which, on the general principle of independent monitoring, is not affiliated to, or under the control of, the Registrar of the MoSD.

Regarding creation of CSOs, some argued that the requirement to seek prior approval from competent ministries led to delays; it was said as well that the ability to dissolve a CSO should not lie in the hands of the government, but should only be possible through a fair legal trial or through the CSO itself. Going into more detail, the topic of when CSOs should be considered inactive and thus liable to being dissolved was also debated. Some participants urged the need to clamp down on inactive associations.

One participant, representing a non-profit day-care centre in the Tafilah governorate, voiced her disagreement. She argued that events outside of a CSO’s control – such as the pandemic – may lead a CSO to pause its work for a year or more, but that this should not always mean that the organisation is defunct or that it must be dissolved.

There were several proposals for new regulatory mechanisms for CSOs. A few participants proposed the establishment of one centralised committee, which would be composed of representatives of civil society actors, to manage the regulation of the civil society sector. Other participants suggested that the work to regulate CSOs should remain decentralised among different actors to avoid the centralisation of regulatory power.

The topic of social initiatives not involving a CSO was also debated. Some argued that there should be more effort to regulate initiatives and to include them under the umbrella of existing CSOs, while others said that such initiatives provided a window for the youth to informally engage in voluntary work. One participant suggested that the law should have a clearer definition of voluntary work.





*"If I want to accept one donation, I have to answer a hundred questions!"
- A representative of a civil society organisation based in Amman*

6. Financial challenges and restrictions

Many participants argued that the current system of seeking approval for organisations funds must be reformed to grant more freedom to CSOs, and that laws restricting CSOs from being able to freely obtain foreign funding must be amended or abolished. Participants stated that the process for receiving government approval for foreign funding is opaque and vague, which may leave societies in limbo and create financial hardship for these organisations. The requirement that CSOs receive such approval before beginning projects is a huge obstacle for Jordanian civil society organisations as it limits their ability to work freely, wastes months of project time, and also limits their administrative and financial capacities.

A number of participants argued that there should not be a committee to provide prior approval of CSOs' funding or projects; any corruption relating to the civil society sector should be dealt with through legal means only.

They argued that CSOs should instead be free to accept grants from donors and should be able to choose which activities to carry out without direct governmental control and monitoring. The origin of funding must not be used as a justification to discredit or criminalise the work of CSOs or as leverage to pressurise them; instead, some participants proposed that if the Registrar is aware of illegal or fraudulent sources of funding, it should make this known through a public platform.

Participants also pointed out that CSOs have the right to know why funding is being rejected, and that the Registrar and Government must be more transparent in all dealings with CSOs.

Participants repeatedly underscored that restrictions around fundraising negatively impacted their effectiveness. Financial restrictions, including cumbersome requirements and restrictions by some banks that refused to provide services to CSOs, were described as administratively exhausting. Participants in the governorates noted that such restrictions are a large burden to small, local CSOs in particular.

Moreover, several participants across different debate sessions argued that CSOs should be allowed to fundraise electronically and receive donations online, from applications such as Zain Cash, and the law must be reformed to reflect modern opportunities for CSOs.

They also stated that it is difficult to obtain funding from Jordanian private sector companies, which are often only willing to grant funding to the Zakat Fund and other Government agencies and entities due to tax benefits. The fact that donations to the GoJ's Zakat Fund can receive tax deductions of 100% of the value of the donation, while tax incentives to donate to CSOs are much less appealing to the private sector and to local individuals, are a major challenge for CSOs' funding and long-term sustainability; tax incentives should be put in place to encourage donations to CSOs.

One participant stated that it was unjust for societies to be treated the same as corporations with regard to rent, electricity, and water. The assertion that non-profit organisations must receive support to help them cover these expenses, or otherwise be exempt from them, was echoed across the local sessions held in Aqaba, Jerash, and Karak.





“Coalitions and partnerships between CSOs could play a much larger role in building the capacity of CSOs in Jordan.” – A representative of a not-for-profit organisation, based in Amman



7. Coalition building

For some participants, the current law does not explicitly and clearly permit coalition-building between CSOs, and so there are complications that arise when CSOs attempt to collaborate. Participants recommended lifting restrictions on coalition building for CSOs in Jordan in order to empower civil society actors to improve their capacity and better serve the public good.



“The regulatory framework for CSOs is so fragmented that one project might require approval from multiple ministries, the Jordan Civil Defence Directorate, and the Public Security Directorate.” – The head of an association working to promote the rights of people with disabilities



8. Bureaucracy and paperwork

Participants stated that long waiting periods to receive approvals from the MoSD created obstacles in implementing successful projects. Some participants argued that the governmental control over CSOs’ activities led to increased costs as well as delays, as CSOs have to pay expensive fees for legal translators and other miscellaneous costs due to bureaucratic measures imposed by the current law and the Registrar of the MoSD. Additionally, the fragmentation of the regulatory framework for CSOs means the CSOs have to navigate bureaucratic measures at several stages, and often with more than one ministry. Participants noted that the fragmented nature of the existing regulatory framework created burdens for CSOs in Jordan, and undermined their effectiveness in serving their beneficiaries and accomplishing their missions.





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*“We need modern tools to be able to cope with modern challenges.”
– The head of an association in Karak*

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9. Digitalisation

Some representatives of societies pointed out that a move towards digitisation is going to be a positive step, especially as it will be environmentally conscious. On the other hand, a handful of participants warned that digitisation may exclude those who are living in rural areas, those who are less technologically savvy, and those who are unable to access the internet and technological devices consistently. One participant underlined the necessity of digitising paperwork related to regulating CSOs, stating that he was the head of a rural association that worked with people with disabilities and that he would have to overcome several hurdles just to be able to receive one piece of necessary paperwork.



“Travelling to Amman for permits for big projects is a burden – why can't we get our paperwork [related to approving project activities] approved through telephone or fax?”
– The founder of an association in rural Tafilah.

10. Decentralisation and localisation

Societies in the governorates often have to travel to Amman to the MoSD for “bureaucratic affairs” / administrative issues, which creates serious additional challenges for those societies, especially in rural areas. Participants argued that there should be centres for each governorate, making it easier for societies to register outside of the capital. These centres should cover the range of sub-types of societies as well as the sub-regions within the governorates.



“There should be real partnership between the civil sector and the Government, where we build on each other’s strengths.” –The head of an association for empowering youth in Jordan



11. Cooperation with the Government of Jordan

It was repeatedly said that one of the significant challenges faced by CSOs is inadequate coordination between the Registrar and CSOs, a limited partnership between the private sector and CSOs, and a general lack of cooperation between public sector actors and CSOs. The ability of MoSD employees to support CSOs was questioned as they do not always understand the law and can be unaware of the registration process.

Many participants underscored the need for the Registrar to play a larger and more positive role in enhancing the capacity of CSOs by offering them training sessions for free, particularly on legal rights and duties of founders of CSOs.



“We get rejected for projects and aren’t told why, or what we did wrong, or how we can avoid getting rejected in the future. [I would estimate that] in 90% of approvals, we had to rely on connections to get projects approved.” – The treasurer of an association for providing support to orphans and families in poverty, based in East Amman.



12. Transparency, fairness and equal treatment

Many participants argued that there is a lack of fairness in the way that CSOs are treated, with some organisations receiving much more support than others, and stressed the need for equal treatment. This was a contentious point: some felt that a minority of CSOs were receiving a majority of projects and funding unfairly, while others thought that this was explained by differences in levels of capacity.

Some CSO representatives reported that Government employees would explicitly tell them that they would need to resort to using “wasta”³ to receive approval for certain activities. Participants stated that CSOs often did have to rely on “wasta”, just to get approval for projects, funding, or to get routine paperwork done.

Overall, there was an aspiration for reforms to ensure higher levels of transparency, accountability, and equal treatment for CSOs both within the government and for international donors.



“Why should we be punished for wanting to help families in poverty? During lockdown, we weren’t granted permits to work, and our employees had to risk being arrested [for violating lockdown orders] just to deliver food parcels to those in need.”- The head of an association based in Salt.



13.COVID-19 and future crises preparedness

The lack of equal treatment was also felt quite strongly during the COVID-19 pandemic: restrictions for private sector businesses and government agencies were often more lenient, and exceptions were made for specific institutions. There were delays in projects and activities, particularly owing to the Defence Orders which minimised gatherings. The process of deciding which CSOs would receive permits and the ability to work during lockdown was perceived as not being transparent. It was said that in preparation for future crises these processes must be transparent and the GoJ must be more inclusive of CSOs in its activities.

Participants stressed that limitations on civil space in Jordan left the Kingdom more vulnerable to crises. One participant stated that without independent, free and capable CSOs, it would be impossible to create long-lasting peaceful and sustainable stability in Jordan and in the region.

Conclusion

Participants (especially CSOs outside Amman who feel they are often excluded from the decision-making process) shared that they appreciated being part of the debate, thanking the MoSD and Expertise France for facilitating this community dialogue and making it possible for their voices to be heard.

Participants also expressed the feeling that dialogue should be an institutionalised part of the decision and law-making process, and that future legal reforms must be even more inclusive with CSOs around the Kingdom playing a larger role in the design of laws and regulations.

It was evident from the debate sessions that civil society in Jordan is diverse and that the beliefs and perspectives of its representatives are equally varied, but there was a broad agreement (with some contrary views), on a number of issues:

Regarding the review of the 2008 Societies Law:

- Reducing the fragmentation of the regulatory framework of CSOs was widely agreed upon, with various emerging viewpoints on what this regulation would look like and concerns regarding excessive centralisation of regulatory power
- It was also widely agreed that the law should provide mechanisms for coalition-building between CSOs, as this would facilitate peer to peer support and learning
- The issue of ensuring equal treatment was strongly advocated for
- Another broadly based consensus throughout the debates was related to making funding approval processes easier for CSOs
- Moving towards less paperwork and more digitalisation of procedures was largely agreed upon, with a few dissenting participants raising concerns of feasibility and inclusion
- Limiting the number of founders for the establishment of a CSO was discussed, but was a controversial proposition with several opposed participants

Regarding factors impacting CSOs outside of the scope of the review of the 2008 Societies law:

- The need for a strengthened partnership between the civil sector and the Government was widely agreed upon, and many supported the idea that the Registrar could play a larger role in building the capacity of CSOs.
- It was widely agreed that there should be provision for tax exemptions, fee waivers, as well as other forms of cost reduction for CSOs.
- It was also widely agreed upon that CSOs had potential to play a larger role within the national response to the COVID-19 pandemic, and have the ability to support the Government's response to future crises.