



THE SABAN CENTER  
*for* MIDDLE EAST POLICY  
*at* THE BROOKINGS INSTITUTION

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Number 3, July 2009

CIVIL SOCIETY AND PUBLIC  
FREEDOM IN JORDAN:

THE PATH OF DEMOCRATIC REFORM

SAMEER JARRAH



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SAMEER JARRAH

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## EXECUTIVE SUMMARY

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Beginning in the late 1980s, the Hashemite Kingdom of Jordan instituted a series of economic reforms that have streamlined business start-ups, encouraged foreign investment, and reduced bureaucracy. Despite these reforms to the economic sector, the country has maintained a tight grip on political reforms. Specifically, as the number of non-governmental organizations (NGOs) has increased—doubling since 1989—so too have the restrictions on their activities. As such, while there is a picture of political liberalization in Jordan, NGOs have very little influence in the political sphere. The existence of a large civic sector is therefore a façade that is merely part of the regime’s survival strategy.

Yet, the regime’s measures—passing laws that control civic groups, using state institutions (primarily the security apparatus) to restrict NGO independence, and limiting public freedoms in the name of security—are not the only cause for blame. Many NGOs in Jordan suffer from their own internally-generated problems, including short sightedness with regard to their goals, lack of strategic planning, weakness of their administrative bodies, and unqualified staff.

The weakness of Jordan’s civil society is closely related to the overall limitation of the political opposition in Jordan. The opposition’s main concerns have been limited to anti-Zionism and challenging

the IMF-inspired economic reforms that they believe have had harsh effects on the underprivileged. Formal political opposition, necessary to the democratic process, has never had the opportunity to emerge, and to this day does not present any real challenge to the government.

While civil society groups must conduct internal reforms, the monarchy and the Jordanian government must also realize that opening up the public arena in the kingdom is in everyone’s best interests, and they must take the necessary steps to make this happen. It has become ever more urgent to implement political reform because the government’s adoption of economic policies that lack a popular mandate has caused social tensions. The middle and lower classes are increasingly made to bear burdens through high rates of poverty and unemployment, which is widening the gap between high-income and mid- and low-income populations.

The monarchy, therefore, should work to strengthen civil society by reducing legal and political obstacles. Specifically, the monarchy should:

- Reject the notion that free political discussion is, in itself, a threat to national security. A gradual opening of political space might help contain a radical fringe of Islamists that has appeared in recent years and has shown no reluctance to use violence. This could result

in an enhancement of the Jordanian government's legitimacy as violent opposition organizations become delegitimized.

- Pass a new elections law and ensure regular elections. New legislation must be passed that ushers in wider representation of the people, more justice in the distribution of electoral constituencies, and a broader base for political participation.
- Repeal the Public Assemblies Law and increase press freedom. The Public Assemblies Law constitutes a violation of international human rights conventions to which Jordan has committed itself. In addition, the Press and Publication Law, Number 8 of 1998, which provides only a marginal degree of publication freedom, must also be amended.

- Establish a constitutional court. The 1991 National Charter calls for establishing such a court to “decide on disputes and challenges pertaining to the constitutionality of laws and decrees which are brought before it by interested parties.” Doing so would lend credibility to the legislative process.

Without such changes, the government will continue to find itself in confrontation with major social groups, whether they are organized into legal associations or not. Without an ability to assemble peacefully and advocate for their needs and priorities, citizens will continually seek to circumvent government restrictions by manipulating the law and operating clandestinely. This is harmful not only to the prospects for true democratic reform, but to Jordan's overall security and stability.

## ACKNOWLEDGEMENTS

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*“A journey of a thousand miles begins with a single step.”*  
—Confucius

**M**y journey of a thousand miles began a while ago, and while I was taking my steps, I found old acquaintances and made new ones. It is in them that I have come to find support and encouragement for the path of change I hope to create with my work and writings.

A great deal of respect and gratitude stems from within for those who have shared their experience, knowledge, and unconditional guidance. Like me, they have stayed up late working and editing my writings; to them all I am grateful.

I am grateful to Todd Patkin for enabling me to be the first Todd G. Patkin Visiting Fellow in Arab Democracy and Development at the Saban Center at Brookings. This paper is the product of just one of his acts of generosity.

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## THE AUTHOR

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Sameer Jarrah is currently working with Freedom House as a Project Director of the New Generation Program in the Middle East and North Africa. He is a Jordanian international lawyer with extensive experience in the field of democracy and human rights. He is the founder of the Arab World Center for Democratic Development and Human Rights in Jordan, and a member of the international steering committees of the Network of Democrats in the Arab World, the Council for the Community of

Democracies, and the International Committee on Human Rights Law and Practice. Jarrah was a Protection Officer, Human Rights Officer, and Liaison Officer with the UNHCR in Jordan and regionally. He was the 2007 Todd G. Patkin Visiting Fellow in Arab Democracy and Development at the Saban Center for Middle East Policy at the Brookings Institution. In 2007, Jarrah was recognized as the 2007 Advocate of the Year by Street Law, an international human rights organization.

## INTRODUCTION

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Jordan's push for economic reform began 20 years ago, in 1989, when the country reluctantly agreed to the International Monetary Fund's (IMF) adjustment measures. These measures included reducing the government's budget deficit by increasing certain taxes and cutting subsidies for a number of products, and containing monetary expansion by reducing government borrowing from the domestic banking system.<sup>1</sup> The reforms followed a prolonged economic crisis that had caused a rapid devaluation of the Jordanian dinar, skyrocketing national debt, and rising inflation and unemployment. Under King Hussein and especially now under King Abdullah II, Jordan has taken steps to reform its economy, particularly through efforts to streamline business start-ups, encourage foreign investment, and reduce bureaucracy. But despite this economic progress, Jordan has fared worse with its political reforms. Though there was a promising start to political reform in the 1990s and early part of this decade, the past five years have seen a period of regression of the political rights and participation of Jordanian citizens.

The push for economic reform that has characterized King Abdullah's ten years on the throne has not been matched by a similar push toward

expanded political liberalization and democratization. Political-reform inertia is evident in the continued intransigence of political elites, and also in the king's reliance on royal decrees, rather than working through the parliamentary mechanisms of his constitutional monarchy. Though Jordan's Legislative Council was an early experiment in democracy and pluralism, and throughout its 80-year history has been a cornerstone of Jordan's political life, it has its flaws: the party system is weak, personality cliques are powerful, and a coalition of Islamists and tribal conservatives routinely find enough common ground to block the government's more progressive proposed reforms.

While reform, therefore, is necessary, it may be difficult to achieve because it is dependent on the full participation of three groups: the public, civil society organizations, and the government. First, in order to effect change, a majority of Jordanian citizens must demonstrate their support for and commitment to political reform. Second, the stagnation of political institutions and the continuing need for change should provide a perfect opportunity for Jordanian civil society organizations to play a role in supporting reform. But, thus far, Jordanian civil society has not been an effective force for advancing freedom and democracy. Restrictions—legal, insti-

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<sup>1</sup> Tsidi Tsikata, Steve Kayizzi-Mugerwa, and Daouda Sembene, "Evaluation Report IMF Support to Jordan, 1989–2004," International Monetary Fund Independent Evaluation Office, December 6, 2005, p. 76, available at <<http://www.imf.org/External/NP/ieo/2005/jor/eng/pdf/report.pdf>>.

tutional, and practical—on citizens’ freedom of association have prevented the public’s latent support for change from being mobilized and vocalized by civic groups. Civil society organizations also suffer from internal weaknesses that must be addressed to make them more effective advocates for democracy. Third, and most important, the monarchy and the Jordanian government must come to see that opening up the public arena in the kingdom is in everyone’s best interests, and they must take the necessary steps to make this happen. Underscoring the importance of moving ahead with political reform is the fact that social tensions have resulted from the government’s adoption of economic policies that lack a popular mandate. Such positions caused, and still cause, the middle

and lower classes to bear increasing burdens, and have failed to contain high rates of poverty and unemployment or limit the increasing gap between high-income and mid- and low-income populations.<sup>2</sup>

This working paper provides a discussion of political reform in Jordan, focusing on the shortcomings of civil society organizations. The first section gives an overview of recent trends in political freedom in Jordan. The paper then discusses the historic development of civil society in Jordan and gives reasons for the inadequate performance of Jordanian civil society. The paper concludes with a discussion of recommendations that can produce a more effective civil society in the country.

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<sup>2</sup> Sameer Jarrah, “Democratic Transition in Jordan: Facts and Figures,” July 27, 2006. The paper was submitted for the conference Democratic Transition in the Arab World organized by the Al Kawakibi Center for Democratic Transition and the Arab Institute for Human Rights in Tunisia.

# CURRENT LIMITS TO DEMOCRACY AND PUBLIC FREEDOM IN JORDAN

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Freedom of association in Jordan has a strong legal foundation, with guarantees enunciated in the 1952 Jordanian Constitution. Article 15 of the Constitution guarantees freedom of opinion, and Article 16 explicitly states that “Jordanians are entitled to establish societies and political parties.” Likewise, Article 17 states that “Jordanians are entitled to address the public authorities...on any matter relative to public affairs.” These guarantees relating to freedom of expression and the establishment of political parties were reiterated recently in the National Agenda.<sup>3</sup>

But the greatest impediment to Jordan’s realization of authentic political reform is the government’s excessive fear of the security consequences that may result from granting the public additional freedoms. This view constitutes the backdrop of many of the debates over domestic policy. Security

concerns have dampened the spirit of national reconciliation represented by the 1991 National Charter, closed the doors to national dialogue, restricted public freedoms (especially freedoms of speech, opinion, and association), and have led to encroachments on human rights.<sup>4</sup> While the elected parliament continues to function, the national momentum required for democratic transformation is completely paralyzed. The result is that strong laws drafted to advance reform have been frozen. In addition, the government has backtracked on commitments by reconsidering liberal legislation and opening side battles with civil society organizations, opposition political parties, professional unions, and the press.

Opportunities for public consultation with and participation in the political arena have diminished. The government has enacted a number of

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<sup>3</sup> The National Agenda was developed by a steering committee consisting of government officials, civil society actors, and private sector actors, along with other members of Jordanian society. The National Agenda aims “to achieve sustainable development through a transformation program that puts Jordan on a trajectory path toward fast economic growth and greater social inclusion, resulting in comprehensive strategies and initiatives developed to realize social, economic and political development, evaluate and monitor progress of its implementation according to detailed performance indicators.” “National Agenda 2006-2015: The Jordan We Strive For,” p. 4, available at <<http://www.nationalagenda.jo/Portals/0/EnglishBooklet.pdf>>.

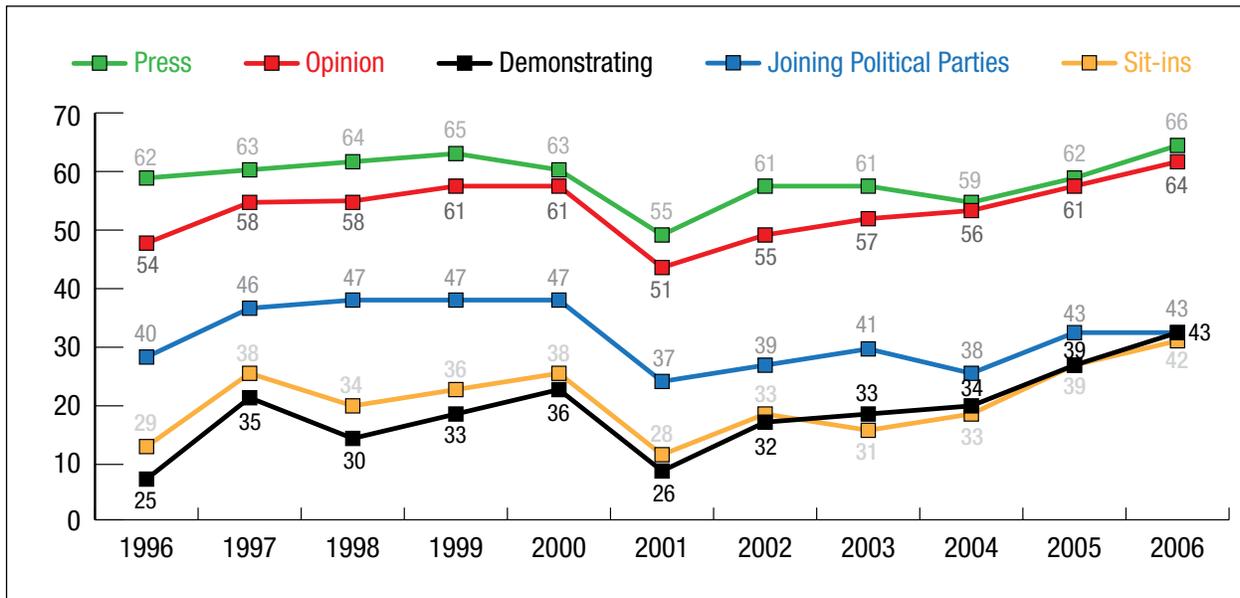
<sup>4</sup> The National Charter was created to provide guidelines for the conduct of political parties in the country. According to King Hussein’s official website, “The National Charter outlines general guidelines for constructive dialogue between the executive and legislative organs, as well as between decision-makers and political and intellectual elites concerning questions of authority, rights and responsibility. It enunciates the terms under which political parties can operate—namely, within the framework of the Constitution and free of foreign funding—and also emphasizes broad agreement on the need for the political reflection of Jordan’s cultural pluralism. Perhaps most importantly, the Charter has given Jordanian leaders a sense of direction, an insurance policy against outbidding by unrestrained groups, and a degree of predictability in political affairs. It has also eased concerns about the consequences of unbridled freedom of expression. The National Charter, along with the Jordanian Constitution, provides a compass for the national debate on fundamental issues.” See <<http://www.kinghussein.gov.jo/charter-national.html>>.

measures—the Terrorist Acts Law (2001), the Public Assembly Law (2001), the Higher Media Council Law (2001), the Economic Crimes Law (1993), the Correction and Rehabilitation Centers Law (2004), and amendments to the State Security Court Law and the Appropriation Law (2000)—that have led to encroachments on basic political freedoms. The Public Assembly Law, for instance, placed restrictions on freedom of expression and political movement, and nationalized the media, which created an army of journalists now employed to advocate government policies.<sup>5</sup> Most recently, in 2006, the government enacted

additional acts that have stymied political reform. These statutes include the freezing of an important draft anticorruption law and the implementation of a new anti-terrorism law.

A report published in 2006 by the Center for Strategic Studies at the University of Jordan illustrates the limited extent to which Jordanians believe they enjoy basic public freedoms. As the chart below illustrates, only 42 to 43 percent of all Jordanians believe they are free to demonstrate, participate in sit-ins, or even to join political parties (based on the latest year for which data are available).

EXTENT TO WHICH YOU BELIEVE PUBLIC FREEDOMS ARE GUARANTEED<sup>6</sup>



<sup>5</sup> Sameer Jarrar, “Democratic Transition in Jordan: Facts and Figures.”

<sup>6</sup> “Democracy in Jordan—2006,” Center for Strategic Studies, University of Jordan, July 2006, p. 6.

# THE HISTORY OF CIVIL SOCIETY IN JORDAN

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Civil society groups often take on social roles not fulfilled by government, including providing education and charity services to communities. In a healthy participatory democracy, civic groups also play an important role as a mediator between the interests of the state and the interests of society. Civil society collects, organizes, and mobilizes public demands, and helps educate citizens about government policies and about political participation. By these criteria, civil society organizations in Jordan have thus far not been an effective force for freedom and democracy.

The concept of civil society is relatively new in Jordan. It was in the 1990s that civil society organizations, in general, and human rights organizations, in particular, began to flourish. With the introduction of democratic reforms, human rights issues began to occupy a central place in the political discourse. Currently, there are more than 2,000 civil society organizations across the country working on diverse issues with varying degrees of success. Altogether they total nearly 800,000 registered members, accounting for 15 percent of the Jordanian population.<sup>7</sup> Though popular, all the groups face important challenges related to poor funding, constraining legislation, limited organizational capacity, and a weak domestic constituency. As a

result, Jordanian civic groups have not succeeded in playing a significant role in voicing public demands for democratic reform.

To understand the development of civil society in Jordan, one must look back to the late 1980s. In 1989, the Jordanian government adopted an IMF-sponsored economic liberalization program that required Jordan to decrease subsidies, taxes, and government borrowing from the domestic banking system. This led to a gradual withdrawal of governmental institutions from the economic and political arena, followed by a decrease in government services. As the government reduced its role in the economic sphere, the vacuum was filled by social groups that provided welfare services to citizens. One consequence was an increase in the government's recognition of the role of organizations in social development. At the same time, Jordan enjoyed a period of political liberalization. Such liberalization measures allowed for the reestablishment of organizations that had been previously banned, such as political parties, and those associations that had been disbanded in the years before the democratic reforms. It also allowed new civil society organizations to develop and flourish. An important shift in government attitudes was evident at this time, and the government lessened its

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<sup>7</sup> According to the World Bank Development Indicators, Jordan's total population was 5.473 million in 2005, the latest date for which data are available.

interference in the internal affairs of civil society groups. This interference had often taken extreme forms that included breaking up organizations, interfering in and sometimes annulling the results of internal organizational elections, and curbing the activities of civic groups.

According to one analysis, the intention behind the liberalization of the political sphere was twofold. The first aim was to foster a culture of political pluralism that would provide alternatives to the Islamist parties, thereby decreasing the support Islamists received and lessening their chances of winning seats in parliament. The second aim was to shield the palace; the competition inherent in elections and in a more pluralistic polity in general protected the palace from bearing the full brunt of responsibility for maintaining citizens' standard of living. Instead, the palace thought that it would pass this responsibility to the legislature and the government, thus making the government, and not the monarchy, the recipient of criticism from opposition parties.<sup>8</sup> Whatever the motivation, the consequence of the palace's reduced role was that the number of civil society organizations in Jordan grew substantially during the past decade.

As stated, the late 1980s and early 1990s saw increased political liberalization in Jordan. The drawing up of the National Charter included representation from all elements of Jordanian society. Once

adopted in 1991, the Charter ensured Jordanian citizens the right to organize within a framework of political pluralism and rule of law. However, although it seemed promising in terms of political reform, the legislation gave wide discretionary powers—including the right to refuse licenses to or even dissolve certain organizations—to those government institutions charged with oversight. Therefore, despite the legal guarantees offered in the National Charter, civil society organizations have suffered from constraints on their ability to form and operate that have been imposed on them by multiple governmental and judicial authorities that supervise their activities.

Nevertheless, civil society in Jordan flourished somewhat in the 1990s and early 2000s, in part because of the relative withdrawal of the government from certain social spheres, and in part because of an uncertain legal and political environment that created numerous "gray areas" that civic groups learned to exploit. But the government was also able to manipulate these gray areas to bend civil society organizations to its own purposes and to limit their independence. Today, efforts by the government to clarify the legal environment are having the effect of constraining civil society, just at a moment when non-governmental organizations (NGOs) are primed to support the next stage of political reform in Jordan.

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<sup>8</sup> Scott Greenwood "Jordan's 'New Bargain': The Political Economy of Regime Security," *The Middle East Journal* 57, no. 2 (Spring 2003), pp. 256-257.

# JORDANIAN CIVIL SOCIETY TODAY: THE DEVALUATION OF SOCIAL CAPITAL

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Although the number of non-governmental organizations in Jordan doubled between 1989 and 2005, the NGOs remained apolitical, and did very little to further political freedoms. There are several reasons for this failing, including state repression, confusion over the legal status of civil society groups and activities, and the internal governance failures of various civil society groups that have prevented them from acting in a way that empowers their members. State repression takes the form of governmental interference—often via the security services—in the process of electing NGO leadership and building membership. Confusion over NGOs’ legal status results from the fact that the government introduced legal restrictions on freedom of assembly, which places many NGOs in legal jeopardy merely for carrying out their normal activities. The internal failures of the NGOs are many, and include a lack of transparency in their financial and electoral processes, as well as an absence of basic management skills.

## LEGAL IMPEDIMENTS

Recently, the Jordanian government enacted several laws that restrict political freedom and hamper the ability of citizens to mobilize peacefully. This

repression has had a significant impact on limiting the ability of civil society groups to effect change. Most notable in this respect is the Prevention of Terrorism Act of 2006 and amendments to the Press and Publications and Political Parties laws.<sup>9</sup>

After the November 9, 2005 al-Qa’ida attacks on two hotels in Amman, the government prepared a law entitled the Prevention of Terrorism Act (PTA) that was approved by the lower and upper houses of parliament in August 2006. The provisions of the Prevention of Terrorism Act are instructive, as they reveal the rationale and the mechanisms used for restricting freedoms in the kingdom. The law specifies that trials of terrorism suspects must take place in the State Security Court rather than in civilian courts, and allows for the detention of suspects for up to 30 days without charge and with no access to legal counsel. Amnesty International criticized the law for another provision—its ability to punish those who contribute to a charity that, unbeknownst to them, serves as a front for a terrorist organization:

One concern is that the PTA criminalizes “support through actions or financing of terrorism either directly or indirectly” but

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<sup>9</sup> “Status Report of Human Rights 2006: The Hashemite Kingdom of Jordan,” National Centre for Human Rights, p. 2, available at <<http://www.nchr.org.jo/uploads/HRstatus2006-Eng1.pdf>>.

does not stipulate that an accused knew or intended that their action or financial contribution would assist terrorism. This raises the possibility that an individual who donates money innocently or otherwise assists what they believe to be a charitable organization, but is actually a “front” organization assisting terrorism, could be prosecuted under the act.<sup>10</sup>

Whereas Amnesty International criticized the law for its ability to punish those who unwittingly assisted a terrorist group, the National Centre for Human Rights (NCHR) criticized the law for its ability to punish those who intended to commit a crime, but never acted on this intention. NCHR states that this provision violates Article 69 of the Jordanian Penal Code which considers mere intent as not being a crime in and of itself.<sup>11</sup> It also conflicts with international human rights conventions ratified by Jordan, including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The prioritization of security has been used to crack down harshly on the civil liberties of the public and curtail political freedoms. The Public Assemblies Law, for example, requires prior government consent for all public rallies and protests. As such, the government has routinely and liberally used its authority to forbid or shut down meetings.<sup>12</sup> Peaceful activities are restricted under the guise of security, and in some cases, in direct contravention of the kingdom’s obligations under international treaties.

In addition to using security concerns to justify restrictions on assembly, the Jordanian government has sought to define narrowly what is and is not allowed regarding political activism. The government has attempted to confine citizen political engagement to participation in political parties, thus restricting NGOs from being able to take part in political activities or discussions.<sup>13</sup> Additionally, the Associations Law of 2008 retains a definition of associations that is hostile to any political activity.<sup>14</sup>

Despite these measures, Jordanian NGOs have attempted to evade government restrictions by finding and exploiting loopholes in the various laws that affect their activities. In this regard, NGOs have crafted their founding documents to enable them to register under a ministry more likely to approve their applications, or more likely to turn a blind eye to their activities. Because the security services have different relationships with the various ministries, NGOs have tried to reduce security sector interference in their internal affairs through careful selection of the ministry least likely to interfere with their work. However, there have been negative results from this situation. The patchwork of laws affecting NGOs has combined with the ad-hoc responses by NGOs to create a chaotic situation in which arbitrary government action against NGOs is matched by erratic NGO activities meant to evade legal restrictions. This has led to a situation in which Jordanian civil society and the security services are in a constant game of “cat-and-mouse.” As a result, many NGOs have little energy for the actual activities that they are supposed to perform on behalf of Jordanian society.

<sup>10</sup> “Jordan’s Anti-Terrorism Law Opens Door to New Human Rights Violations,” Amnesty International Public Statement, November 7, 2006, available at <<http://www.amnestyusa.org/document.php?lang=e&id=ENGMDE160122006>>.

<sup>11</sup> “Status Report of Human Rights 2006,” National Centre for Human Rights, p. 27.

<sup>12</sup> “Justice for All: The Struggle for Worker Rights in Jordan,” American Center for International Labor Solidarity, December 2005, p. 17.

<sup>13</sup> Quintan Wiktorowicz, *The Management of Islamic Activism: Salafis, the Muslim Brotherhood, and State Power in Jordan* (New York: The State University of New York Press, 2001), pp. 29-31.

<sup>14</sup> Jordanian Associations Law of 2008 (in Arabic), available at <[http://www.addustour.com/ViewTopic.aspx?ac=\LocalAndGover\2008\06\LocalAndGover\\_issue240\\_day04\\_id55143.htm](http://www.addustour.com/ViewTopic.aspx?ac=\LocalAndGover\2008\06\LocalAndGover_issue240_day04_id55143.htm)>.

But the reforms to this patchwork of laws may make matters worse. A civil society law passed by the Jordanian parliament in July 2008 threatened to overturn the current state of affairs of legal gray zones by entrenching the power of the government over the operation of NGOs. The law, rushed through parliament after an earlier, similar draft was widely criticized by Arab human rights groups and withdrawn in January 2008, was not signed by the king but is slated to be reintroduced in parliament. It is intended to curtail severely NGOs' practical freedom of action and set back the capacity of Jordanian groups to play an effective role in the country's civic life. Among the new regulations contained in the law is a provision that puts conditions on who may found an NGO, requiring, as Human Rights Watch has noted, "a certificate of good conduct from the General Intelligence Department."<sup>15</sup> In addition, the law permits the government to postpone the registration of an NGO for an unlimited period of time if it finds a "deficiency"—ambiguously defined—in any portion of the registration application.

The new law also compels NGOs to receive the government's approval for donations and gives the government the right to review the finances and work plans of NGOs.<sup>16</sup> Specifically, the law requires the approval of the prime minister should an NGO seek funding from non-Jordanian sources. Failing to gain

authorization could result in a prison sentence of at least three months. Likewise, foreign NGOs require the approval of the prime minister to accept funding from Jordanian sources, and face a penalty of 1,000 Jordanian dinars for failing to comply.<sup>17</sup> The law also allows the government to close NGOs for violations or to appoint a government official as an NGO's temporary chief executive. Finally, civic groups that have registered as "non-profit companies," a legal loophole many groups used to avoid existing restrictions, are brought under the jurisdiction of the new law and are required to meet its provisions within one year. The new law directly contradicts Jordan's obligations under the International Covenant on Civil and Political Rights, which Jordan's parliament approved in 2006, by violating Articles 21 and 22 that guarantee the right to peaceful assembly and association.<sup>18</sup> If the law survives challenge, it will prove to be a major blow to Jordanian civic activists who hope to build associations that play a role in the country's political development.

## OVERSIGHT BY THE MINISTRY OF INTERIOR

In addition to the legal avenues used by the government to constrain and control organized civil society activities, discretionary state power is continuously used to prevent the emergence of NGO leaders who may challenge the regime's power.<sup>19</sup>

<sup>15</sup> "Human Rights Watch Letter to Jordanian Prime Minister Dahabi on the Draft NGO and Public Assembly Laws," Human Rights Watch, June 30, 2008, available at <[http://hrw.org/english/docs/2008/06/30/jordan19225\\_txt.htm](http://hrw.org/english/docs/2008/06/30/jordan19225_txt.htm)>.

<sup>16</sup> Jordanian Associations Law of 2008.

<sup>17</sup> "Human Rights Watch Letter to Jordanian Prime Minister Dahabi on the Draft NGO and Public Assembly Laws," Human Rights Watch.

<sup>18</sup> United Nations Office of the High Commissioner for Human Rights, International Covenant on Civil and Political Rights, available at <[http://www.unhcr.ch/html/menu3/b/a\\_ccpr.htm](http://www.unhcr.ch/html/menu3/b/a_ccpr.htm)>. Article 21 states: "The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others." Article 22 states: "Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests; No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right; Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention."

<sup>19</sup> "The State of Human Rights in the Hashemite Kingdom of Jordan," National Centre for Human Rights, May 31, 2005, pp. 16-32, available at <[http://www.nchr.org.jo/pages.php?menu\\_id=26&local\\_type=0&local\\_id=0&local\\_details=0&local\\_details1=0&localsite\\_branchname=NCHR](http://www.nchr.org.jo/pages.php?menu_id=26&local_type=0&local_id=0&local_details=0&local_details1=0&localsite_branchname=NCHR)>.

In particular, the state's security apparatus must approve all NGO registrations, elections, leaders, and members. It is explicitly stated in Law 33 that all volunteers, as well as administrative board members, must be approved by the "security department"—a euphemism for the *Mukhabarat* (secret police)—and the public security service at the Ministry of the Interior. These agencies are normally charged with preventing group activity that threatens the security of the state, national unity, or the Hashemite regime; using them to oversee NGOs therefore communicates volumes about the way in which the regime views the NGOs.

The security services' input into NGO decision-making represents the veto power and informal involvement of the security apparatus in social activity—a form of embedded authoritarianism. This intimidation by the security services has constrained many NGO activities relating to policy or political issues. Specifically, the security forces have used force to prevent the holding of some rallies and sit-ins, such as a rally summoned by opposition parties and trade unions to support Lebanese resistance during the 2006 war between Israel and Hizballah.<sup>20</sup> But the oversight of NGO activity has gone beyond these security branches to the Ministry of Interior itself. The Ministry of Interior has taken overt action to restrict NGO activities. During 2006, for example, the minister of the interior and the governor of the capital refused to license many activities and rallies intended to mark the occasion of Earth Day or express support for those opposing foreign occupation in Palestine, Lebanon, and Iraq. This control ensures that Jordan's apparently vibrant associations do not act, as might be expected, to create collective empowerment through grassroots mobilization. Instead, state regulation prevents civic groups from exerting real pressure.

## INTERNAL WEAKNESSES

The weakness of Jordanian civil society is not entirely due to state despotism. State attitudes and behavior do not explain the primacy of narrow interests within most Jordanian civil society organizations, nor do they explain the absence of financial transparency or effective management in these organizations. Many NGOs in Jordan suffer from their own internally-generated problems, including short sightedness with regard to their goals, lack of strategic planning, weakness of their administrative bodies, and unqualified staff.

Perhaps the greatest shortcoming of Jordanian NGOs is their internal structure. The fact that NGOs themselves are not necessarily democratic and lack transparency and good governance practices, such as oversight, has eroded their credibility and blunted the impact of their work and advocacy. Ironically, many organizations do not differ in their structure or methods of operation from the ruling parties. The inability to harness the energy and potential of their members and the reliance on decision-making and strategizing of a select few helps explain the weakness of NGOs' strategies and their failure to develop alternative programs of democratic reform.<sup>21</sup> The most positive aspect of the new NGO law is that it addresses this internal shortcoming by requiring NGOs to meet some basic standards of internal governance, such as holding regular board elections.

Structural issues are not the only cause of problems within civil society groups. Employees lack important organizational skills, and there is no clear "career track" or professional training for NGO workers or leaders. Activists report that skill requirements for hiring are weak, which means that many organizations have staff who are deficient in

<sup>20</sup> "Status Report of Human Rights 2006," National Centre for Human Rights, pp. 49-50.

<sup>21</sup> Sameer Jarrah, "Democratic Transition in Jordan: Facts and Figures."

the minimum expertise necessary to play a role in a democratic transition.

### UNDERSTANDING THE CORE PROBLEM OF ASSOCIATIONS

As discussed, the ineffectiveness of Jordanian civil society has several causes, but the issue of most concern, perhaps, is the fact that the state has used regulation of the organizations as an important instrument of state control over society. While there is a picture of political liberalization in Jordan, NGOs in fact have very little influence in the political sphere. The existence of a large civic sector is therefore a façade of political liberalization for a regime struggling to overcome an economic crisis. Thus, the government has used this cover of political liberalization and NGO expansion as a survival strategy.

The weakness of Jordan's civil society is closely related to the overall weakness of the political opposition in Jordan. Jordan's creation in 1921 as the British Mandate of Transjordan was meant to provide stability in the region and tame the tribes of the area. Consequently, the kingdom's initial purpose did not create an environment conducive to the creation of viable political parties, let alone a viable opposition.<sup>22</sup> In addition to the regime's longstanding tradition of co-opting opponents, Jordan has also carefully defined the limits of acceptable democratic discourse. As a result, the opposition's main concerns have been limited to anti-Zionism and challenging the IMF-inspired economic reforms that they argue have had harsh effects on the underprivileged. In short, formal political opposition necessary to the democratic process never had the opportunity to emerge. To this day political resistance still remains weak in presenting any real challenge to the government.

### THE UNIQUE ROLE OF THE ISLAMIC ACTION FRONT

The Islamic Action Front (IAF), the political party established by the Muslim Brotherhood in Jordan, has proven to be an exception to many of the trends that affect both civil society groups and political parties described above. The IAF stands out amongst Jordanian political parties for the notable influence it has wielded despite the regime's repressive actions, which include arrests and detentions, as well as withholding important political appointments in the public sector.<sup>23</sup> This is especially true regarding its influence over the Jordanian student organizations.

Since the early 1990s, the Muslim Brotherhood in Jordan has been the dominant political force influencing student union boards at Jordanian universities. As was once the case with leftist and Arab nationalist parties, in recent years the Brotherhood has politicized student activities and manipulated them to serve the movement's political platform. For example, the Brotherhood denounced the 1993 peace agreement between Israel and the PLO, as well as the 1994 Jordanian-Israeli peace treaty. As such, it pressed local student unions to reject the Middle East peace process. This influence has led these student unions to feel an obligation to oppose the normalization of relations with Israel.<sup>24</sup>

The Brotherhood's dominance in student groups has, at times, resulted in the merger of student leadership with the Brotherhood. As such, the Brotherhood has made its own issues the focus of student organization activities. It also attempts to place the student organizations within a democratic and pluralistic framework to include students of

<sup>22</sup> William L. Cleveland, *A History of the Modern Middle East* (Boulder: Westview Press, 2000), p. 209.

<sup>23</sup> Sameer Jarrah, "Democratic Transition in Jordan: Facts and Figures."

<sup>24</sup> "Civil Society Development in Jordan: A Study," Al Ordun Al Jaded Center, 2000.

other political persuasions. In this way, it intends to recoup its strength by playing a role in “democratizing” education; by increasing awareness in the student body of the variety of economic and social backgrounds from which their peers come, the students (and the university) become aware of the developmental needs of society.

The fact that the Islamic Action Front has managed to sustain its political and social influence despite

state interference may provide a model for other associations to follow. However, the success of the Islamic Action Front may be due to characteristics unique to the Brotherhood. In any event, the effect of this situation is not encouraging. Without an easing of state restrictions on social organization, the Muslim Brotherhood will continue to play a disproportionate role in political life, since other political forces cannot, apparently, overcome the barriers posed by the state.

## CONCLUSIONS AND RECOMMENDATIONS

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With a stalemate existing between pro- and anti-reform political elites, any further progress toward democracy must await a clear push from King Abdullah. The king has repeatedly declared that he is hamstrung by the obstacles other political actors have put in the way of reform initiatives, and by lax government implementation of new policies. To succeed, however, the king must mobilize broad public support for reform by improving freedom of association. In the past, the palace aimed to create national agreement around reform initiatives. Now, given the political stalemate over the National Agenda, King Abdullah will once again not only have to lead such initiatives, but also get involved in their details. This is the only glimmer of hope for reformists.

Jordanians interested in political reform need to begin by affirming the principle that “freedom must precede democracy.” The priority of democrats and human rights activists must be to secure freedoms that will pave the way for public participation in politics. Guaranteeing freedom of association in Jordanian law, and upholding that freedom in practice, is the necessary foundation for Jordan’s continuing transition to a more democratic polity. Until the majority of Jordanian citizens substantively demonstrate their support for political reform,

though, a small group of the country’s elites will be able to block important reform initiatives, even those coming from the palace. Helping to mobilize and direct the energy of everyday Jordanians in the direction of real reform and progress is precisely where civil society organizations can truly be effective. There are several concrete steps that the Jordanian government should take to encourage this process. These steps reflect a need for attitudinal changes, legal reform, and institutional reform:

- **Reject the notion that free political discussion is, in itself, a threat to national security.** The Jordanian regime is focused, above all, on its own stability. The key question is whether security needs would be better served by a continued clamp-down on expression and association or by a gradual, carefully managed opening of political space. While the latter would not satisfy those among the government’s critics who demand a more ambitious democratization agenda, given the current orientation of Jordan’s political class, it appears for now to be the most the regime would contemplate.<sup>25</sup> If successfully implemented, political reform might help contain a radical fringe of Islamists that has appeared in

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<sup>25</sup> “Countries at the Crossroads 2006: Country Report – Jordan,” Freedom House, available at <<http://www.freedomhouse.org/template.cfm?page=140&edition=7&ccrpage=31&ccrcountry=118>>.

recent years and has shown no reluctance to use violence. The reform, therefore, could result in an enhancement of the Jordanian government's legitimacy as violent opposition organizations become increasingly delegitimized.

- **Pass a new elections law and ensure regular elections.** Currently, when Jordanians go to the polls to elect their parliamentary representatives, each voter votes for one candidate, as opposed to voting for a party list. This means that in cases where an electoral district has more than one seat to be filled, each voter can only vote to fill one of the open seats.<sup>26</sup> As recommended in Freedom House's 2006 *Countries at the Crossroads* report on Jordan, reforms considered under the National Agenda should abolish the current voting system in favor of a proportional or mixed voting system. New legislation must be passed that ushers in wider representation of the people, more justice in the distribution of electoral constituencies, and a wider base for political participation. Also, an independent and transparent electoral commission should be established. Holding regular elections would give people a reason to organize and make associational life among citizens meaningful and part of a broader democratic practice.
- **Repeal the Public Assemblies Law.** The Jordanian government should repeal Public Gatherings Law No. 7 which constitutes a violation of international human rights conventions to which Jordan has committed itself.<sup>27</sup> Human Rights Watch has noted that

the law restricts the right of assembly by requiring the written consent of the governor of a given region in order to hold demonstrations or public gatherings. Although legislation requiring explicit denial (a lack of response is deemed approval) is an important shift in favor of potential demonstrators, the law still places undue power in the hands of the governor. Should the governor deny permission to hold a public meeting, he need not provide any justification. Human Rights Watch pointed out that "the law exempts from the requirement to seek permission meetings of NGOs, professional associations, and political parties, among other official bodies, 'on condition that these meetings and gatherings are linked to the realization of their objectives and in accordance to the legislations regulating their work and activities.'" It predicts, however, that the new Assembly Law will do little to decrease the frequency with which governors deny permission to hold legitimate public gatherings based on their own arbitrary determinations.<sup>28</sup>

- **Increase press freedom.** A free press is a crucial component of any functioning democratic polity, as it provides an arena for the free exchange of ideas and helps to create an informed citizenry.<sup>29</sup> For this reason, the government should repeal the Press and Publication Law, Number 8 of 1998, which provides only a marginal degree of publication freedom.
- **Establish a constitutional court.** The International Crisis Group (ICG) has suggested the establishment of a constitutional

<sup>26</sup> Oraib al-Rantawi, "Jordan: Elections Without Surprises," *Arab Reform Bulletin* 5, No. 8, October 2007.

<sup>27</sup> "The State of Human Rights in the Hashemite Kingdom of Jordan," National Centre for Human Rights, May 31, 2005, p. 9, available at <<http://www.nchr.org.jo/uploads/nchr-report.pdf>>.

<sup>28</sup> "Human Rights Watch Letter to Jordanian Prime Minister Dahabi on the Draft NGO and Public Assembly Laws," Human Rights Watch, June 30, 2008, available at <<http://hrw.org/english/docs/2008/06/30/jordan19225.txt.htm>>.

<sup>29</sup> "Status Report of Human Rights 2006," National Centre for Human Rights, pp. 36-37.

court “as a practical step to help resolve future disputes over the constitutionality of laws and decrees and thereby lend greater credibility to the legislative process.”<sup>30</sup> The 1991 National Charter calls for establishing such a court to “decide on disputes and challenges pertaining to the constitutionality of laws and decrees which are brought before it by interested parties.”<sup>31</sup>

- **Eliminate all legal impediments to the freedom of professional associations.** The 2008 Associations Law helps to clarify state regulations regarding NGO registration and administration. But the law further entrenches the ability of the government, and especially the security services, to use state oversight as a means to subvert NGOs and prevent their ability independently to organize, mobilize, and express public demands to the state. The law also contradicts Jordan’s international human rights treaty obligations. Even if the law survives court challenges it still must be revised to liberate Jordanian civil society to play a constructive role in advancing reform in Jordan.

- **Build capacity, democracy, and professionalism in Jordanian civil society.** To be effective, Jordanian NGOs must overcome not only legal and political obstacles, but also internal challenges. The Jordanian government should welcome, not restrict, international funds and training to help Jordanian civil society organizations improve their internal governance and external outreach.

With a proper understanding of the role of civil society, and better government policies, Jordanian civic associations can help the Jordanian government overcome the obstacles to necessary reforms and can contribute to social and political stability and economic prosperity. Without such changes, the government will continue to find itself in confrontation with major social groups, whether they are organized into legal associations or not. Without an ability to organize peacefully and advocate for their needs and priorities, citizens will continually seek to circumvent government restrictions by manipulating the law and operating clandestinely. This is harmful not only to the prospects for true democratic reform, but to Jordan’s overall security and stability.

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<sup>30</sup> “The Challenge of Political Reform: Jordanian Democratization and Regional Instability,” International Crisis Group *Middle East Briefing*, October 8, 2003, available at <[http://www.crisisgroup.org/library/documents/middle\\_east\\_north\\_africa/jordan\\_political\\_reform08\\_10\\_03.pdf](http://www.crisisgroup.org/library/documents/middle_east_north_africa/jordan_political_reform08_10_03.pdf)>.

<sup>31</sup> The Jordanian National Charter (December 1990), Chapter Two, available in English at <<http://www.kinghussein.gov.jo/charter-national.html>>, reference taken from the International Crisis Group, “The Challenge of Political Reform: Jordanian Democratization and Regional Instability.”

## PROJECT ON MIDDLE EAST DEMOCRACY AND DEVELOPMENT

This paper was produced as part of the Saban Center for Middle East Policy's Project on Middle East Democracy and Development (MEDD). The project aims to forge a new consensus on behalf of constructive U.S. engagement for change in the Middle East.

MEDD aims to address this challenge. It is led by Tamara Cofman Wittes, the Project Director and a Saban Center Senior Fellow, with the participation of Suzanne Maloney, a Saban Center Senior Fellow specializing in the political economy of the Persian Gulf region. MEDD also hosts the Patkin Visiting Fellows, experts from the Middle East with direct experience in political and economic reform.

MEDD is built on the premise that economic, social, and political reform must be discussed and advanced together. By pairing political and economic analysis and bringing together U.S., European and regional activists and analysts, MEDD helps build an informed understanding on workable strategies to support political and economic development in the Middle East. These insights strengthen the efforts of regional reformers as they seek to define a more effective course for change. Donor governments and others supporting reform also benefit from a better understanding of how to target their resources and manage complex transitions in the Middle East. The result is more effective development strategies and the creation of greater space for moderate political voices to counter Islamist extremism.

Saban Center publications addressing Middle East democracy and development include:

Tamara Cofman Wittes and Andrew Masloski, *Democracy Promotion Under Obama: Lessons from the Middle East Partnership Initiative*, Saban Center Middle East Memo #13, May 2009;

Tamara Cofman Wittes and Richard Youngs, *Europe, the United States, and Middle Eastern Democracy: Repairing the Breach*, Saban Center Analysis Paper, Number 18, January 2009;

Tamara Cofman Wittes, *Freedom's Unsteady March: America's Role in Building Arab Democracy* (Washington, DC: Brookings Institution Press, 2008);

Steven Heydemann, *Upgrading Authoritarianism in the Arab World*, Saban Center Analysis Paper, Number 13, October 2007;

Tamara Cofman Wittes & Andrew Masloski, *Elections in the Arab World: Progress or Peril?*, Saban Center Middle East Memo #11, February 12, 2007;

Tamara Cofman Wittes & Sarah E. Yerkes, *What Price Freedom? Assessing the Bush Administration's Freedom Agenda*, Saban Center Analysis Paper, Number 10, September 2006;

Abdel Monem Said Aly, *An Ambivalent Alliance: The Future of U.S.-Egyptian Relations*, Saban Center Analysis, Number 6, January 2006.

## THE SABAN CENTER FOR MIDDLE EAST POLICY

The Saban Center for Middle East Policy was established on May 13, 2002 with an inaugural address by His Majesty King Abdullah II of Jordan. The creation of the Saban Center reflects the Brookings Institution's commitment to expand dramatically its research and analysis of Middle East policy issues at a time when the region has come to dominate the U.S. foreign policy agenda.

The Saban Center provides Washington policymakers with balanced, objective, in-depth and timely research and policy analysis from experienced and knowledgeable scholars who can bring fresh perspectives to bear on the critical problems of the Middle East. The center upholds the Brookings tradition of being open to a broad range of views. The Saban Center's central objective is to advance understanding of developments in the Middle East through policy-relevant scholarship and debate.

The center's foundation was made possible by a generous grant from Haim and Cheryl Saban of Los Angeles. Ambassador Martin S. Indyk, Senior Fellow in Foreign Policy, is the Director of the Saban Center. Kenneth M. Pollack is the center's Director of Research. Joining them is a core group of Middle East experts who conduct original research and develop innovative programs to promote a better understanding of the policy choices facing American decision makers in the Middle East. They include Tamara Cofman Wittes, a

specialist on political reform in the Arab world who directs the Project on Middle East Democracy and Development; Bruce Riedel, who served as a senior advisor to three Presidents on the Middle East and South Asia at the National Security Council during a twenty-nine year career in the CIA, a specialist on counterterrorism; Suzanne Maloney, a former senior State Department official who focuses on Iran and economic development; Stephen R. Grand, Fellow and Director of the Project on U.S. Relations with the Islamic World; Hady Amr, Fellow and Director of the Brookings Doha Center; Shibley Telhami, who holds the Sadat Chair at the University of Maryland; and Daniel L. Byman, a Middle East terrorism expert from Georgetown University. The center is located in the Foreign Policy Program at Brookings, led by Brookings Vice President Carlos Pascual.

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