



Jordan: Lessons Learnt from NGO Advocacy on the Law on Societies

22-23 October, Casablanca

Dima Jweihan

Legal Advisor, Middle East/North Africa

International Center for Not-for-Profit Law (LLC)

History at a Glance

- Law on Associations and Social Entities of 1966:
 - Did not cover different forms of CSOs and limited to social service providers.
 - Mandatory registration.
 - Excessive government supervision and control.
 - Restriction on foreign funding.

History at a Glance:

Circumstances:

- Political change.
- Calls for Social and Economic Development.
- Commitment through International Conventions.
- Rising awareness of Human Rights and Civil Society and growing number of CSOs.
- Liberal Minister of Social Development with a liberal Prime Minister.

History at a Glance

- The Associations Law No. 51 of 2008: issued on December 2008:
 - Registration:
 - is mandatory
 - denial of registration need not be justified
 - conditions on founders (Jordanians, full capacity and minimum age),
 - minimum of eleven founders
 - Position of Controller
 - Restriction on foreign funding.
 - Extensive government control: prior approval for board elections, attending general assembly meetings.
 - Ministry has broad authority to dissolve based on “violating the provision of the law”
 - Criminal penalties.

History at a Glance:

- **Criticism:**
- **By NGOs:**

A step backwards because it

 - expanded government control over the registration of NGOs,
 - required the cabinet's consent for foreign donations to NGOs
 - gave the government the right to dissolve an NGO for minor violations, and
 - kept wide supervision powers for the government over NGOs.
- **By MPs:**

Government did not consult MPs on the draft.

NGO Advocacy:

- International and local NGOs formed a coalition in 2008, protesting the Law before it became enacted.
- Engaging International stakeholders, and International NGOs. (Comments and Approaching Public Officials)
- Education and Training (CSOs)



Signing the Law postponed; government promised to look into the Law again.

NGO Advocacy:

- Government suggested draft amendments to the 2008 law in 2009.
- Minister called for local and international CSOs input
- Committee from CSOs, lawyers and activists discussed the law with the government.

NGO Advocacy:

- Educating and training NGOs: workshops on good advocacy, helping craft the message, grants
- Finding Allies within Government: comments and presentations to the Ministry, presentation on comparative examples, private/ one-to-one lobbying.
- Confrontational approach: open letters.
- Wait & See approach: waiting for test cases.
- A few articles in the media criticizing the law and the minister.
- Local NGOs confronted with MPs, MPs did not accept international opinion.

The Amending Law of 2009

- **The Good:**
 - Number of founders is reduced to seven.
 - Board of Registry instead of Registry Controller.
 - Including different forms of NGOs: closed associations, private associations.
 - Reporting on members cancelled.
 - Government prior approval on board elections removed.
 - Criminal penalties removed, but the law still refers to more severe penalties in other laws: Penal code.

The Amending Law of 2009:

- **The Bad:**
 - Registration is still mandatory: authority need not justify denial of registration, conditions on founders stated in 2008 law remained.
 - Approval on foreign funding by cabinet remained (government suggested minister's approval).
 - Form of non-operating branches rejected by MPs.
 - Government approval on general assembly resolutions remained, and notification of meetings remained.
 - Government authority of dissolution remained.

Result:

- Change in procedural provisions.
- Core issues not resolved.
- Restrictive law, with government supervision over foreign funding and control over NGOs operation.

But, where did things go wrong?

Mistakes?

- MPs were not approached properly by local NGOs; mindset on NGOs role and international NGOs was not changed: no workshops dedicated solely for MPs, no private lobbying .
- MPs perceived the draft law as a foreign intervention.
- Public was not aware of the process.
- Government unwillingness to change core provisions was supported by small NGOs and public who were unaware of the issues.

Mistakes?

- Confrontational approach upset or embarrassed government.
- Ineffective media campaigns.
- No alliance or training to MPs.
- Different goals amongst different levels of NGOs.
- Key players were not included in the process. (National Center for Human Rights).
- No approach to social and economic role of NGOs.

Lessons Learnt:

- Big NGOs or NGOs with similar activities cannot do it alone.
- Coalitions should consider all aspects of the law reform process.
- Creating a long relationship with cooperation not confrontation.
- Achieving something is better than achieving nothing at all.
- Open protest campaigns should not be the only means.
- Media should be used effectively.
- The message should be targeted to the appropriate audience, and delivered by the most effective messenger for that audience.

Recommendations

- Providing assistance to the relevant authority can create chances for law reform.
- Educative or training exchange programs for key policy makers or legislators.
- If foreign “opinion” is considered as a “sensitive” issue, craft it through local NGOs.
- Target different players, not only the Minister of Social Development, but also other relevant ministers such as planning, research centers, the media.