Chapter 4.

Openness and participation in Jordan: The expected impact of decentralisation reform

The 2015 Decentralisation Law and Municipality Law are giving impetus to enhancing local democratic governance and bear the potential of strengthening popular participation in the national planning and development process. The creation of elected councils has raised hopes to encourage citizen-driven initiatives and foster greater transparency and accountability. On the basis of an assessment of the current legal, institutional and policy framework for open government (e.g. access to information, public consultation, integrity system, CSO activity, political participation), this chapter discusses the expected impact of the decentralisation reform and its potential to bring about the emergence of a new administrative culture of more open and participatory governance at the level of the governorates and municipalities.
By passing the Decentralisation Law and Municipality Law in late 2015, Jordan has revamped its legal and institutional framework and given new impetus to enhancing local governance and strengthening citizen participation in the national planning and development process. The creation of elected councils at the governorate and local level will bring local authorities closer to citizens and has raised hopes of encouraging citizen-driven (bottom-up) initiatives, greater transparency and accountability.

Evidence from the survey conducted by the OECD Secretariat\(^1\) shows that citizens and government officials take a positive attitude towards the reform process. Based on a more decentralised identification of service needs and policy priorities, decentralisation reform is expected to allow for more open and participatory policy making, and ultimately result in a more responsive delivery of public services and more balanced development across the territory. However, this chapter will show that the challenges for a new culture of open and participatory governance across the different layers of government should be tackled decisively.

**Defining open government at the central and local level**

The OECD defines open government as “a culture of governance based on innovative and sustainable policies and practices inspired by the principles of transparency, accountability, and participation that fosters democracy and inclusive growth” (OECD, 2016a).

Open government initiatives aim to strengthen the inclusive institutions that embrace transparency in practice. There are various forms and channels through which non-governmental stakeholders, including under-served groups, can express their needs and preferences, such as through stakeholder consultation, participation and engagement at different stages of the policy-making cycle (OECD, 2016a). Open government initiatives value pluralism and reinforce a system of checks and balances to prevent nepotism, clientelism, or any other form of misuse of power that risks undermining the cohesion of society.

The overview of the potential benefit of open government in Box 4.1 highlights the twofold target of any open government initiative:

- Improving the performance of government and the public administration (i.e. efficiency and effectiveness) in the delivery of (more responsive and better tailored) public services (intermediate goal).
- Strengthen the quality of democracy and rule of law based on more open and inclusive policy making that will ultimately foster citizen trust in government and more inclusive growth (long-term goal).
To achieve these goals the central government is tasked with identifying a strategic approach to fostering open government across the whole of government (e.g. the National Open Government Strategy), securing the commitment of the political leadership, and initiating a national dialogue around objectives and programmes. The subnational level is a rich source of hands-on practice. It provides the space for turning open government principles and commitments into tangible improvements for the life of community members (OECD, 2016a).

In OECD countries, a new impetus for involving citizens in policy making emerged when a number of countries initiated decentralisation efforts in the 1970s. The reforms resulted in a transfer of authority, responsibility and resources from the national government to lower levels of government in an attempt to better respond to citizens’ needs and demands (OECD, 2016a). The 2015 Decentralisation Law and Municipality Law do not stipulate a significant transfer of competencies away from the central level to the governorates or to the municipalities. However, seeing as the needs and priorities of each community will be identified in collaboration with non-governmental stakeholders before being transferred to the next higher layer, decentralisation reform offers a unique momentum to boost the open government agenda from the bottom. There are good reasons for the increasing shift of attention among open government advocates and practitioners towards the local level. When the physical distance between citizens and government is small, open government theory and principles turn into concrete practices and, if successful, generate a positive impact on the lives of community members. At the local level:
• **Transparency:** Is critical for assessing the performance of governorates and municipalities to deliver public services and allocate scarce public resources to effective use. The “passive” access to relevant, accurate and easy-to-use information (e.g. public records) and the proactive disclosure and dissemination of information are of critical importance in this regard.

• **Participation:** The subnational level provides the space for innovative forms of governance to emerge, get tested in practice and inspire similar practices elsewhere. By virtue of its size and focus on the daily needs of the local population, subnational governments are requested to respond to the specific demands from society. Citizen participation can take the form of consultation (local governments define the agenda, set the questions and manage the process while citizens are invited to contribute their views and opinions, such as through public opinion surveys or local hearings) or active participation (citizens engage in defining the process and content of policy making/service design and have an equal standing in proposing policy options and shaping the dialogue, although the responsibility for the final decision rests with the government, e.g. consensus conferences). Formats such as local gatherings, hearings, community councils or participatory budgeting can take either form.

• **Accountability:** Given the proximity and direct exposure to government action, citizens at the local level can more easily monitor local policies and the quality of public service delivery (e.g. public expenditures for schools). This can put “elected representatives in a situation of enhanced accountability” (OECD, 2016a).

This chapter is divided into two parts. It will analyse the current environment for open government in Jordan and the expected impact of the decentralisation reform on the interaction between government and civil servants, and civil society and citizens. The first part of the chapter will assess the current legal, institutional and policy frameworks and contrast the findings with actual practices at the central and subnational level. The current state of play will provide the basis to discuss, in the second part, the potential of the reform to encourage the emergence of a new culture of open, inclusive, participatory, and accountable governance at the governorate and municipal level.

**Improve the state of play for open government in Jordan**

*Turning commitments into results: The process towards a culture of open and inclusive governance*

*Jordan’s membership in the Open Government Partnership*

Despite the challenging political, economic and security context in the neighbouring region, Jordan has been engaged in a gradual democratisation process for more than a decade. While considerations to safeguard stability have always been dominant in the political agenda, the country was the first in the Arab world to join the Open Government Partnership (OGP) and pass an access to information law. The objective to increase popular participation and strengthen transparency and accountability mechanisms can build on a strong link to Jordan 2025 and previous achievements, in particular the progress made as a member to the Open Government Partnership.
Jordan 2025 does not include a direct commitment to fostering open government, but it seeks to advance key principles, including participation, transparency and accountability. In line with the recommendations of the National Integrity Strategy, Jordan 2025 states that the transparency and accessibility of government information shall be reinforced, and that public consultation mechanisms shall be institutionalised. It also acknowledges the need to improve the communication of government decisions and regulatory changes, and to address prevailing practices based on engrained attitudes, such as wasta and favouritism towards equal opportunities and merit-based decisions. As outlined in Chapter 1, strategy places citizens at the heart of the development process and lists concrete deliverables that should be implemented (e.g. platforms to facilitate citizen engagement with government; National Honours Programme to reward Jordanians for their contribution to society; civics component in the school curriculum). The vision underlines the need to institutionalise mechanisms for public consultation in the development of future plans and strategies across the government.

Jordan 2025 resonates with Jordan’s commitment to foster more open, transparent and accountable governance through the Open Government Partnership. The validation of the third National Action Plan 2016-2018 coincides with the approval of a series of strategic policy documents and milestones in Jordan’s democratisation process. In parallel to the beginning of the implementation phase of Jordan 2025, the plan draws on key recommendations developed in the Comprehensive National Human Rights Plan 2016-2025, and seeks to integrate the United Nations (UN) Sustainable Development Goals, in particular goal 16. The approval follows the 18th Parliamentary elections, in which candidates ran under a new Elections Law and the scrutiny of the Independent Elections Commission.

The National Action Plan is placed in the context of the decentralisation process and the government’s commitment to expand the process of popular participation by allowing “citizens to identify their needs and priorities and to develop their areas and communities, thus enlarging popular participation in the decision making process”. Commitment five binds the government to issue the required regulations and instructions to implement the Decentralisation Law and hold governorate council elections in 2017.

In the preparation of the National Action Plan, a working group was established with representatives from: government (Ministries of Planning and International Co-operation [MoPIC], Political and Parliamentary Affairs [MoPPA], Public Sector Development [MoPSD], Foreign Affairs and Expatriates, General Budget Department), the Anti-Corruption and Integrity Commission, civil society (i.e. Hemam, National Center for Human Rights), women (i.e. Jordanian National Committee) and youth organisations (We are all Jordan Youth Commission), and the Jordanian Businessmen Association. The increasing involvement of non-governmental stakeholders in the preparation of the plan was ensured by dissemination activities (e.g. publication of the draft plan on MoPIC’s website and advertisements in daily newspapers), an electronic questionnaire and two consultation meetings with civil society organisations (CSOs) on 25 September and 16 October 2016. In the plan, the Government of Jordan commits to work jointly with CSOs in the implementation of its commitments through a “systematic approach based on transparency, disclosure and open dialogue.”

Box 4.2 presents the commitments of the third action plan. The National Action Plan presents a qualitative improvement on the two previous strategies as it defines a lead implementing agency, others actors involved and milestones to track progress, as well as
additional information (status quo, objective, description, relevance and ambition) for each commitment.

### Box 4.2. Jordan’s third National Action Plan for the Open Government Partnership

- **Commitment 1:** Strengthen the legislative framework governing access to information.
- **Commitment 2:** Strengthen the facilities available for persons with disabilities to access the justice system.
- **Commitment 3:** Strengthen the framework governing the freedom of the media.
- **Commitment 4:** Launch and enhance the complaints registration system and follow-up mechanisms to deal with complaints in a serious manner and to refer them to the judiciary:
  - Complaints and grievances related to violations committed against citizen.
  - Complaints related to governmental services and the surrounding environment of its provision.
- **Commitment 5:** Issue the requisite regulations and instructions to implement the Decentralisation Law and hold governorate council elections in 2017.
- **Commitment 6:** Develop healthcare services and automate the healthcare sector through electronic linkages.
- **Commitment 7:** Develop an interactive observatory forum for citizens to monitor the implementation of the government’s plans and progress.
- **Commitment 8:** Adopt the principle of budget disclosure in accordance with international standards and promote transparency and financial disclosure.
- **Commitment 9:** Develop transparent and participatory policies regarding climate change challenges.
- **Commitment 10:** Implement an open data sources policy.


Table 4.1 provides a comparison of key features of the open government agenda in Jordan, Tunisia and Morocco and OECD member countries. It illustrates that Jordan shares many of the common features for implementing open government commitments in practice. Recently, OECD and OGP member countries have extended the scope of their open government agenda and activities to other (non-executive) actors and the subnational layers of government. For instance, Costa Rica is moving towards an "open state" by including the legislature, judiciary, independent state institutions and subnational governments in the national open government agenda (OECD, 2016a). Almost half of all OECD member countries have consolidated scattered initiatives aimed at increasing transparency, citizen participation and accountability into a single national open government strategy to strengthen coherence and impact.
Table 4.1. Tools and mechanisms used to implement the open government agenda in Jordan, selected Middle East and North Africa (MENA) countries and the OECD

<table>
<thead>
<tr>
<th>Item</th>
<th>Jordan</th>
<th>Tunisia/Morocco</th>
<th>OECD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Access to information law</td>
<td>Yes</td>
<td>TUN: Yes, MOR: No</td>
<td>97%</td>
</tr>
<tr>
<td>National document for citizen engagement</td>
<td>No</td>
<td>TUN: No, MOR: Yes</td>
<td>46%</td>
</tr>
<tr>
<td>Office in charge of horizontal co-ordination of open government</td>
<td>American Relations Division (MoPIC)</td>
<td>TUN: Yes (E-Government Unit), MOR: Yes (Open Government Secretariat)</td>
<td>77%</td>
</tr>
<tr>
<td>Open government national strategy</td>
<td>No</td>
<td>TUN: Yes, MOR: No</td>
<td>49%</td>
</tr>
<tr>
<td>Funding mechanism of open government initiatives</td>
<td>Yes (Allocated by a single central institution)</td>
<td>TUN: Yes, MOR: Yes (both: allocated by institutions responsible for implementing each project)</td>
<td>89%</td>
</tr>
<tr>
<td>Monitoring of open government initiatives</td>
<td>Yes (ad hoc)</td>
<td>TUN: Yes (National Committee), MOR: Yes (Steering Committee)</td>
<td>86%</td>
</tr>
<tr>
<td>Evaluation of the impact of open government initiatives</td>
<td>Yes (through OGP self-assessment/IRM)</td>
<td>TUN: Yes (through OGP self-assessment/IRM and independent CSO assessment, MOR: No</td>
<td>56%</td>
</tr>
</tbody>
</table>


The decentralisation reform provides an opportune moment to reflect about what contribution government and local non-governmental stakeholders can make to achieve the commitments stipulated in the 2016-18 National Action Plan. An analysis of the two previous National Action Plans reveals that open government commitments have almost exclusively been dedicated to the national level so far. In Colombia, open government reforms have been extended to the subnational level, in particular in the province of Antioquia. The province holds accountability hearings in all 125 municipalities, with the large-scale participation of citizens (see Box 4.3).

Box 4.3. Open government at the local level in Colombia’s second OGP Action Plan

In 2015, Colombia presented its second OGP Action Plan for the period 2015-17. The plan entails 18 commitments and provides 2 new aspects. The country has worked towards enhancing transparency and accountability in the judiciary, and it is also extending open government reforms to the subnational level. As laid down in Commitment 9, the province of Antioquia commits itself to developing a transparent and responsible government. The department (departamento) already leads in the Transparency Index of “Transparency for Colombia”, and the Governor of Antioquia promised to further advance the open government agenda in his department. The department aims to adhere to the principles of the OGP by holding accountability hearings in all 125 municipalities of Antioquia. In these hearings, in which a total of 12 000 citizens shall participate throughout the two years, the municipalities will report on the compliance with the departmental development plan, the results of the Transparency Fairs on contracting, as well as the results of Public Agreements signed by the mayors of the municipalities of Antioquia.

The two previous National Action Plans submitted by Jordan to the OGP have provoked mixed reactions from civil society and other non-governmental stakeholders, partly because of their exclusive focus on the central level, but also regarding their impact. Despite some notable achievements, the implementation of some previous commitments has been delayed or has not materialised. For instance, the third National Action Plan stresses that 7 of 14 commitments from the second plan were fully accomplished, while further work was necessary to complete the remaining 7. Evaluations are undertaken through the self-assessment and independent reporting mechanism (IRM) assessment, and the results are publicly available, as required for any OGP member. However, no independent monitoring or evaluation mechanism exists.

In Tunisia, civil society organisations play a significant role in the elaboration of the action plan, and they also assume a critical role in exercising scrutiny over the implementation progress, supported by an institutionalised mechanism (see Box 4.4).

Box 4.4. How to institutionalise non-governmental organisation (NGO) participation in the open government agenda: The example of Tunisia

Tunisia joined the Open Government Partnership as the second MENA country in 2014. In the process of formulating the first National Action Plan, a steering committee was established featuring an equal share of government representatives and non-governmental actors.

In addition to five officials from the Ministry of Finance, the Ministry of the Interior, the General Direction of Administrative Reform and Future Studies, the E-government unit, Legal Counsel of the government; the committee is composed of three CSO representatives (OpenGov.tn, Association Tuensa, Association Al Bawsala) and one representative from the private sector (Arab Institute of Business Leaders) and academia. The committee jointly drafts the plan and meets every month to follow up on the implementation of its commitments. The committee was enlarged for the elaboration of the second National Action Plan, but still features an equal number of government and non-government representatives.

This institutionalised mechanism for the formulation and follow-up on open government commitments has increased the legitimacy of the process and the quality of its outcomes.


Jordan’s 2012-13 and 2014-16 OGP National Action Plans were linked to the broader democratisation agenda. The 2012-13 Action Plan lists 32 commitments in three areas (improving public services, increasing public integrity and the efficiency of managing public resources), and states the objective “to further strengthen the foundations for political inclusion, social stability, good governance, efficient public sector, improved service delivery, as well as the rule of law” (Government of Jordan, 2012). The plan points out that government initiatives to foster transparency, citizen participation and accountability preceded the country’s membership of the OGP (Box 4.5).
Box 4.5. Selection of open government achievements prior to Jordan’s OGP membership (2012)

Improving public services
- Creation of a centralised mechanism to administer citizens' complaints.
- Launching of a programme to simplify procedures at governorate/district levels (2011-13).
- Automation of departments and procedures (e.g. courts, Greater Amman Municipality [GAM], customs procedures).

Increasing public integrity
- Fighting corruption, good governance and promoting greater accountability.
- Formulation of the National Anti-Corruption Strategy (2008-2012).
- Code of conduct and ethics for cabinet ministers and government employees.

Promoting transparency and access to information
- Creation of an electronic portal on the Prime Ministry's website for the periodic monitoring and evaluation of the action plans of individual ministries, within the context of the implementation of the Executive Development Programme (2011-2013).
- Anti-Corruption Commission publishes annual reports since 2011, Audit Bureau published its annual report for the first time.

Enhancing citizen participation in decision making, and citizen feedback on governance
- Creation of a National Dialogue Committee to draft laws for parliamentary elections and political parties.
- Forming a Royal Committee on Reviewing the Constitution to review constitutional reform and propose amendments (creation of Independent Commission for Elections, 2011).
- Website at the Legislative and Opinion Bureau/Prime Ministry for the public to express views on pending legislation, regulations, and policy issues.

More effectively managing public resources
- Publication of a “Citizen's Guide to the Budget”, and “Budget in Brief”.

The 2014-16 National Action Plan was dedicated to support the Royal Committee for Enhancing the National Integrity System. Headed by the Prime Minister, the committee elaborated a National Charter to strengthen the integrity system, transparency, the rule of law, accountability, justice and equal opportunities.

As a member of the OGP, Jordan has made significant progress in turning commitments to foster open government principles into practice. By involving other state and non-governmental stakeholders from all layers of government in the process (including governorates and municipalities), Jordan could take a big step forward in promoting cultural change in the public administration, and hence contribute to delivering on the promises of the decentralisation reform. Stronger follow-up and accountability mechanisms will be as necessary as providing for adequate resources and awareness raising activities for public officials, civil servants and non-governmental stakeholders (OECD, 2016a). The results from the OECD survey for the members of the Civil Society Network bring further challenges to light: it finds that only 5 out of 17 CSOs are aware of Jordan’s open government policy. The comments received suggest that even among the more “knowledgeable” CSOs, a sound understanding of the concept and its implications is lacking (e.g. only “partially” understood; “not defined and not clear”; missing clarity “of executive procedures in the rules and regulations”).

The OGP National Action Plan is a strategic document that can facilitate the mainstreaming of open government principles across existing legal frameworks, guide institutions in their daily operations, and inspire innovative participatory approaches in practice. The subsequent sections will discuss to what degree the defining features of an open government agenda are in line with OECD standards and good practices in each area.

Access to information

Providing citizens access to complete, objective, clear and reliable government data and information is a cornerstone of open government. In fact, having an access to information law in place or constitutional provisions that guarantee access to information is an eligibility criterion for countries to become a member of the Open Government Partnership (Open Government Partnership, n.d.). More than 100 countries worldwide, including 65% of countries in the Latin America and Caribbean (LAC) region and all OECD countries have passed access to information (ATI) or freedom of information (FOI) laws (OECD, 2016a). At the local level, access to government information is a crucial condition for civil society organisations and citizens for holding local authorities to account for the delivery of basic needs and services and take an active stance in the development of their communities. Access to information is of particular concern for marginalised groups in society such as the poor, women, youth, disabled, and ethnic minorities.

Jordan was the first country in the MENA region to enact an access to information law in 2007 (Law of Access to Information No. 47/2007) and has signed various international conventions that prompt the country to make available government information to the public. The 2007 law obliges public officials to facilitate access to information and guarantee the disclosure within 30 days as of the date following the date of request submission (Law of Access to Information No. 47/2007).

When filing a request, each requestor is required to stress his/her name, domicile, profession and any other data that the board may deem necessary (Article 9). The lack of the opportunity to submit information demands anonymously can discourage the effective
use of the law in practice, in particular when the requestor must fear any form of retaliation from the request. Another provision that may limit its full impact is that, if the request is not answered by the authorities within the time frame foreseen by the law, it shall be deemed rejected (Article 9). The requester shall bear the cost emerging from the photocopy of the requested information (Article 11). Finally, despite Jordan’s pioneering role in adopting an ATI law in the region, Article 7 of the law has caused criticism as it places the burden on the shoulder of the information seeker Al-Dabbas (2008). It states that every Jordanian has the right to obtain information if the requestor has a lawful interest or a legitimate reason. In all OECD countries, the principle of maximum disclosure applies where exceptions are based on the class test (e.g. national security, international relations, personal data, commercial confidentiality, public order) or the harm test (e.g. persons, defence of state, commercial competitiveness) (OECD, 2011).

An amendment to the law in 2012 granted non-Jordanians access to information and enlarged civil society representation in the Information Council which is in charge of validating and adopting information requests, considering complaints, and approving annual reports. The amendment stipulates that the annual report on the implementation of the law shall be reported to the Prime Minister and both chambers of the Parliament. The response time to information requests and appeals was reduced from 30 to 15 days in order to meet international standards (usually within 20 working days or less in OECD countries) (OECD, 2016a).

Despite the improvements that the amendments introduced in the law, major impediments continue to hamper its effective use in practice:

- Existence of restrictive legislation, in particular the provisions in the Protection of the State’s Secrets and Documents Law No. 50 (1971), which can supersede the law.
- In 72% of OECD countries (in 2010), proactive disclosure is required by ATI laws for certain categories of information. However, no such clause exists in Jordan. The law protects all information that is “classified”, “secret” or “protected by other legislation” (Article 13). The lack of a clearly defined set of circumstances has made it more difficult for citizens to exercise their right to information in practice.

The law does not identify a body in charge of classifying information and documents nor an independent agency to verify and review the classification system. Reportedly, different standards have been used by different public entities.

In 2010, 25 out of 31 OECD countries apply their ATI or FOI laws at the subnational level (see Table 4.2), acknowledging the importance of granting citizens the right to request information from local authorities. In Jordan, the scope of the ATI law does not cover actors at the subnational level. As it presents the space where policies and people meet, access to reliable government data and information is of critical importance at the local level. It is a precondition for the media, CSOs and independent state institutions to exercise scrutiny over the delivery of public services and ensure that public resources are spent for their intended purpose. In the process of aligning existing regulatory frameworks with the decentralisation laws, Jordan could consider amending the law to extend its scope to the subnational level and address the obstacles to its effective use in practice.
In the process of extending the right to access information to the subnational level, activities to raise awareness could take new and innovative forms. For a community of practice to emerge, a broad alliance of elected local authorities, media outlets, CSOs and community associations and members could be integrated in activities which could take the form of a film projection as recently organised in four universities around Jordan with the support of the United Nations Educational Scientific and Cultural Organisation (UNESCO, n.d.). Moreover, the Information Rights Now! campaign (2012), launched by the European Youth Information and Counselling Agency (ERYICA) and the Council of Europe, has proven that creative approaches can be successful in involving different groups in society, including youth. The campaign involved youth and youth workers in meetings with the presidents of the municipality councils in the former Yugoslav Republic of Macedonia, information fairs in Croatia, and street art festivals in Sweden (OECD, 2016b).

Freedom of media and freedom of expression

The freedom of expression, press and assembly are cornerstones of democracy. Safeguarding these rights and liberties is an implicit requirement for any open government agenda to be successful. Independent national media plays a vital role in stimulating debate and dialogue and acting as a watchdog of government performance. Reliable local media outlets (e.g. newspapers, TV/radio broadcasters, online/social media) are critical for informing the electorate, empowering local communities, encouraging democratic participation and exercising scrutiny over local power holders.

The freedom of the media and expression are anchored solidly in the Jordanian Constitution. Article 15 stresses that every Jordanian shall be free to express his opinion and that the freedom of the press and publications shall be ensured within the limits of the law. The law stipulates that newspaper permits may be revoked in accordance with the provisions of the law. A limited censorship on newspapers, publications, books and broadcasts affecting public safety and national defence can be imposed in the event of the declaration of martial law or a state of emergency.

The Press and Publications Law No. 8 of 1998 (amended by Law No. 2 of 2012) reaffirms that journalists have “the right to access information, news and statistics of interest to the citizens from various sources” (Article 6c), and that “official authorities and public agencies shall facilitate their task and allow them to view their programmes, projects and plans” (Article 8). The law prohibits the imposition of any restrictions on the
freedom of the press in fulfilling the provision of information to citizens, including procedures that would hinder the exercise of such right (WIPO).

Concerns about the tightening of the freedom of press and expression have increased in Jordan, which is attested by international assessments, such as the 2016 World Press Freedom Index of Reporters Without Borders (Jordan ranks 135th out of 180 countries), and the Freedom of the Press Index by Freedom House (Jordan is ranked “not free” with a score of 66/100, 100 being the worst). The World Report 2016 by Human Rights Watch finds that the following present an elevated risk to the freedom of expression: criminalisation of speech deemed critical of the King, foreign countries, government officials and institutions, as well as Islam and speech considered to defame others; the broad application of the counter-terrorism law.

The debate about an increasingly loose definition and implementation of freedom of expression and the media are not unique to Jordan, but have caused an intense debate in other Arab states and elsewhere (Khouri, 2016). The leeway of governments to interpret the work of journalists risks suppressing citizens’ ability to speak out freely in public. Despite the increase in the number of regional outlets of private radio stations, many of which broadcast for specific groups (e.g. women and students), recent developments suggest that the operational freedom for the press has decreased in Jordan. Cases of self-censorship among journalists to avoid interference from state actors point to a number of challenges:

- Recent amendments and new regulations that risk tightening the freedom of journalists to report, including: the 2015 counter-terrorism law (Middle East Eye, 2016); the 2011 amendment to the anti-corruption law, which criminalises reporting on news that defames someone or “impacts his dignity”; and the 2012 amendment to the Press and Publications Law, which imposes restrictions on online news content, requires new websites to obtain licenses to operate and prescribes penalties of almost USD 40 000 for speech that denigrates the government or religion. Another source of concern is the decision of October 2015 that defamation charges against journalists and media outlets are no longer brought under the country’s press law, but the cybercrimes law, under which journalists can be imprisoned for press violations (Freedom House, 2016).

- Media bans on news considered sensitive and addressing controversial topics (e.g. detention of terror suspects).

- Registration requirements for print media and online outlets with the Ministry of Commerce and Industry, and the need to obtain a license from the Media Commission to work legally. The Media Commission can issue orders without a court ruling to block foreign and domestic websites that fail to comply with the law.

- Lack of diversity of media outlets: a study by the Jordan Media Institute found that over 60% of news stories published in the newspapers were from the Petra News Agency and other press statements issued by government entities, CSOs and the private sector (Ghazal, 2014).

Independent journalism is a crucial building block of any democracy, and instrumental for bringing potential threats to the attention of a large audience. In the process of reviewing potentially conflicting legislation with the decentralisation framework and the broader democratisation agenda, the government should consider revising the legal and regulatory obstacles to the work of journalists.
The need for a broad alliance of watchdogs over central and local political affairs

Transparency and openness are the conditions to secure the buy-in and participation of society at large for successful government reform, and are essential for holding decision makers to account. Translating transparency and accountability into practice is a critical element in any open government initiative. Fighting wasa, nepotism and corruption is critical for ensuring that scarce resources are spent for the intended objective, and to restore citizens’ trust in government and public officials. CSOs and citizens can play a constructive role in this regard.

In the 2015 Corruption Perceptions Index by Transparency International, Jordan ranked 45, only surpassed by Qatar and the United Arab Emirates and ahead of Bahrain, Saudi Arabia, Kuwait, Oman and countries in North Africa (Transparency International, 2015). However, over the following year, 75% of the respondents believe that corruption has worsened – a serious degradation only outstripped by Lebanon (92%) and Yemen (84%) (Transparency International, 2016). In the 2016 edition, Jordan accordingly lost 12 places due to perceptions of increasing requests for bribes and petty corruption (Transparency International, 2016).

In the Royal Letter from 8 December 2012, which precedes the 2012 National Integrity Charter, King Abdullah II calls to secure the practice of access to information and consolidating transparency, justice and accountability within government institutions, the private sector and civil society. The Charter acknowledges that “there have been some loopholes in the integrity system that need to be addressed” and stresses that “it is a must to fight all forms of corruption: bribery, embezzlement, fraud, misuse of power, money laundering, conflict of interest, dishonest use of information to make personal gains, wasa, nepotism, and others.” The Charter stipulates the need to uphold transparency in all operations of the public administration and to reinforce the link between responsibility and accountability.

For the executive branch, the Charter lists four priority areas that can be linked to Jordan’s open government agenda:

- Establishing institutional mechanisms that enhance citizens’ participation in the making of policies and decisions, and increase citizens’ awareness of government action.
- Promoting budget transparency.
- Ensuring transparency in government tender referrals and procurement.
- Empowering oversight agencies.

The Executive Plan to Enhance the National Integrity System (2012) takes up some of these priorities, stipulating that the government shall:

- Enhance the principles and practices of good governance in the public and private sector and civil society institutions.
- Entrench a culture of transparency in public work, among others, by adopting the principle of disclosure of budgets in line with international criteria.
- Strengthen civil integrity and oversight agencies, among others, by focusing on the role of the media in combating corruption, enforcing access to information, and activating the developmental and oversight role of civil society.
The decentralisation reform sheds light on the need to reinforce the integrity system and close existing loopholes, both at the central and subnational levels. As outlined in the previous chapters, many municipalities lack resources, face debt and suffer from overemployment and little productivity. In the absence of effective local oversight and control mechanisms to hold local power holders to account, elected local councils may risk perpetuating a status quo in which elected officials tend to secure family or tribal interests, in particular outside of the major cities (OECD, forthcoming). Therefore, remaining obstacles to the operation of local media outlets, civil society and independent institutions should be removed decisively to encourage the creation of a broad alliance of watchdogs over local political affairs.

Budget transparency

In the 2015 Open Budget Index by the International Budget Partnership, Jordan scores 55 of 100 points, which places it ahead of any other country in the MENA region covered by the Index. The survey examines 102 countries and measures how governments are managing public finances regarding the level of budget transparency, participation, and oversight. As of 30 April 2016, and in line with good practices in OECD countries, Jordan had made seven out of eight key budget documents available to the public in due time, the exception was the mid-year review. However, the survey finds that budget transparency could be improved by presenting more details (e.g. details on macroeconomic forecasts in the Executive Budget Proposal and a planned versus actual performance in the Year-End Report). A significant lack of transparency characterises the grants allocated by members of parliament at the subnational level, which can sometimes exceed the budget of municipalities (Ababsa, 2013). In France, for instance, this area used to be opaque until the database "Parliamentary Appropriation" (dotation d'action parlementaire) was created. This database allows everyone to access the grants proposed by the senators for parliamentary action, and lists information about the beneficiary, the amount and the budget allocation programme (programme budgétaire d'imputation) for each grant.

Jordan has undertaken efforts to involve citizens in the budget process. A Citizen Guide to the Budget in Arabic has been published on the website of the General Budget Department each year since 2011, and awareness seminars were organised in cooperation with Partners Jordan Centre, a civil society organisation, in Naur, Jerash and Kerak in 2015. Moreover, with the objective of allocating a share of the national budget to secure the needs and rights of the child, the National Council for Family Affairs and the United Nations International Children’s Fund (UNICEF) have conducted a series of child budget analysis in 2009 (Ministry of Health, Ministry of Education, Ministry of Social Development, Ministry of Labour), 2013 (Ministry of Awqaf and Islamic Affairs, Ministry of Justice) and 2015 (Ministry of Public Works and Housing, Higher Council of Youth). Despite these positive examples, CSOs and citizens have few opportunities to engage in the budget process, as no formal mechanisms exist to relay their perspectives on spending priorities (International Budget Partnership, n.d.).

Efforts to formalise, including the perspective of the public on budget matters, could be accompanied by actions to strengthen budget oversight. In this respect, there is a need to reinforce the role of the parliament (e.g. submission of the Executive Budget Proposal at least three months before the start of the budget year) to clarify the roles and responsibilities of the three main oversight agencies, the Audit Bureau, the Anti-Corruption Commission and the Ombudsman Bureau; and to seek new partnerships with...
parliament, the media and CSOs to educate the public against the hazards of corruption (Executive Plan to Enhance the National Integrity System, 2012).

**Legal status and operational freedom of civil society**

The Jordanian Constitution grants the freedom of association in Article 16. There are 127 international non-governmental organisations and 4,500 local organisations operating in the civil society sector, in addition to numerous initiatives and platforms for volunteering (Inform, 2015). Recent data from the Ministry of Social Development for 2016 estimates that 5,108 civil society organisations are active in Jordan.

International indexes take a critical stance towards the level of freedom for CSOs to operate in Jordan. Although Jordan’s status improved from “not free” to “partly free” in the 2017 Freedom in the World report, thanks to the approval of the 2015 Election Law, Freedom House stresses that the exercise of political rights (score: 5/7, 7 being the worst) and civil liberties (5/7, 7 being worst) continues to be challenging. The Transformation Index of the Bertelsmann Foundation (2016) ranks Jordan 88 out of 129 developing and transition countries in the political transformation sub-index (“moderate autocracy”), and 75 in good governance (“weak transformation management”).

In OECD countries, civil society organisations fulfil many different roles. They act as watchdogs of government’s activities, exercise public scrutiny over budget allocations, and provide a space for the collective action of less organised groups in society, including women, youth, disabled and minorities. In this sense, CSOs are a fundamental actor to preserve and strengthen democratic governance and defend civil rights and liberties.

There are significant differences regarding the organisation and work of CSOs in Jordan and most OECD countries. In Jordan, CSO activity is often rooted within the tribal system and has a long tradition of providing charity and welfare services alongside the activities of the government and the Royal Court. Jordanian CSOs with an agenda to defend fundamental rights and freedoms only started to emerge after the Kingdom acceded to international conventions (International Center for Not-for-Profit Law). Some CSOs in the area of service provision, Royal NGOs (RONGOs) and Government NGOs (GONGOs), benefit from the financial support and operational freedom granted by the authorities. The organisation of CSOs along tribal affiliations and their financial dependency on the government or the Royal Court have raised the question as to whether they can be considered CSOs in the first place (Identity Centre, n.d.).

The rights and responsibilities of civil society organisations in Jordan are regulated by the Law of Societies (No. 51 of 2008) as amended by Law No. 22 of 2009 (International Center for Not-for-Profit Law, ICNL). The law stipulates that for any CSO to be able to operate legally, it must be registered with the National Registry of Societies of the Ministry of Social Development, which is considered an independent entity. The Registration Management Council is responsible for its management and supervision. Despite the simplification of registration procedures in recent years, the Council still has the right to reject any application without stating a justification. Potential barriers to the entry and operation of foreign societies prevail as neither the main office nor any of its branches are allowed to have political or religious goals – a clause which can potentially limit their autonomy. Foreign donations to any Jordanian society are subject to the approval of the Council of Ministers.
On 17 March 2016, the Ministry of Social Development announced a series of draft amendments to the 2008 Law No. 51 on Society. The move sparked an intense debate about the future ability of CSOs in Jordan to fulfil the diversity of roles as outlined above.

If the amendments pass in their current form:

- A minimum of 50 people would be required to form a society. This condition risks undermining the emergence of small-scale CSOs, which, given their diversity, have traditionally played an important role in providing services for neglected groups in society and strengthening accountability mechanisms.

- The government would have broad discretion to prohibit the establishment of organisations on the grounds of violating “national security, public safety, public order, public morals, or the rights and freedoms of others”.

- Branch offices of international organisations would face additional layers of approval for inter-organisational transfers of funds, while the government would determine the duration of the branch office’s registration.

- Jordanian CSOs would be subject to new requirements and restrictions regarding their ability to secure funding from outside of Jordan (International Center for Not-for-Profit Law, 2017).

2016 Election law

The 2016 Election Law was endorsed by King Abdullah II on 13 March 2016 after Parliament passed the bill. The Election Law introduces a major change in that the traditional “one person one vote” (single non-transferable vote, SNTV) system was abandoned in favour of an open proportional list at the level of governorates and constituencies. Whereas the one person one vote system resulted in the dominance of tribal elites and other groups loyal to the King in the parliament at the expense of the electorate in big cities and Palestinians living in Jordan, the new Election Law is expected to encourage the creation of political parties (Freedom House, 2016). Under the new system, each voter has a number of votes equal to the number of seats allocated to the district. Each voter can only pick one list, which must be composed of three to ten candidates, and vote for individual candidates on that list. The 2015 Election Law replaces the 2012 Election Law, which granted voters one ballot for a party list (27 seats, proportional representation in a nationwide constituency) and one ballot to select a candidate through the SNTV (108 seats, based on local electoral districts).

The bill divides the Kingdom into 23 electoral districts, one for each of the 12 governorates, with the exception of Amman (five districts), Irbid (four districts) and Zarqa (two districts). The law maintains 15 parliamentary seats for women (one per governorate and one for each of the three Badia districts). It also preserves nine seats for Christians and three for the Circassian/Chechen minority. The total number of seats in the lower house was reduced from 150 to 130.

The new system is expected to increase the participation of citizens in the elections, in particular at the local level, which is a matter of urgency given that voter turnout was as low as 11% in the local elections in Amman in 2013 (Bertelsmann, 2016). The OECD survey among the members of the CSO Network finds that 11 out of 17 organisations expect that the 2015 Law will encourage the participation of citizens in the elections, and hence contribute to improving local democracy; four NGOs disagree. While the new law
is expected to foster the creation of political parties, public awareness is yet to be built among the wider public to increase voter turnout.

In the parliamentary elections held on 20 September 2016, 37% of the electorate went to the ballot box. Voter turnout varied significantly across the territory, with the highest turnout registered in the Southern Badia district (83%) compared to only 23.5% in Amman (Al Hayat Center for Civil Society Development, 2016). The RASED programme of the Al Hayat Center for Civil Society Development reported a total of 952 incidents throughout Election Day, including public voting, violence and attempts to influence voters or prevent them from voting. The Integrity Coalition for Election Observation, led by the Identity Center, an independent Jordanian NGO, identified the circulation of results by candidates and their supporters ahead of the official announcement by the Independent Election Commission (Identity Center, 2016).

Despite these irregularities, the parliamentary elections were overall perceived as successful (European Union, 2016). In addition to the 15 seats reserved for women by the quota, five female candidates were elected to the parliament, increasing the overall share from 12% to 15% (Cuthbert, 2016).

In preparation for the local elections to be held in 2017, the government published the Governorate Councils Districting Bylaw in the Official Gazette on 15 December 2016. The bylaw divides the Kingdom into 145 constituencies, with a total of 270 seats. The size of the governorate council varies between 41 seats in the governorate of Amman and 14 seats in the governorate of Aqaba (Jordan Times, 2016). The draft bylaw has been criticised by observers, including the Al Hayat Center for Civil Society Development, as it may generate some imbalances in the representation of certain districts:

- In the absence of clear standards and criteria, the bylaw has ignored existing administrative units in the drawing of electoral districts.
- The decision about the number of seats allocated per district suffers from a lack of clear standards, and results in significant differences in the political weight of local communities in different governorates, which may ultimately result in distorted development strategies at the governorate level. For instance, while the districts of Sahab, Al Jeeza, Al Mowaggar and Na’our in Amman account for 28% of total seats, their combined population does not exceed 7% of the total population of the capital city.
- No criteria have been defined for the members who will be appointed by the central government.

*Open government in practice: Enhancing current participation practices at central and local levels*

The assessment in this section is based on 17 answers to a survey that the OECD received from members of the Network of Civil Society Organisations for Open Government at the Local Level in Jordan (“Network of CSOs”) between 26 July and 6 October 2016, as well as replies to a questionnaire from the ministries with a key stake in the decentralisation process (e.g. MoPIC, MoI, MoMA) and the municipalities of Ajloun, Al Salt, and Deir Alla. The questionnaire designed for government largely mirrors the questions raised in the CSO survey, and hence complements the assessment in the previous section with an analysis of actual open government and engagement practices.
Towards clear rules for consulting, engaging and receiving feedback from citizens

The constitution guarantees the right of petition and stipulates that Jordanians shall have the right to address the public authorities on personal matters affecting them, or on what is relative to public affairs in the manner and conditions prescribed by law (Article 17). Since 2013, the Legislative and Opinion Bureau (LOB) has been obliged to publish any draft legislation on its website* for no less than 10 days to enable citizens and the private sector to provide comment (Regulation No. 5/2013, Article 9). The regulation was introduced as part of Jordan’s first National Action Plan for the OGP (OECD, 2013). While this is an important step towards involving non-governmental stakeholders in the policy cycle, the OECD Regulatory Policy Outlook 2015 underlines that stakeholders should be given sufficient time to respond to the consultation. For instance, at the EU level, the minimum duration amounts to 12 weeks whereas U.S. agencies often provide 30 days or more depending on the complexity of the proposed regulation (OECD, 2015). The Ministry of Public Sector Development (MoPSD) offers a web-based complaint system through which sector-specific requests are forwarded to the line ministries. Line ministries have one week to clarify with the MoPSD whether the request was addressed, which can, if necessary, raise a pending case in a report submitted to the Prime Minister’s Office. According to the MoPSD, the annual number of requests received since 2013 is decreasing, and in 2016, 94% of all requests were solved. The third action plan for the OGP commits the MoPSD to developing a smartphone application and telephone hotline to increase the access of citizens for submitting complaints by July 2018.

The survey results suggest that, in parallel to the formal procedures described above, informal meetings between government officials and non-governmental stakeholders take place on an ad hoc basis. These meetings are typically initiated by the government and open to selected non-governmental stakeholders, but rarely to the wider public (OECD, 2013). In line with good practice in the United Kingdom (see Box 4.6), Jordan could consider clearly determining the duration of public consultation exercises and the procedures to participate, and raise awareness in order to ensure that a maximum number of interested parties are able to participate. In this regard, line ministries could make more extensive use of existing manuals to guide policy makers, such as the “Participatory Approach to Strategic Planning in the Public Sector” (2014), which was prepared by the MoPSD and circulated by the Prime Minister to all ministries. A set of common principles applied widely across the public administration can reduce the risk of a fragmented approach to public consultation, which bears the risk of discouraging citizens from becoming involved.

The experience with the Code of Practice on Consultation in the United Kingdom (see Box 4.6) shows that a clear set of principles can contribute to increasing the transparency, inclusiveness and efficiency of consultation activities.

Box 4.6. Guidance on consultation: The case of the United Kingdom

Prior to replacing it with the much shorter “Consultation Principles” in 2012, the United Kingdom had a detailed “Code of Practice on Consultation”, which aimed to “help improve the transparency, responsiveness and accessibility of consultations, and help in reducing the burden of engaging in government policy development.”

Although not legally binding, and only applying to formal, written consultations, the Code of Practice constitutes a good example of how a government can provide its civil servants with a powerful tool to improve the consultation process. The 16-page Code of Practice is divided into seven criteria, which are to be reproduced as below in every consultation.
Box 4.6. Guidance on consultation: The case of the United Kingdom (cont.)

- Criterion 1. When to consult: Formal consultation should take place at a stage when there is scope to influence the policy outcome.
- Criterion 2. Duration of consultation exercises: Consultations should normally last for at least 12 weeks, with consideration given to longer timescales where feasible and sensible.
- Criterion 3. Clarity of scope and impact: Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.
- Criterion 4. Accessibility of consultation exercises: Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.
- Criterion 5. The burden of consultation: Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees’ buy-in to the process is to be obtained.
- Criterion 6. Responsiveness of consultation exercises: Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.
- Criterion 7. Capacity to consult: Officials running consultations should seek guidance on how to run an effective consultation exercise and share what they have learned from the experience.


Informal channels to inform citizens about engagement opportunities prevail

All surveyed entities inform citizens about new opportunities to participate on their website (e.g. MoPIC, MoI, MoPSD, Deir Alla, Ajloun). However, a visit to the website of the MoI shows that it does not list any engagement opportunity other than a general “complaints and suggestions” section. From the online interface, it is also unclear which department within the MoI has the task of dealing with citizen feedback. The lack of a transparent contact section may hamper citizens’ use of the opportunities available online to send formal requests. Except for the MoI, all entities report using social media (e.g. Facebook) to provide information. Most entities make use of (traditional) mass media, such as newspapers, TV or radio, to raise awareness for engagement opportunities.

Informal relationships between government officials and specific stakeholders in society (e.g. phone calls, direct contacts) tend to play a significant role for raising awareness, however, such an approach is limited to a group of (government) selected participants. In line with these findings, more than half of all responding CSOs state that they ask friends at the governorate level.

CSOs and citizens seek interaction with central and local decision-making centres

At the central level, a majority of CSOs interact with ministries and parliament. Around a third has established some form of collaboration with the Royal Court. The
regular contact with ministries is reflected by the fact that a majority of CSOs report contacting public officials on a weekly basis, while CSOs interact less frequently with members of Parliament and the Royal Court.

At the subnational level, the methods applied by local authorities to interact with CSOs and citizens can vary between municipalities (e.g. regular meetings of the “Municipality Friendship Group” in Deir Alla; ad hoc meetings with citizens in Ajloun and in Al Salt to discuss immediate service needs). CSO activity at the subnational level focuses on the executive decision-making centre, both at the governorate (governor) and the municipality level (mayor). Another preferred target for CSOs seeking influence are local development units (LDUs) and other service providers, whereas members of the Executive Council (governorate level) and the elected municipal council seem to play a less important role in this regard.

_Vulnerable groups require specific attention: The example of youth engagement_  

Engaging vulnerable groups in society, including young men and women, is of particular concern in a country where around 70% of the population is below 30 years of age. Despite their access to the world via new digital technologies, and a variety of civil society activities to foster their involvement in local civic life (e.g. volunteering), the lack of structures and institutions to make young people’s voices heard and foster their integration in decision-making processes is a major reason for the disengagement of many from politics today (OECD, 2016b).

The transformation of the former Higher Council for Youth and Sports into the Ministry of Youth in 2016 was a positive step to direct new attention to the specific challenges young people are facing. It is the stated objective of the ministry to integrate youth participation in political, social and cultural life, and to develop new channels to close the communication gap between both sides (Ministry of Youth Jordan, 2016). According to the Ministry of Youth, a new National Youth Strategy 2017-25 is currently being elaborated to improve the co-ordination of youth-related policies and services across different departments. Since its transformation, the ministry has invested significant efforts into improving outreach to young people through social media (as of February 2017, the Twitter account has 1 200 followers). These efforts cannot obscure the fact that young people continue to be side-lined in political decision making that affects their future. The Jordanian political analyst, Amer Sabaileh, notes that youth are not represented in the political system unless they have benefited from privileged access (Konrad-Adenauer-Stiftung, 2016).

While the disenchantment of youth from politics constitutes a major challenge (e.g. low turnout in elections, lack of awareness of government and parliamentary work), promising (grassroots) initiatives have been built in the run up to the 2016 parliamentary elections and beyond. For instance, Shaghaf, which formed in June 2016, held candidate debates at the local level to raise the transparency of election promises and hold future members of parliament accountable. The initiative is composed of young Jordanians from across the Kingdom, including poorer cities such as Zarqa and Jarash, and has rapidly grown to almost 5 000 activists, 40% of whom are young women (Yom and Al-Khatib, 2016).

Youth-led associations in Jordan have proven their innovative potential and maturity to become a partner in the open government agenda of the government. Box 4.7 presents the “Diwanieh” debate approach, organised by Leaders of Tomorrow, which is committed to the idea that more spaces for open and free dialogue are to be built, in particular at the
local level, to foster critical thinking and encourage citizens from all backgrounds to take part in political, economic and social discussions.

**Box 4.7. Creating a forum for open dialogue at the local level: The example of “Diwanieh”**

Diwanieh is an initiative created by the Jordanian youth-led organisation Leaders of Tomorrow which aims to create open, free, and critical debates to encourage open dialogue. The debates in public spaces bring together opinion leaders, local experts, government representatives, representatives from political parties and community members to discuss relevant socio-political issues.

The open and free debate platform aims to encourage young Jordanians to take part in political, economic and social discussions and build their skills, including critical thinking, research, public speaking and persuasive communication.

Since its inception, Leaders of Tomorrow reports that over 9,000 citizens have participated in 22 large-scale public debates across the country.


So far, youth (led) associations and youth demands are absent in the open government discourse in Jordan. The examples of Finland²⁹ and Tunisia¹¹ illustrate that the National Action Plan for the OGP can be used to anchor youth-related commitments and, given the cross-sectorial scope and ambition of the plan, expose them to government-wide attention and international scrutiny (see Box 4.8).

**Box 4.8. Youth in the open government agenda in Tunisia**

Tunisia’s second National Action Plan for the Open Government Partnership aims to adapt innovative, participatory and transparent approaches in the design and implementation of public policies. With commitment 11 ("Developing new mechanisms to promote interaction with the youth and enable them to pursue dialogue about public policies"), the plan acknowledges the readiness of young men and women to become agents for open government principles and practices, and the need to create effective mechanisms in this respect.

By July 2018, the plan foresees:

1. The development of an e-platform for youth to provide feedback on the delivery of public services.

2. The creation of local councils with representatives from CSOs and government and a “significant presence” of young people to establish a mechanism through which young people can express their demands and priorities, to which (local) government ought respond.

Closing the feedback loop: Public information and evaluation activities are scarce

While almost all entities report informing citizens always, or at least in more than 50% of cases, about the outcomes of their participation, it is questionable if the actual information provided is of high value. For instance, both the MoPSD and MoF stress that other than the number of participants and aggregated information on the nature of comments, no information is collected. Furthermore, these results are exclusively communicated within the ministry and among the participants. In the Ministry of Health, only the number of participants is made public.

Through the Monitoring and Evaluation Unit, and with the support of the Communication and Media Unit, the MoPSD reports using a variety of evaluation methods, including internal assessments, surveys and independent assessments conducted by NGOs. In the MoH, monitoring and evaluation is conducted on a six months basis, such as through internal assessments and surveys among citizens. The last international evaluation was organised by the World Health Organisation in 2013. However, little comparative information is available to assess the level of responsiveness of government officials.

Leverage decentralisation reform to foster open government and genuine citizen participation at the local level

As discussed in Chapter 2, decentralisation reform has been on the political agenda in Jordan for more than a decade. King Abdullah II has played an important role in reminding each new government that implementing decentralisation is a national priority for fostering popular participation and local democratic governance. In his letter to the former Prime Minister, Abdullah Ensour, of 29 March 2014, which precedes Jordan 2025, he reiterates the need to enhance local governance and implement decentralisation with a view to ensuring a just distribution of development gains by giving priority to governorate development programmes (Inform, 2015).

The rationale behind the reform, which is to allow for a more participatory and citizen-driven approach in the development process, has remained the leitmotiv, while different concepts to reorganise the subnational layers of government have been discussed. The Executive Development Programme 2016-18 places the current reform in the context of the broader democratic transformation process in Jordan, stating that engaging a variety of groups in society in the development process will improve government performance and foster a wider set of open government principles (e.g. transparency and accountability). These will improve citizens’ livelihoods, reduce local development disparities and promote democratic development across different regions.

The sense of urgency conveyed by the Royal Court resonates with the perception among the members of the Network of CSOs that reform is a priority both for the government and the citizens of Jordan.12 The country’s legacy as a highly centralised state with strong tribal affiliations calls for a context-sensitive approach. Considerable differences between the governorates and municipalities exist in terms of the economic weight and composition of the population, as well as regarding the participation of non-governmental stakeholders in local decision making and available capacities. Therefore, the tools and mechanisms applied to realise the King’s vision of a development process
that is driven by the grassroots should be sensitive to specific circumstances in each region. Local community engagement may take a different form in highly populated urban areas than in rural, impoverished and culturally more conservative regions.

**The evolution of the institutional framework at the subnational level and its impact on the relationship between government and citizens**

The creation of elected local councils at the governorate and district level is the most prominent institutional change introduced by the 2015 Decentralisation Law (DL) and Municipality Law (ML). In the words of the Executive Development Programme 2016-18, it presents the most tangible commitment by the Government of Jordan to realise the vision of “[i]nitiat[ing] local development across the Kingdom's governorates through an effective and accountable decentralised system that responds to the needs of citizens in local areas and provides services to them at the highest levels of efficiency and effectiveness in partnership with them and within available resources”.

With the decentralisation reform, the new reality at the local level in Jordan will be characterised by a largely deconcentrated system of day-to-day service delivery, and a more active stance of the local level in the national planning and development process. For both processes, the procedures for local non-governmental stakeholders to participate in the assessment of local needs, and partner in the implementation and evaluation, are yet to be defined. The bylaw for the elected governorate councils, which was approved in December 2016, provides limited clarification in this regard.

The bylaw stresses that the governorate council shall meet at least once every month upon the invitation of its chairman. The council meetings shall be open to the public, unless the council decides otherwise (Article 9). At its first meeting, the council elects the members of five permanent (thematic) committees. Each permanent committee is composed of four to seven council members who alone have the right to vote on the issues that fall under the competence of the committee (Article 17). For each governorate, a local society committee is tasked with studying the basis for improving public service delivery, communicating with local societies on all levels to discuss service needs, and fulfilling any other task delegated by the council (Article 16).

The bylaw for the elected local councils is expected to be finalised in 2017. Their proximity to citizens has created expectations that policy making and service delivery will become more inclusive and responsive to local requirements. However, some scepticism prevails among CSOs as to whether the elected councils will indeed act as a local parliament with adequate resources and capacities to represent the interests of local community members and encourage new forms of popular participation. OECD experience shows that concerns related to the additional financial and human resource needs of local elected councils (and potential voting fatigue) can be addressed by clearly defining and communicating their mandate regarding the elected body at the higher (i.e. governorate council) layers of government.

The creation of elected councils is a first and crucial step for Jordan in the process of replacing centralised planning by a bottom-up approach to the identification of local needs. According to MoPIC, LDUs, once transformed into directorates (see Chapter 2), will feature a directorate in charge of liaising with citizens and CSOs. This mechanism could, if effectively interlocked with the elected local officials, overcome the current ad hoc approach to popular participation. The dominance of the central level in addressing the day-to-day (service) demands of citizens in their local community, however, may risk
slowing down the rise of a new administrative culture in which CSOs and citizens refer to their elected local representatives as a first choice.

As discussed in Chapter 2, the delivery of public services remains largely in the hands of the line ministries and their deconcentrated entities (directorates) in the governorates. Through the governor, the central level is expected to continuously exercise significant influence over local affairs. Furthermore, the financial dependence of many municipalities on central grants and donor support suggests that the scope of action for elected local representatives will still be limited. If the decision-making power remains vested outside the subnational elected bodies, CSOs and citizens are likely to direct their attention towards the ministries and their deconcentrated entities and, in many cases, Parliament, to benefit from the strong tribal affiliations that link many parliamentarians to their constituency. The experience with the so far directly elected municipal councils suggests that in the absence of sufficient resources, and the dominance of the central level in determining local needs, there is a weak incentive for local CSOs to form partnerships with elected subnational bodies.

Given the absence of strong transparency and accountability mechanisms at the subnational level to date, a certain degree of central oversight in local affairs is reasonable. However, vast centralised power over the subnational layers of government risks slowing down the rise of a new administrative culture in which citizens address their demands to elected local representatives. In this system, the lines of accountability tend to be blurred, especially between the entities at the different subnational layers and the Ministry of the Interior and the Ministry of Municipal Affairs. If citizens feel that their participation has little impact on the decision-making process, they may be discouraged, as would be the emergence of a genuine culture of open and participatory governance.

Towards a culture of open and democratic local governance in Jordan: Living diverse forms of democracy

By virtue of its smaller size and the proximity of policy makers and citizens, local governance can offer greater prospects for the use of direct and representative democracy, as well as a more direct participative democracy (Cretu and Cretu, 2014). Local democracy cannot and should not be narrowed down to casting a ballot on election day. As such, the subnational level offers the potential for new and innovative forms of engaging citizens and strengthening transparency and accountability mechanisms (OECD, 2016a).

The creation of elected governorate and local councils in Jordan, the institutional centrepiece of the reform process, provides a new momentum to strengthen local democracy in its various forms (e.g. representative, deliberative and direct forms of engagement), and increase the performance of local government. It also holds the potential of creating a shared sense of responsibility among citizens for the development of their community, and increases the legitimacy of otherwise contested political decisions in a context of scarce resources (e.g. urban planning).

The 2017 local elections: A test for representative democracy

The first elections of the governorate and local councils are expected to take place in August 2017, and have raised high hopes that the needs of local communities, in particular those of vulnerable groups, will be better represented in public life. The first significant change that must be noted is an increasing number of elected local representatives. Whereas the number of elected representatives in the governorate council
is to be determined by specific regulations (Article 3, DL), the 2015 ML stresses that the number of representatives in the municipal councils should be no fewer than seven members, including the mayor, and that there shall be no fewer than five members per local council (Article 3). However, it remains to be seen whether or not a higher number of elected local authorities will indeed increase legitimacy and citizens’ trust in the government.

Previous election rounds at the municipal level in Jordan were held in 1995, 2007 and 2013, and point to a downward trend in voter turnout (from 50% to 30% between 2007 and 2013). The very low turnout in Amman (10.5% in 2013) accounts for much of the weak participation in the past (Al Monitor, 2013). Since 2007, elections have been supervised by the Independent Elections Commission. Understanding the factors that shape voter turnout in local elections is critical for tailoring awareness campaigns and similar activities to specific groups in society, in particular the disengaged. Box 4.9 presents evidence from New Zealand and other OECD countries in this regard.

Box 4.9. Factors shaping turnout in local elections: The example of New Zealand

Low turnout in local government elections is a challenge that Jordan shares with many OECD member countries. In New Zealand, for instance, average voter turnout in local elections is approximately 30% less than turnout for parliamentary elections.

A study conducted by Local Government New Zealand identifies some of the factors shaping turnout in local elections in New Zealand. The study sheds light on structural issues, as well as the characteristics of the population that can influence voter behaviour.

The study finds that:

- Turnout tends to be higher in local governments with smaller populations. Between 2010 and 2013, voter turnout in metropolitan councils (more than 90 000 inhabitants) and provincial councils (20 000-90 000) decreased, while it increased in rural councils (fewer than 20 000), where turnout already tended to be higher in 2010.

- Participation in local elections increases with age. The pattern that younger voters are less likely to cast their vote than the electorate in general has been discussed before (OECD, 2016c). For instance, in OECD countries, voter turnout among 18-to-24 year-olds in national parliamentary elections is, on average, 17% lower than for adults aged 25 to 50 inclusive. Relative turnout among young people is particularly low in France, the Slovak Republic, Estonia, and the United Kingdom.

The findings add to international research suggesting that voting tends to be associated with higher levels of education, property ownership or at least having lived at the same address for a reasonable length of time and civic education/awareness.

The analysis also finds that, from an international perspective, turnout tends to be higher in systems in which local government has a large range of responsibilities and functions, compared to systems which have a small number of responsibilities. This pattern suggests that the incentive for citizens to invest time into comparing candidates, casting the ballot and monitoring the performance of local authorities is positively related to the “salience”, which describes the role and the relevance of the local government.

The 2015 DL introduces a 10% quota for women in the elected governorate councils. The Cabinet may appoint 15% of the number of elected members, provided that one-third of appointed candidates are women. In the municipal councils, which will be composed of the members of the local councils who obtained the highest votes, at least 25% of its members must be women.

Candidates of the elected councils must be at least 25-years-old, and, in the case of the governorate councils, have been Jordanian for at least ten years. The minimum age is considerably higher than for most OECD countries, such as Australia, Canada, Germany, Italy and the United Kingdom, in which citizens can run for office in regional and local elections once they reach 18. According to the CIA World Factbook, around 55% (2015) of the population are below 25, therefore, this criteria risks undermining the fair representation of the specific demands and needs of young men and women. Initiatives to enhance youth participation in electoral processes (e.g. organisation of school parliaments), such as by Afaq Jordan for Development and Training, a youth organisation based in the governorate of Al Mafraq, are critical for supporting a young generation to become active citizens with the skills to hold local representatives to account. The existing infrastructure at local level (e.g. youth centres) and programmes (e.g. youth parliaments are operational in some governorates) could be used more effectively to raise awareness and encourage young people to run.

The quota for women in the governorate and municipal councils guarantees a welcome minimum level of inclusive representation, which can contribute to changing traditional norms and perceptions. The current practice in the elected municipal councils shows that despite a significant under-representation of women, the gender gap tends to be considerably smaller than in centralised government bodies. In 2014, for instance, the average gender gap in the municipal councils was 44% (72.2% men; 27.8% women) compared to 78% in the Cabinet, 76% in the House of Representatives, and 56% in Labour Unions (Department of Statistics, 2014).

**Figure 4.1. Gender gap in local councils in Jordan (2014)**

![Gender gap in local councils in Jordan (2014)](image)

*Note: Gender gap = (% Male - (% Female.  
Elected councils may offer new avenues for the representation of marginalised groups in society. For voters to make an informed choice, in particular those with little experience or interest in democratic procedures and less educated groups, they must have a thorough understanding of why their participation in elections matters. As trust in and the satisfaction with the performance of elected representatives in the national parliament tends to be low in Jordan, awareness campaigns should be organised well ahead of the elections to foster broad participation.

Despite efforts to foster the creation of political parties through the 2015 Election Law, tribal affiliations tend to determine the voting preference, particularly in more rural areas. Experiences in the past have led to some scepticism as to whether the opportunity to elect representatives at the governorate and district levels will fundamentally change this pattern. It must be noted that the elected councils will not automatically lead to a fairer and more equal representation of citizens’ needs.

**Consultation, active participation and evaluation beyond election day**

Periodic elections are a mandatory but not a sufficient condition for a culture of open and democratic local governance to materialise. This requires the daily commitment and effort of local representatives, civil servants and civil society actors to bargain and seek compromises. A healthy democratic culture rests on a vibrant civil society and active citizens to ensure a “living democracy” in which opportunities for citizens to access information and participate at the governorate and district levels will fundamentally change this pattern. It must be noted that the elected councils will not automatically lead to a fairer and more equal representation of citizens’ needs.

The Executive Development Plan 2016-18 acknowledges the need to organise awareness raising activities among and build communication channels between local authorities, CSOs and citizens. However, general optimism towards the objectives of the reform cannot disguise the scepticism among civil society representatives as to whether or not the government is indeed serious about allowing a bottom-up approach. So far, many CSOs have been present in a merely symbolic way in the absence of a structured dialogue.

There are good practices for successful deliberative approaches in the day-to-day activities of the municipalities in Jordan. In Deir Alla, the decision of where a school should be built was prepared in collaboration with a voluntary committee, which featured representatives from the local community. The voluntary committee was given the right to set the priorities, which resulted in building up mutual trust and the acceptance of local authorities and community members. The challenge for governorates and municipalities in Jordan is to institutionalise this kind of citizen participation and engagement in the development process to ensure sustainability and build trust, in particular in the interaction with the newly elected bodies at the governorate and district level.

In most Latin American countries, for instance, local citizens councils were established for this purpose. Councils usually have a mandate to advise the elected council on specific issues, such as planning, housing or selected policy areas (education, social affair). The implementation of the plans and policies falls under the responsibility of the municipality (see Box 4.10). Evidence from Latin America illustrates that the performance of the councils depends on the availability of sufficient capacities and the openness of local officials to take their advice into due account.
Box 4.10. Latin America’s local citizen councils

Since the 1980s, governments in Latin America have developed a new relationship with their citizens in which they can participate more actively in the decision-making process. They have achieved this, in part, by creating local citizen councils.

Although local councils take on different names and forms across the region, they share common features. Generally, they gather different sectors of civil society, such as academics, civil or community-based organisations and the private sector, and join them with local political authorities in a single body, where they collaboratively make public policies or design development programmes. They also typically share a common goal of strengthening democracy and the quality and responsiveness of public policies at the local level.

In some cases, the creation of local councils is mandated by the constitution (e.g. Peru’s Constitution - Title IV, Chapter XIV on Decentralisation) or a national law (e.g. Mexico’s National Water Law mandating the creation of Basin Councils), while in others they have emerged at the initiative of local governments and citizens (e.g. Colombia’s Medellín’s Youth Municipal Councils).

In general, local councils in Latin America are formed by elected representatives of various social, political, and sometimes economic sectors, which shows the importance of the capacity and will of the actors involved in the councils, especially the local governments’ open attitude towards citizen participation.

Local councils in Latin America follow two basic models in terms of the variety of thematic areas they tackle. They can debate and decide on comprehensive development plans that cut across many sector-specific concerns, such as the Peruvian Participatory Development Plan (Plan de Desarrollo Concertado). In other countries, local councils are created to deal with specific thematic areas, such as social policy, environmental preservation, urban governance or public service provision, such as Local Health Management Councils in Paraguay.


The example of the provincial Council of Biscay in Spain (Box 4.11) illustrates how the use of innovative tools has resulted in more accountable, transparent and efficient service delivery. This could be of great interest for Jordan given its young and tech-savvy population, as well as the e-Government Strategy 2014-2016 which calls upon the government to be proactive in soliciting citizens’ opinions and feedback through social media, discussion forums, web logs, surveys and polls and live chats. According to Internetworldstats, 5.7 million people in Jordan used the Internet in June 2016 (72.4% of the population) and there were 4.8 million Facebook subscribers in June 2016 (62%) (Internetworldstats). The World Bank estimates that around 54% of the population in Jordan uses the Internet, compared to an average of 44% in MENA countries.
Box 4.11. Opening municipalities in the province of Biscay in Spain

The provincial Council of Biscay in Spain has developed an innovative approach that regroups all of the province’s municipalities, and grants citizens a decisive role in improving local policies and contributing to the quality of services in the region. Based on the concept that “a modern institution has to be close and accessible to its citizens”, the council commits itself to “continue working on spaces of co-operation and social participation in order to be able to be systematically accountable, transparent and efficient.”

The provincial Council of Biscay developed an easy-to-use website (http://zabaltzen.balmaseda.net/es/portada/) as well as a smartphone application, called "Udala zabaltzen" (Opening Municipalities), which allows citizens to report flaws in infrastructure, for example potholes or sanitation facilities in improvable conditions. The website and application offer citizens the possibility to provide a detailed localisation of the reported problem, which facilitates a swift transfer of this information to the office responsible. Each of the reported required improvements is updated as soon as the problem is solved, which exposes the provincial council, the municipality and the office in charge to public scrutiny.

As one of the first local administrations, the province of Biscay moved from e-government to open government, which, according to the provincial Council of Biscay's definition, is based on the three pillars of transparency, participation and collaboration. Among the features available on its website, citizens can exchange opinions directly with the mayor of each municipality and make their needs and suggestions heard in a direct exchange. On some occasions, the provincial council has opened online surveys to all citizens to identify the need for new infrastructure facilities or other potential improvements. In order to enhance transparency and accountability at the local level, the province publishes information on public procurement.


With the upgrade of the local level and the role of non-governmental stakeholders in the national planning and development process, existing e-participation and m-government tools could be mainstreamed and used across all municipalities with a view to benefit citizens with low or no income, seniors, disabled and persons who live in rural and non-serviced areas (e.g. the existing Mobile Gateway, which offers 40 informational and interactive services to citizens and businesses including inquiries regarding utilities, airline schedule, traffic violations, property tax, vocational license, and weather condition).

The first steps towards facilitating participatory planning at the subnational level in Jordan have already been undertaken. According to the Ministry of the Interior, a regional electronic information system was developed with USAID three years ago, which will be accessible online to all communities and encourage participatory planning. The system is currently being tested in Irbid governorate. In addition to effective (information and communication) tools, examples from Indonesia and Costa Rica point to the importance of strong legal and institutional frameworks to encourage popular participation with the involvement of local communities in national planning and development (see Box 4.12).
Box 4.12. Engaging citizens at the local level in the national planning and development process

In Indonesia, the primary legal vehicle that supports citizen participation is Law No. 25 of 2004 on National Development Planning, which seeks to “optimise public participation.” The law establishes the national development planning system and delineates the public’s ability to participate formally in the process via the Multi-Stakeholder Consultation Forum for Development Planning process (Musyawarah Rencana Pembangunan, or musrenbang). While the musrenbang process is an important opportunity to involve the public in determining development priorities across all levels of government, both government and CSO representatives have noted its limitations, primarily around ensuring public inputs are taken into account and in identifying the correct CSO partners.

The Tejiendo Desarrollo programme in Costa Rica, promoted by the office of the First Lady, provides a good example of how citizens can be involved in all stages of the policy cycle at the subnational level. The main components of the programme are the creation of development processes in specific territories, and the elaboration of a National Policy for Regional and Territorial Development with the participation of citizens. The programme is anchored in a solid legal framework for citizen participation in local affairs. The Municipal Code establishes the municipal council’s obligation to promote the active, conscious and democratic participation of the people in the decisions of the local government, and gives a prominent role to popular consultations, such as popular initiatives, referenda and town hall meetings (Cabildos). These activities are protected in the bylaws to the Constitution (Laws 8491 and 8492 from 2006), which include the right to referenda, popular initiatives and petitions.


The 2015 DL and ML foresee a more prominent role of the subnational layers of government and non-governmental stakeholders in shaping the development process. A new set of skills and competencies is required to ensure that both local populations and local public officials can exercise their new mandate effectively and in a partnership approach (active citizenship, use of planning tools, etc.). In the northern region of Morocco, support programmes for participatory planning were carried out in more than 230 rural communes and municipalities to streamline the new administrative approach and improve the operations of municipal staff and local civil society actors involved in drawing up communal development plans (see Box 4.13).

Box 4.13. Participatory planning as a performance catalyst in the north of Morocco

In the northern region of Morocco, participatory planning is part of an approach that emphasises the involvement of local populations and local public officials in local development and decision-making processes.

This policy has been driven forward by several initiatives, in particular:

- The launching of the National Initiative for Human Development (NHRI) in 2005, based on local development which is strongly associated with a participatory approach.
Box 4.13. Participatory planning as a performance catalyst in the north of Morocco (cont.)

- The policy of decentralisation by the state that aims to reinforce the role of regional governments (collectivités territoriales) and elected local officials.

- The 2009 Municipal Charter, which strengthened the role of communal councils (conseils communaux) in decision making regarding local socio-economic development and in the management and development of their territory.

- The 2011 Constitution, which highlights fundamental principles of decentralisation, such as subsidiarity, free administration, co-operation and solidarity.

Support programmes for participatory planning were carried out in more than 230 rural communes and municipalities with fewer than 35 000 inhabitants between 2009 and 2015 by the General Directorate for Local and Regional Authorities of the Ministry of Education, in conjunction with the Northern Development and Promotion Agency and the Targa-Aide Association. The departments of local governments (collectivités locales) in the prefectures and provinces concerned have also benefited from this support.

The programme focused on streamlining the administrative approach and improving the level of operationality of municipal staff and local civil society actors involved in drawing up communal development plans. This was done through the strengthening of municipal capacity in strategic and participatory planning, and the affirmation of the transparency of the municipality's action regarding its citizens.

The different stages of the programme are presented below:

Through this approach, knowledge and capacity in strategic planning have been strengthened. All municipalities prepared a six-year Municipal Development Plan (MDP) with two triennial programmes and a mid-term evaluation. In addition, municipalities have gained a better knowledge of their territory thanks to the preparation of communal maps (road networks, the douars - the villages forming the commune, the location of social facilities, etc.).

The collaboration between the three layers of subnational government (municipality, province/prefecture and region) promoted by the new organic laws covering regions and municipalities (July 2015) is expected to further improve territorial planning and co-ordination between the development policies to increase the efficiency of deployed resources.

As the concrete mechanisms for popular participation in the service delivery and national planning cycle still need to be identified, it remains to be seen at what point CSOs and citizens will be able to shape the process. Low levels of satisfaction with the quality of public services in the municipalities suggest that under the new legal framework, citizens could play a more active role in exercising scrutiny over the performance of service providers, and hence increase transparency and accountability. Independent local media outlets and independent state institutions can act as partners in raising awareness, avoid the misuse of resources, and ultimately contribute to improving the access to and the quality of education, health and other services.

The creation of a system to assess the progress made in implementing the governorate plans is expected in the near future. As Jordan advances in translating the new legal framework into practice, it should consider how to move from ad hoc consultation with the public to more comprehensive forms of interaction, including how to enhance the role of CSOs and citizens in monitoring public service delivery at the subnational level. The need of a substantial investment in building capacity amongst participants and methodological support in participatory evaluation can be offset by higher legitimacy and the acceptance of decisions (OECD, 2009).

**New partnerships between local authorities and community members**

In addition to an enhanced representation and deliberative participatory approaches, the current reform process holds the potential to foster direct democratic procedures in Jordan. Direct democratic elements of decision making can refer to citizen engagement through methods such as referenda, citizen initiatives, petitions or participatory budgeting schemes. While this approach is not meant to replace local authorities as the final decision maker, it can usefully complement representative and deliberative approaches, and create trust between local authorities and community members.

In a pilot programme with three municipalities, the Ministry of Municipal Affairs has implemented participatory budgeting in practice with what it says are satisfying results. As the examples from the municipality of Sfax in Tunisia and the city of Paris in France show (see Box 4.14), involving citizens in the allocation of a share of the city or district budget to concrete projects can increase the legitimacy of government action and even result in decreasing levels of tax evasion. It ensures that public money is spent in line with the priorities of the (active) electorate and provides a training ground for turning transparency, efficiency, accountability and civic engagement into practice.

**Box 4.14. Participatory budgeting at the local level: Experiences from Sfax (Tunisia) and Paris (France)**

The 2015 OECD Recommendation on Budgetary Governance explicitly calls on governments to "ensure that budget documents and data are open, transparent and accessible" and to "provide for an inclusive, participative and realistic debate on budgetary choices".

Over recent years, the trend towards participative budgeting has extended internationally and has been taken up with success in a number of OECD member countries and non-member economies. In practice, progress at the national level has been limited to date, with more activities and innovations emerging at the level of cities and municipalities.
Sfax, Tunisia

The allocation of public budgets at the level of municipalities has traditionally been decided by local authorities behind closed doors. This has caused the increasing disengagement of community members from local politics, and fuelled the feeling that elected officials were disconnected from their reality. In light of the lack of trust in local authorities, many citizens refrained from paying local taxes, stressing that they were unsatisfied with the quality of public services and the lack of transparency in financial matters.

In 2015, the municipal council decided to release three million dinar (around USD 1.3 million) to be allocated to investments in roads, street lighting and pavement construction through a participatory budgeting approach. This exercise built on three phases:

1. Communication and awareness campaign (e.g. press release) in collaboration with Gesellschaft für Internationale Zusammenarbeit (GIZ) and a local NGO.
2. The municipal territory was divided into residential areas. In each, citizen fora, animated by a neutral facilitator and featuring a diverse representation of societal groups, were organised discuss concrete projects. In each residential area, one man, one woman and one young person were elected to represent the area in the forum of delegates. Almost 2 000 citizens participated in the fora.
3. Forum of delegates: The forum agreed on a total of 25 projects and set up priority criteria for their implementation. The projects selected by the citizens were included in the draft budget for 2016, which was voted on by the municipal council in July 2015.

On a global level, various cities and municipalities have experimented with different forms of participatory budgeting schemes, including in Porto Alegre (Brazil), Paris (France), New York (USA), Toronto (Canada) and elsewhere (OECD, 2016a). In Newcastle (United Kingdom) and Boston (USA), efforts to involve citizens in the allocation of a share of the city’s budget were specifically designed for teenagers and young adults. In many cases, the voting process brought young people for the first time to the ballot box (OECD, 2016b).

Paris, France

Since 2014, the municipality of Paris has given its citizens the opportunity to decide on the use of 5% of its investment budget, which amounts to EUR 0.5 billion in 2014-20. The aim is to involve citizens in municipal politics to foster social cohesion and to learn their preferences. It builds on the principles of open government and promotes a stronger relationship between citizens, their representatives and the public institutions. In the 2015 edition of the participatory budget, participation was deepened by providing citizens with the opportunity to propose projects that would then be voted on (Mairie de Paris, 2015). The project tries to harness the creative ideas of Parisians through the following process: 1) Parisians propose their ideas for investment projects on a website; 2) the municipality evaluates the feasibility of the proposal; and 3) project proposals are submitted to a vote.

participating in a democratic procedure with assuming actual decision-making power and responsibility, and hence represents the kind of popular participation that decentralisation reform seeks to promote. Good practice examples and success stories can help in overcoming potential resistance or scepticism among local authorities and community members.

**Assessment and recommendations**

The validation of the 2015 Decentralisation Law and Municipality Law is a significant step towards reinforcing local governance, and holds the potential of moving forward the open government agenda at the level of governorates, municipalities and districts. With the approval of bylaws regulating the election and function of the governorate councils, work on training programmes for local public officials, and awareness raising activities at the governorate level, the Government of Jordan has initiated a series of urgent measures to translate the new legal framework into practice ahead of the local elections in August 2017.

This chapter discusses the links between the current decentralisation reform process, the open government agenda and the broader democratisation agenda in Jordan. It illustrates the mutual reinforcement mechanisms that exist between the three agendas, which culminate in the King’s vision that “political development should start at the grassroots level, then move up to decision-making centres”. The current reform holds great potential to encourage the emergence of a “culture of governance based on innovative and sustainable policies and practices inspired by the principles of transparency, accountability, and participation that fosters democracy and inclusive growth” at the local level. With the creation of elected councils at the governorate and local level, there is a momentum for a coalition of local public officials and civil society actors to foster representative, deliberative and direct forms of citizen participation. The involvement of local CSOs, citizens and other non-governmental stakeholders in identifying service needs and policy priorities, and the monitoring of government performance, can increase transparency and accountability mechanisms, which have, so far, suffered from severe shortcomings.

However, it must also be noted that many of the detailed procedures and chains of responsibility are still to be defined. Despite a generally positive attitude towards the objectives of the reform process among CSOs and most government officials, some scepticism prevails as to whether the government is indeed serious in allowing for a bottom-up process to planning and development and new forms of citizen participation. For instance, criticism focuses on the limited attention that has been devoted to increasing popular awareness and grassroots support during the reform process. For some CSOs, the government’s orchestrated approach is perceived as a tool to stimulate “defensive democratisation” (i.e. concessionary democratic reforms to pre-empt more fundamental challenges to the status quo), which is unlikely to vitalise greater citizen participation, transparency and accountability (Identity Center, n.d.).

This chapter points to two critical determinants for the success of the reform. First, it stresses the need to improve the overall context for open and participatory government across the different layers of government (e.g. access to information framework, a review of decisions affecting the freedom of the media and expression, and the operational freedom of civil society). It reflects that a vibrant civil society is critical for increasing popular awareness and grassroots support for the reform, and, as soon as the local councils begin their work, holding representatives to account. Second, the Chapter
highlights the need to establish effective tools and mechanisms strengthen representative, deliberative and direct forms of citizen engagement at subnational level.

In his recent visit to the Ministry of Interior, the Prime Minister stressed the urgency of raising awareness for the law and the future function of the governorate council. The Prime Minister suggested the prospect of organising debates in the governorates regarding the preparation of the state budget to experiment with the interaction between the councils and central government (Watnjo, 2016). Led by the Ministry of Political and Parliamentary Affairs, a national dialogue to raise awareness for the decentralisation reform was initiated in December 2016, featuring meetings with local authorities and community members in each governorate. The sustainability of these initiatives will be critical for ensuring that the current reform process will be understood as a unique opportunity for citizens to shape development in their region. According to the Ministry of the Interior, the Inter-Ministerial Committee in charge of the reform is currently preparing capacity building programmes for different target groups (e.g. youth, CSOs, private sector).

In pursuing the objective of improving the state-of-play for open government in Jordan, and to lever the decentralisation reform to increase popular participation, transparency and accountability at the subnational level, the Government of Jordan could consider the following recommendations:

**Turning commitments into results: The process towards a culture of open and inclusive governance**

*Jordan’s membership of the Open Government Partnership*

- **Consider formulating a single national open government strategy** to overcome fragmented approaches and foster a whole-of-government approach across the different levels of government. The strategy should build on a national vision for how open government can contribute to broader policy objectives, such as those identified in Jordan 2025. The evidence for such a strategy should be gathered through a collective process starting at the community level (e.g. local elected councils), before being consolidated in the municipalities and governorates and ultimately at central level. Parliament, civil society, the private sector, independent state institutions, media and academics should be involved in a clear and transparent procedure.

- **Upgrade the role of the parliament and the subnational level in the national open government agenda** by organising large-scale training programmes for parliamentarians and local authorities, in particular for the elected representatives in local, municipality and governorate councils and relevant directorates in the LDUs. Local authorities could become involved in the National Commission, which is tasked with elaborating the country’s National Action Plan for the OGP.

- **Foster a culture of monitoring and evaluating programmes to increase transparency and accountability.** The creation of an independent reporting mechanism to assess the progress in delivering on open government commitments should be encouraged to increase public scrutiny.
Access to information

- Consider revising laws and regulations that may impede the effective use in practice (Protection of the State’s Secrets and Documents Law No. 50, 1971) in line with the objective of the 3rd National Action Plan for the OGP to “strengthen the legislative framework governing access to information.”

- Consider amending the Law of Access to Information to extend its scope to the subnational level. Access to reliable government data and information is a precondition for local media, CSOs and independent state institutions to exercise effective scrutiny over the performance of state institutions at the subnational level in delivering public services and spending decisions.

- Define clear criteria as to what information is considered “classified”, “secret” or “protected by other legislation” to provide guidance for public officials and increase legal certainty for citizens and businesses. Periodic reviews by an independent agency, which could be discussed by Parliament, could provide information on the use of the right in practice, indicate potential violations and support the creation of a community of practice.

- Organise an awareness campaign targeting public officials, Parliament, the media, civil society and citizens with a view to explaining the critical importance that access to reliable information plays in achieving broader policy objectives (e.g. increase the access to and quality of public services).

Freedom of the media and freedom of expression

- Conduct a review of recent regulations and decisions affecting the freedom of media and freedom of expression in line with the commitment stressed in the 3rd National Action Plan for the OGP to “strengthen the framework governing the freedom of the media”. Independent investigations and reporting by journalists present important pillars for long-term stability and democratic development in Jordan. The criteria for imposing media bans or restrictions on news content should be clarified and disseminated widely to increase transparency and legal certainty for journalists, CSOs and citizens.

- Foster the emergence of independent local media outlets (e.g. radio programmes, newspapers, online) to stimulate a culture of debate and dialogue at the community level and to increase the diversity of available information channels. A new diversity of traditional and new media can play a significant role in promoting active citizenship and increasing the level of transparency among existing and future power holders in the governorates and municipalities.

- The need for a broad alliance of watchdogs over central and local political affairs Foster a genuine culture of monitoring and evaluation among all levels of government, as well as governmental and non-governmental bodies, to ensure that scarce resources are allocated for their intended purpose. In this respect, the role of the legislative and main oversight agencies should be redefined and upgraded with a view to addressing overlapping responsibilities (e.g. co-ordinate work plans, avoid parallel investigations and duplications, and encourage a culture of sharing information among the Anti-Corruption Commission, the National Audit Bureau and the Ombudsman Office) and the lack of capacity.
Increase transparency in the allocation of grants by members of parliament at the subnational level. For instance, a dedicated database could be created following the example of France (http://data.senat.fr/dotation-d'action-parlementaire/) to be able to trace back the grants suggested by members of parliament for parliamentary action, beneficiaries and the resources allocated.

Strengthen decentralised control mechanisms by seeking partnerships with independent local media and CSOs and educating citizens against the hazards of corruption.

Budget transparency

Establish a formal mechanism through which CSOs and citizens can participate in the budget process, in particular at local level, to tailor the allocation of public expenditure to their needs and priorities. Experiments with participatory budgeting schemes at the subnational level (e.g. Ministry of Municipal Affairs and three pilot municipalities) could be replicated on a bigger scale to foster a sense of participatory policy making in practice, in particular among the disengaged and vulnerable groups in society.

Legal status and operational freedom of civil society

Request the Registration Management Council to justify the rejection of an application by a written statement. This requirement would increase the transparency of the application procedure and increase legal certainty among CSOs to operate legally.

Organise a national consultation process about the potential amendments of the 2008 Law No. 51 on Society to increase awareness among civil society organisations and ensure that all relevant stakeholders can raise their voice and potential concerns. Moreover, these amendments should be reconsidered in light of the critical role that CSOs, particularly at municipal and district level, play in providing services to neglected groups in society.

2016 Election Law

Raise awareness among citizens about the work of Parliament to increase public interest and scrutiny over its activities.

Organise a nationwide awareness campaign to inform citizens about the impact of the bylaws related to the election of the governorate (e.g. Governorate Councils Districting Bylaw) and local councils, in collaboration with local stakeholders from media and civil society to encourage all segments of society, including vulnerable groups, to participate in the 2017 local elections. Specific activities should be organised to raise awareness among youth and other groups in society with a lower interest in voting. Initiatives such as Naseej (fabric), which brought together 130 young people from different governorates to enhance youth participation in the 2016 parliamentary elections, illustrate that promising citizen-driven initiative have been underway in this regard.
Open government in practice: Enhancing current practices across the different levels of government

- Formalise citizen consultation to overcome ad hoc approaches and open up participation across the different levels of government to new groups and close the feedback loop.

- Review the channels and tools used by government entities to inform the public about consultation and engagement opportunities. Provide clear indications on who will deal with citizen feedback, and create social media accounts while continuing to use traditional mass media. Awareness for existing manuals (e.g. “Participatory Approach to Strategic Planning in the Public Sector”) should be increased so that they become a reference document public officials.

- Create mechanisms and institutions to make vulnerable segments of society a partner in the open government agenda and the national development process. The fact that almost 70% of the population in Jordan are below 30 years of age suggests that engaging youth in public life and policy making should be a priority for the government. The examples of Finland and Tunisia illustrate that the OGP National Action Plan can feature youth-related commitments and may, due to the cross-sectorial scope and ambition of the plan and the international scrutiny provided by the OGP, act as an effective lever to turn commitments into actual practice.

- Reinforce existing mechanisms to collect citizen feedback on the performance of public service delivery and quality, such as the Central Government Complaints System and the citizen satisfaction survey conducted by the King Abdullah II Centre of Excellence. Support new initiatives, such as the development of an individual Customer Service Charter for each government institution (Ministry of Public Sector Development). A more regular use of surveys could help close the feedback loop, which would increase transparency and ultimately the quality of public services. For this purpose, all relevant information from surveys or consultation activities should be made public.

Leverage the decentralisation reform to foster open government and genuine citizen participation at the local level

- Increase popular awareness and grassroots support for the ongoing decentralisation reform in line with the current efforts undertaken through the national dialogue (Ministry of Political and Parliamentary Affairs). The role of the Network of Civil Society Organisations for Open Government at the Local Level in Jordan could be upgraded so that its members act as the link between government and other local CSOs in raising awareness for the reform and its practical implications for local governance and CSO activity.

- Apply a context-sensitive approach to fostering a culture of open and participatory government at the local level. Based on a strategic assessment of the available open government capacities and the maturity of open government practices in the governorates, municipalities and districts, a guide could be elaborated to support local authorities and non-governmental stakeholders to implement open government principles and practices, with a view to fostering inclusion and diversity.
• Build up effective capacities and tools for use by the directorates responsible for liaising with CSOs and citizens inside the LDUs and among the elected members of the governorate and local councils. Local public officials, both elected and appointed, should have access to training in order to implement a participatory approach to assessing local needs in collaboration with CSOs and citizens. Existing institutions, such as the National Institute for Training, could elaborate training modules that link engagement practices to the broader objective of reinforcing mechanisms for greater openness, transparency and accountability.

Towards a culture of open and democratic local governance in Jordan: Living diverse forms of democracy

The 2017 local elections: A test for representative democracy

• Foster the equal participation of women in local decision making through mentoring programmes that link female candidates and women holding office could encourage female candidates to run for local or governorate councils, and would ultimately result in a more balanced participation of women in local councils.

• Support initiatives to enhance youth participation in local elections and create institutional mechanisms through which they can play a constructive role in the identification of needs and priorities in their community. The organisation of school parliaments and similar initiatives can raise awareness of the importance of local elections in Jordan’s democratisation process. Existing infrastructure, such as local youth councils, could be modernised and used more effectively to empower them to apply open government principles and democracy in practice.

Consultation, active participation and evaluation beyond election day

• Foster a culture of civic engagement, volunteering and political participation at the local level by including a civics component in the school curriculum to teach children about the rights and responsibilities of each citizen, as suggested by Jordan 2025.

• Formalise the participation of non-governmental stakeholders (e.g. CSOs, citizens, private sector, academia) in determining development priorities. Depending on the available capacities and characteristics in each municipality (size, geography, demography, etc.), the most adequate approach may vary between more and less institutionalised forms (e.g. advisory committees for CSOs or specific groups in society vs. survey) and the reliance on traditional (e.g. gatherings with local authorities) and more innovative forms (e.g. online surveys, use of social media). Neither a one-fits-all solution for each municipality, nor a narrow focus on one particular approach, is likely to encourage non-governmental stakeholders to participate in the national planning and development process.

• Create a website and social media presence for each municipality and use digital technologies more systematically to inform the local community about its work and opportunities for engagement. The online presence could feature the organisation chart, a complaint mechanism to allow for a direct response from local authorities, the minutes of meetings from the gatherings of the municipal and district councils, access to relevant administrative documents, and other
useful information. The creation of a joint online presence of all municipalities could be considered to encourage the flow of information and good practice across administrative boundaries.

- **Encourage innovative engagement practices at the municipal and governorate level** by establishing a category in the National Honours Program, the creation of which is foreseen by Jordan 2025, to reward Jordanians for their contribution to Jordanian society, for outstanding partnership approaches between CSOs or citizens and local government.

**New partnerships between local authorities and community members**

- **Replicate experiments with participatory budgeting schemes** to involve a larger number of citizens in the allocation of a share of the municipality or district budget. Citizens should be involved from the very beginning of the process (e.g. identification of projects) to create the necessary buy-in and interest.

**Notes**

1. The results reflect the answers received from 17 members of the Network of Civil Society Organisations for Open Government at the Local Level in Jordan (“Network of CSOs”) received between 26 July and 6 October 2016.

2. The OECD, in partnership with Al-Hayat Center for Civil Society Development, supported the organisation of the two workshops to raise awareness of the open government agenda and the draft plan among Jordanian CSOs.

3. Article 21 (a) of the Anti-corruption Law of 2006; Article 9 of the Financial Disclosure Law of 2006; Article 68 of the Civil Service bylaw of 2007; Decree by the Prime Minister (13/11/1/2776 on 13 February 2008) instructing government officials not to hand out any information to the press except through the Minister or the Deputy Minister.


6. As of April 2017, the amendments have not been approved by the Council of Ministers.

7. Under the Single Non-Transferable Vote (SNTV) system, each voter casts one vote for a candidate while there is more than one seat to be filled in each electoral district. The candidates with the highest votes fill the position which can create negative incentive for political parties to form.

8. This electorate tends to vote for the political arm of the Muslim Brotherhood, the Islamic Action Front (Economist Intelligence Unit, generated on 13 May 2016).


12. The results reflect the answers received from 17 members of the Network of Civil Society Organisations for Open Government at the Local Level in Jordan and the questionnaire sent to ministries with a key stake in the decentralisation reform (e.g. MoPIC, MoMA, MoI, MoF, MoPPA, MoPSD) and selected governorates and municipalities.

References

http://books.openedition.org/ifpo/4560.

Al-Dabbas, Dr. A. (2008), *Right to Access to Information In the Hashemite Kingdom of Jordan*, National Center for Human Rights,
www.nchr.org.jo/english/ModulesFiles/PublicationsFiles/Files/Information-Eng1%20%282%29.pdf.

Al-Samadi, Tamer (2013), Jordan’s Local Elections See Low Turnout, Al Monitor, 29 August,

Bertelsmann Stiftung (2016), *Facts on the European Dimension of Displacement and Asylum: Jordan*, July,


BiscayTik (n.d.), “Diputación Foral de Bizkaia”,

CIA World Factbook (2017), Jordan, last update: 12 January,


Cuthbert (2016), *Women gain ground in Jordan election despite yawning gender gap*,

data.senat.fr (n.d.), Dotation d’action parlementaire,
http://data.senat.fr/dotation-daction-parlementaire/.

Department of Statistics (2014), *Gender gap*, Department of Statistics Jordan, Amman,


Freedom House (2017), Freedom in the World report. Populists and Autocrats: The Dual Threat to Global Democracy,


Ministry of Public Sector Development (2014), Participatory Approach to Strategic Planning in the Public Sector, Ministry of Public Sector Development, Jordan.

Ministry of Youth Jordan (2016), Presentation made by representatives from the Ministry during consultation meeting on 15 September 2016 at the OECD in Paris.


