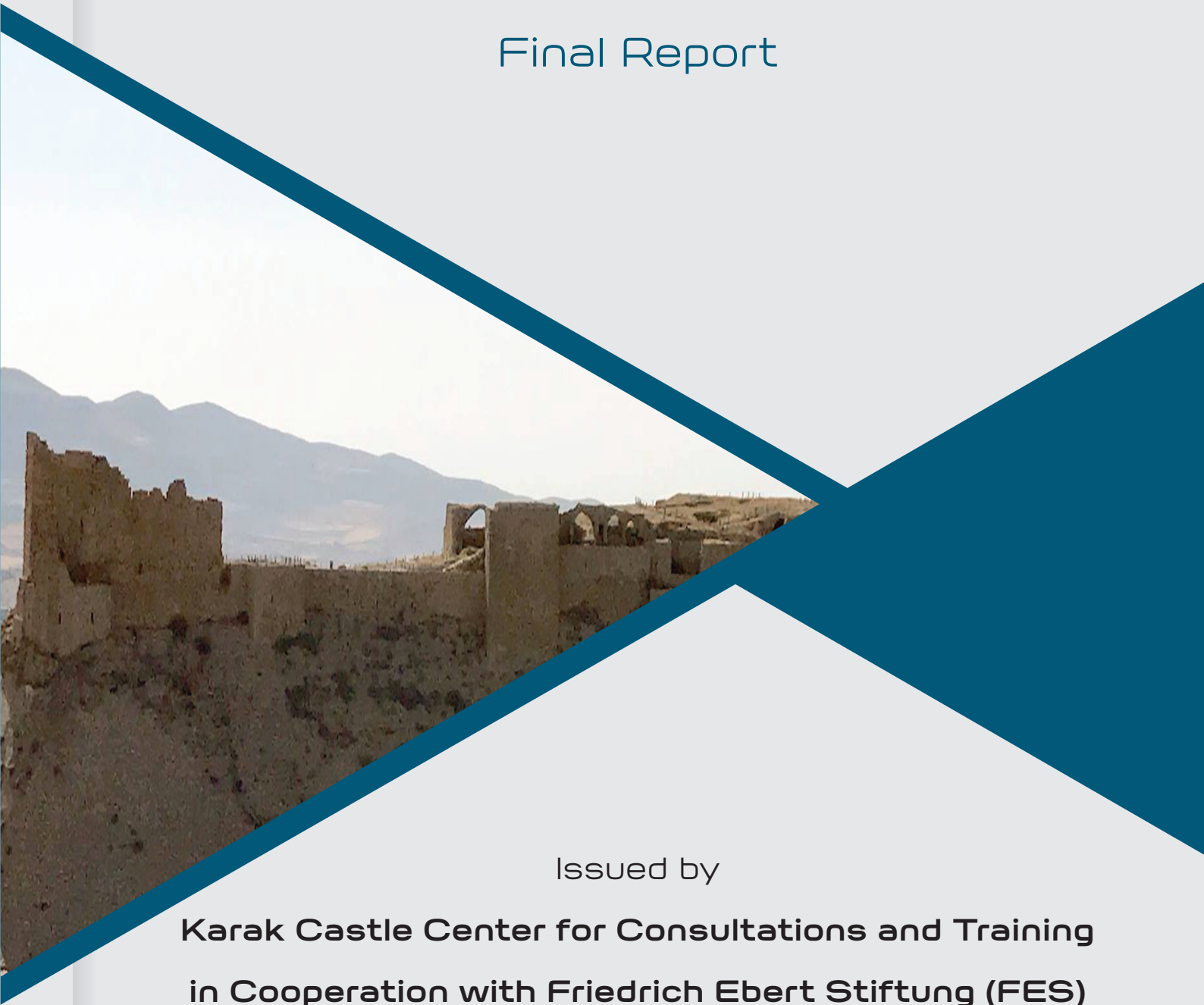


Legal Review of the Jordanian Decentralization Law

Final Report



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**Karak Castle Center for Consultations and Training
in Cooperation with Friedrich Ebert Stiftung (FES)**

December 2018

Legal Review of the Jordanian Decentralization Law

Final Report

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Legal Review of the Jordanian Decentralization Law

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Last, and most significantly, we would like to thank the governorate councils' members who participated in our sessions and interviews. They provided important information that contributed to this report which will be step one in a series of advocacy activities to enhance the decentralization system in Jordan and achieve better inclusion of Jordanian citizens in decision making process on local and national levels.

This report is the result of research conducted by Karak Castle Center for Consultations and Training in cooperation with Friedrich-Ebert-Stiftung (FES) / Amman office, as part of the *Legal Review of the Jordanian Decentralization Law Project*. The research team conducted focus groups and interviews with 142 members of 12 governorate councils between October-November 2018. Analyses, views, and opinions contained in this report are those of the authors and may not represent those of the Friedrich-Ebert-Stiftung (FES) / Amman office.

This report is a translation of the original Arabic-language report.

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Project background

The Governorate Councils (GCs) elections were held on 15 August 2017, and governed by the Decentralization Law No. (49) of 2015 and other legislation, including the Electoral Divisions No. (135) of 2016, its amendment, and a set of executive instructions issued by the Independent Electoral Commission.

The elections of 2017 resulted in the formation of 12 GCs with a mix of elected and appointed members. Direct elections were held for 335 members representing all the elected members, while the remaining 45 members were appointed by the Council of Ministers.

These elections were the first of their kind in Jordan regarding the nature of the elected institutions at the local level to implement a new structure for the management of local development.

When the legislation passed in the Jordanian parliament in 2015, the government explained that the law seeks to apply the principle of administrative decentralization at the governorate level by giving local administrations greater powers. The law also aims to expand the adoption of a democratic elections approach to the work of the state and increase public participation in decision-making development. In each governorate, an Executive Council (EC) is formed under the chairmanship of the governor. Each governorate also has a Governorate Council (GC), with 75 percent of members elected by the citizens with the remaining members appointed by the Council of Ministers upon the recommendation of the minister. The Council is elected for four years and shall: approve draft strategic and executive plans related to the governorate referred to it by the EC, approve the draft budget within the limits specified by the Ministry of Finance, monitor the implementation of the annual budgets of all municipalities in the governorate, and approve the needs of the governorate of service projects and development projects.

Since the beginning of the debate on decentralization, various national actors - especially civil society organisations (CSOs) - have criticized the law not meeting expectations.

The decentralization law contains many contradictions with various existing legislation. Also, many suggested that the current law does not give the elected councils any real powers on the ground and have pointed to a conflict of competencies among the GCs, ECs, and municipalities in the exercise of these institutions to work in practice.

Since the introduction of the new decentralized system, various stakeholders of CSOs, political parties, and actors in the society have made several recommendations to improve the current system. The Ministry of Political and Parliamentary Affairs (MoPPA), and the Prime Minister have also held several meetings with various parties concerned with this system.

The current Prime Minister, Dr. Omar Al-Razzaz, committed to review the decentralization law following meetings with a small group of members of the GCs. Before now, there was no comprehensive study of those involved, and mainly associated, with this new system -- the elected members of the GCs. This project's examination of the decentralization system focuses primarily on members of the GCs and the heads of these councils. This study reveals the various positive and negative aspects of the new system, almost a year after the members of the GCs began their duties as representatives of citizens in their governorates.

Karak Center for Consultations and Training

A national institution established in 2008 in the Governorate of Karak in the south of the capital Amman. The center aims to build and enhance the capacities of women and youth, and thereby contribute to their economic, political and legal empowerment and to improve their skills and to provide opportunities for equal and effective participation in the development of society within a framework that respects the principles of democracy, human rights and the rule of law.

Vision

Towards a society of equal opportunities, achieving justice, and consolidating the participatory approach in accordance with relevant best international practices, and inconsistency with the legal framework and the national interests. This is realized through quality tools built according to the programs' application requirements.

Mission

Activating the role of civil society organizations, which contributes to promoting the participation of all segments of society in the decision-making process, especially women and youth, through building their capacities and raising their awareness of the concepts and requirements of the comprehensive and sustainable community development.

Future Center Plan

The Center seeks to expand its work in terms of the target groups, the programs, and the geographical spread in the northern, central and southern regions of the Kingdom in order to enhance the access of the various categories of society to the expertise and skills provided by the Center.

Friedrich Ebert Stiftung

The Friedrich-Ebert-Stiftung (FES) is a non-profit organization committed to the values of social democracy and is one of the oldest of Germany's political foundations. In Jordan, FES opened its office in 1986 and is accredited through a long-standing partnership with the Royal Scientific Society (RSS). The aims of the activities of the FES Amman are to promote democracy and political participation, to support progress towards social justice and gender equality as well as to contribute to ecological sustainability and peace and security in the region. FES Amman supports the building and strengthening of civil society and public institutions in Jordan and Iraq. FES Amman cooperates with a wide range of partner institutions from civil society and the political sphere to establish platforms for democratic dialogue, organize conferences, hold workshops and publish policy papers on current political questions.

Legal Review of the Jordanian Decentralization Law

Summary

The project conducted a comprehensive evaluation of the decentralization law's implementation, in partnership with the direct stakeholders to determine the advantages and disadvantages of the law and the challenges that members of the Governorate Councils (GCs) face during the implementation of their tasks.

The project team conducted two sets of research to reach the project outputs; the first research used focus group methodology, conducted from 2 to 25 October 2018. Focus groups targeted the male members of the GCs where 98 members in 11 governorates participated in the discussions. The second research used key informative interviews methodology with all the heads of the 12 GCs, in addition to interviewing 32 of the 36 elected female members of the GCs to discuss their experience within the decentralization system applied in Jordan for the first time since the founding of the Kingdom.

Also, the project team worked with a group of experts to compare the decentralization systems in Jordan, Tunisia and Morocco, to extract best practices in the two laws regulating decentralization in the Kingdom of Morocco and the Republic of Tunisia. The comparative analysis allowed the project's legal team to recommend amendments to various articles of the Decentralization Law No. (49) of 2015 to strengthen the vision of decentralization in Jordan and increase the participation of citizens in the decision-making process at the local level.

In general, participants in the research considered that:

- The councils, mostly because of the personal relationships of members, did not meet the expected accomplishments of the decentralization system and its objectives.
- The government did not provide tools for the GCs, or qualified administrative cadres.
- There is a significant legal gap between approving and implementing projects and plans.
- The biggest challenge facing GCs is the law as a whole.
- The general public believes that GCs are the only pillar of decentralization. While, in fact, the decentralization applies to four councils that are supposed to be homogenous and operate within a single plan, not just the GCs.
- The community's perception of the council is a big challenge, especially in distinguishing between the services provided by the municipality and the services provided by the GC.
- Councils must be given greater powers to monitor and oversee implementation.
- Other laws, such as the Municipalities Law, and laws relating to the work of executive councils, must be amended.
- Gaps in the he rules of procedure, which require modification, do not facilitate the work of GCs,
- Several members of councils lack awareness of their powers, where to start and where to end, there is a weakness in understanding the limits of power and the functions of different bodies.
- Amendments of legislation is the only way to develop relationships between the councils.
- Ministries do not cooperate effectively, and the relationship between the GCs and other councils is mostly formal.
- Relationships need to be participatory but complementary, where currently they are competitive.
- The focus on members of the GCs to raise awareness of their work neglects members of the executive and municipal councils.
- The ties between the councils and civil society are still forming and depend on personal relationships.
- More consultative meetings should be held to strengthen the Council's relationships with other bodies.

In general, female participants in the research considered that:

- Men's voices are heard more than those of women.
- There are more ravel and participation opportunities for men than women..
- Family responsibilities are a challenge for female members.
- Council members lack capacity in the legal field of the decentralization system.
- Male members have more mobility than female members.
- The biggest challenge for female members is the community's view of them.
- There is occasional marginalization of female members from outside the governorate center.
- There are those who compare the members of the GCs in the House of Representatives.

Based on information collected during the implementation of the project, each section of this report presents detailed recommendations aimed at strengthening the decentralization system in Jordan. The recommendations include:

- Define and promote a coherent vision for decentralization with an accompanying roadmap.
- Introduce legislative amendments or instruments to strengthen decentralization; achieving coherence with other legislation.
- Amend the internal rules of procedure of the governorates councils to develop mechanisms of internal work in the councils, to and solve the legal problems related to the work of committees in the councils, and define obligations of the members of the councils in general.
- Develop a national association of governorate councils for technical exchange, cooperation, and advocacy.
- Provide accessible legal support for interpretation of legal frameworks for initial phases of decentralization.
- Provide the resources for councils to conduct their work.
- Expand the scope of authorities for governorate councillors to include citizen advocacy and consultation.
- Develop strategic communications plans for GCs.
- Develop opportunities to engage citizens in work of GCs.
- Minimize the bureaucracy of communication procedures between the governorates councils and various partner institutions working with these councils.
- Train the members of the governorates councils to fully understand the details of the decentralization law and clarify the important role assigned to them, according to the law.
- Train the members of the governorates councils on reviewing and auditing budgets, including gender-sensitive budgets. Train them also on effective methods of follow-up/monitoring of the implementation process.
- Train the governorates councils members to identify the needs and prioritize the communities in which they work.
- Raise the awareness and capacity building of the other councils in the governorates (municipalities), to improve the mechanisms of work between them and strengthen these relations.
- Establish a minimum representation of women in the permanent offices of the GCs and the head of the standing committees and their rapporteurs in the councils.

The report's proposals to amend the decentralization law includes items that:

- Introduce a Ministry of Local Government and link it to the GCs.
- Enable GCs to supervise the areas in which they contribute to decision-making to enable them more than the right to "know" how to implement annual budgets, "propose" the establishment of investment projects, and "discuss" reports of project implementation processes, with the work of competent government control bodies.

- Increase the financial and administrative independence of the GCs to carry out their tasks within the vision of decentralization, which transfers work from the center to the governorates.
- Eliminate appointed members of the GCs.
- Increase the participation of women in GCs to at least 25%.

Finally, all efforts must be made between different institutions and bodies to work on the development of the decentralization system in Jordan. Karak Castle Center provides this report, based of the concerned parties to enhance the participatory approach in helping to make the decentralization process successful and to develop the various legislation governing decentralization in Jordan.

Legal Review of the Jordanian Decentralization Law

Carlo Binda

Part I:
Understanding the Decentralization Process
in Jordan

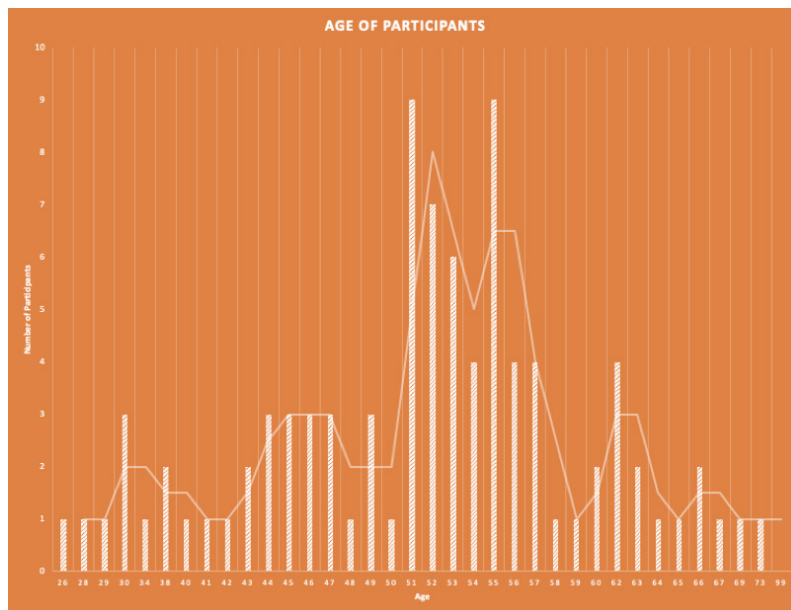
Binda Consulting International (BCI) would like to extend its thanks to the Friedrich Ebert Stiftung for its support of Jordanian civil society organizations such as Karak Castle Center. Special thanks to the research team and participants in the focus group discussions. Your insights and perspectives were very important in shaping this study. Finally, we would like to recognize the importance of His Majesty King Abdullah II policy of decentralization and the supportive Ministries in the Hashemite Kingdom of Jordan

Methodology

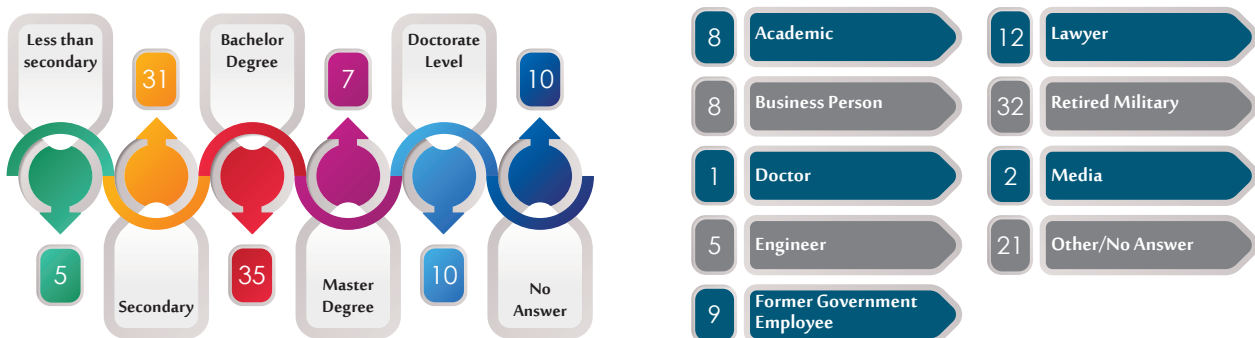
Between October 2nd and 25th eleven focus group discussions were held in the following communities; Ajloun, Amman, Aqaba, Balqa, Irbid, Jerash, Karak, Madaba, Mafraq, Tafleeh, and Zarqua.

Facilitators moderated the discussion and were guided by a facilitator’s script. All discussions were held in the Arabic language and transcripts were produced in aid of writing this report. Transcripts were translated into English, therefore all quotes used are approximate and not verbatim.

98 members of Governorate Councils discussed a range of topics and provided perspective on their experiences and lessons learned from their first year and a half in office. Participants ranged in age from 26 – 73.



Participants varied in academic achievement and occupation.



One quarter of members have previously been elected to public office. Almost all ran as independent members without affiliation to a political party, or citizen initiative.

The preliminary results of the focus group discussions were presented to a workshop of Jordanian stakeholders in Amman on the 19th of November. In attendance were representatives of Governorate Councils, the Ministries of Political Affairs and Interior, the Minister of Human rights, Jordanian civil society and the international NGO sector.

Presentations were made to the assembled participants through the course of the day-long workshop including; the Minister of Human Rights, the Deputy Minister for Political Affairs, Carlo Binda, and Mohammad Khasawneh. Binda and Khasawneh presented the research findings from eleven focus groups, twelve key informant interviews with chairs of the Governorate Councils, and interviews with 32 of the 36 women council members.

Discussion at the one -ay workshop validates the findings of this research. Participants, drawing on their experiences and anecdotal evidence, confirm many of the findings. Their contributions provided context for many of the points raised in the focus group discussions and key informant interviews. The authors of this report would like to thank all the participants and Karak Castle Center for their contribution to this research.

Introduction

There are no binding tools to ensure projects are executed; this means, if a manager did not execute a certain project, then what recourse do we have to hold him accountable? (Tafleh)

Governate Councillors feel they straddle several worlds and belong in none. They are elected by citizens but have no formal representational function. They are empowered to review and endorse governorate budgets, development plans, and develop needs assessments but do not have the teeth to hold accountable those charged with implementing programs or spending budgets. Citizens demand services from them but they have no services to offer. Clearly several participants in the focus groups place the decentralization project in terms of a work in progress and are convinced adjustments will be necessary to achieve what they believe is His Majesty the King's vision.

Almost all believe that they have done what they can given the legal framework, but there is significant friction between other elected bodies (municipalities and parliament) and line ministries. Despite meeting their legal obligations many say they feel they haven't accomplished what they campaigned on and feel the reality of their competences has been demoralizing. The first year, for many, has been frustrating and challenging as they have set about to establish internal committees, figure out meeting space, and develop working relationships with the Executive Councils and associated institutions.

Effective decentralization is a process, requiring time and negotiation. Therefore, it requires continuous communication and consultation to ensure a cohesive vision and roadmap are clearly understood. Many of the participants in the focus group accept that this process will need review and fine tuning of legislation, regulation, and consensus building. However, many do not believe that the vision articulated by His Majesty the King is being effectively translated into reality; that there are competing visions and institutional interests, the implementation of decentralization does not achieve greater efficiency, and has limited impact in bringing decision making closer to the citizens.

In continuing with decentralization, it will be important that there is a commonly understood vision and clear objectives so that the appropriate authorities are delegated or devolved through rational and coherent legislation and regulation. Legislation must be developed in a holistic manner, cognizant of the intersection of authorities of various institutions and actors working for the benefit of the Kingdom.

The focus group sessions held in October and November of 2018 provided valuable insights into the successes and challenges encountered by the first cadre of Governorate Councils. It is by no means a comprehensive assess-

ment but rather a sampling of perspectives and experiences. The authors of this report would like to extend its appreciation to this group of thoughtful and enthusiastic patriots who work diligently in support of their communities, institutions and the Hashemite Kingdom of Jordan.

This report captures the perspectives of members of Governorate councils, examining their experience as the first to hold this office. It attempts to identify where councils are succeeding, and where there is room for improvement. It is not a critique of a policy or an attempt to judge the process of decentralization. This report aims to provide insights that support the overall implementation of decentralization. All participants expressed their support for the concept of decentralization and provided perspectives valuable to a lessons learned discussion.

Headlines

I. Expectations of decentralization have yet to be met

- We did what was legally expected of us, but want to do more
- Media over-represented the potential impact of GCs
- The spirit of decentralization was not realized in the legislation
- Frustrations and lack of real authority has been demoralizing

Most of the participants say that their decision to become active on Governorate Councils was informed by the discourse of decentralization in advance of the 2017 elections. Many believed decentralization would delegate or devolve some measure of service delivery and oversight authorities to the governorate level. Many of the elected members said that they campaigned with platforms promising constituents tangible citizen services based on this understanding. However, the law provides for something quite different than they anticipated or understood.

Several focus group discussants were critical of “the media” for misrepresenting the scope of decentralization, purposefully or out of ignorance. Councillors believe this raised popular expectations of the role of Governorate Councils. As a consequence of raised expectations and campaign promises, many councillors feel compelled to act beyond the narrow scope of their office in responding to constituent concerns.

The net effect of raised expectations and the reality of office for many of the participants in focus groups has been dispiriting. Several say they would actively dissuade others from running for Governorate Councils should the current competences remain as they are. Others express frustration that they could not do more for their communities and the Kingdom in terms of addressing constituent concerns and providing more effective oversight.

Despite the frustration with the current framework, many focus group discussants recognize the process is new and admit that there are bound to be growing pains. They hope that their experiences and observations will aid in strengthening the process of decentralization, and that, gradually, the early challenges will be overcome. A majority of councillors explain that, despite the limitations, they frequently find opportunity to engage and collaborate with members of the community, and representatives of institutions with whom they enjoy personal relationships.

Policy Considerations

1. The objectives of decentralization are not well understood, nor are the consequent provisions as defined in Law 49.
2. Councillors feel they should have the authority to provide monitoring and oversight in those areas that they contribute to decision making.
3. Where there are good relations between institutional actors, efficiency and services are improved.

II. Governorate Councils have success

- We approved budgets and development plans, and as a result there is more accountability
- We worked on behalf of citizens, despite the confines of the law
- Where the spirit of inter-institutional collaboration exists more gets done, but these are the result of personalities not institutions
- National and international exchange has been valuable

A minority of respondents feel they have accomplished very little, if anything and for this group the experience has been demoralizing. However, a majority feel they have at a minimum accomplished what was demanded of them by law; deliberated and approved budgets and development programs and conducted some level of needs assessment. A few suggest significant achievement, though these are usually the perspectives of councillors that enjoy good relationships at a personal or institutional level with Ministries, the Executive Council, and or municipal governments.

Several participants say that they act beyond the legal scope of their office by taking on individual case-work and advocating for citizens. While they acknowledge this is not specifically within their remit, they approach the position from one of public service and as an elected representative. Most admit that the specific functions of the Governorate councillors are not well understood, and often citizens approach elected members to resolve issues, problems, or seeking financial assistance.

Beyond having established the foundational internal mechanics of the councils, some members point to participation in important meetings convened by either His Majesty the King and or the Prime Minister. These ad hoc meetings have served as platforms for information and experience exchange, as well in resolving on-going concerns. Capacity building programs were also offered by a range of international NGOs and institutions targeted at various groups of councillors. Exchanges to other countries exploring their experiences with decentralization have also been valuable learning opportunities. However, several councillors note that these opportunities are not available to everyone, and more difficult to access if the councillor is not based in a Governorate's main urban centers.

A small minority explain that their examination of budgets and plans have had the effect of making national and municipal governments more accountable; this new level of scrutiny has injected a measure of accountability that did not previously exist. However, others admit that an additional layer of decision making threatens to add time to financial processes that may delay key projects or initiatives. And beyond this their ability to scrutinize key data is dependent on the cooperation of officials. Several participants say that some municipal authorities will not share information, because the law that governs municipalities makes no mention of Governorate Councils and does not oblige them to share information. Nevertheless, a minority has identified a potential increase in accountability, and if complementary legislation accounts for the role and responsibilities of GCs, then it is possible that account-

ability will increase to a greater extent.

Policy Considerations

1. Greater scrutiny of budgets and institutional planning provides impetus for additional accountability, greater oversight authority within the legislation is needed to deepen this impact.
2. An additional layer of decision-making adds time to institutional processes and may not achieve efficiency in implementation of local initiatives, threatening additional public pressure on political and institutional actors.
3. Consolidating technical expertise, tools, and policy capacity in an associative entity provides one stop access to needed tools and representation.

III. Legislative action is required

- Framework contains contradiction and lacks precision.
- Complementary legislation needs to be compatible.
- Relationships between institutions need to be clarified.
- Accountability measures must be included in legislation.

Decentralization is a relatively new experience in Jordan and, as many participants are quick to point out, there is room to improve and fine tune legislation. Importantly, clarifying relationships and defining accountability will be important in improving the work of GC members. For example, many ask what is, or should be the relationship between elected officials and how are those enforced; Municipal Councillors, Members of Parliament, and Governorate Councillors. They all represent the same voter but have no clear statutory accountability. As a result, several discussants say they have requested budgetary information (as per Article 8-A-iii of Law 49- 2015) from Municipal officials who either ignore or reject any request because the law does not proscribe sanction.

Many participants say the legislation needs to be more precise and clearer about specific relationships, particularly those that contradict. For example, the law provides that the GC is administratively and financially independent but allows for the national council of ministers to provide discretionary “bonus” payments. While administratively independent, it is dependent on the Executive Council to provide secretariat support. Beyond addressing contradictory concepts and providing clear sanctions for breeches, some discussants believe GCs should not be dependent or under the authority of a national government Ministry but should have liaison through a single ministry more appropriately focused on Regional Development or Local Governance.

Many of the GC members identify collaborative work based on personal relationships. Where members express sentiments of great achievement it is clear that they, or the GC as a whole, have good relations with municipal and national officials, and most importantly with the Governor. These are successful relationships that serve the community and Kingdom well, however they are informal and exist because of the quality of characters and are not universally enjoyed among GCs. Focus group participants feel that among ministerial officials there is a determined lack of cooperation. While it is understandable that ministerial officials must abide by chain of command, and reporting structures, GC members express feeling of being purposefully ignored and marginalized. Several spoke of not having adequate physical access to government facilities which is facilitated by special vehicle licence plates.

“The challenges we faced are from the heads of departments, where some of them are not cooperative at all. We tell them to do something and they completely do the opposite. It is because they are not interested in us and in the council. This council represents all of Tafilah governorate and has dignity, but even the government is not interested in us and the law does not approve this. The head of the permanent council, its vice president and assistants did nothing.” (Tafileh)

While original expectations have not been realized, and this has led to some frustrations and difficulties, most appreciate the experience and policy is new and needs fine tuning. Clarifying statutory relationships will be important in ensuring all institutions understand the competence and extent of authority of each. Importantly, it is also important that those driving the policy of decentralization reinforce the longer-term vision and frame that vision on a roadmap or as a graduated staged process. Beyond that it is also necessary that institutions educate and demand compliance from their staff and leadership in support of facilitating the works of Executive and Governorate Councils.

Policy Considerations

1. Ambiguity in legislation injects inefficiency and can create inter-institutional tensions, clarity and mechanisms for legislative interpretation can provide direction.
2. Preceding and complementary legislation requires amendment to account for new decentralized entities to limit legal conflict. This would include clarifying new roles and responsibilities.
3. Governorate Councils are mandated to exercise certain functions without the authority to compel cooperation, or to ensure decisions are acted upon.
4. Appointed members have the potential of bringing needed expertise and experience but are not accountable to an electorate as elected members are. As councils obtain and retain technical experience will there be a longer-term justification for appointed members, if so, will their participation continue to be resented by those who have to campaign and stand for re-election?

IV. Improve communications and provide needed resources

There’s no entity in the country in favor of GCs except for His Majesty the King. (Zarqa)

- The vision and objectives of decentralization has yet to be understood
- The roles, responsibilities, and purpose of Governorate Councils as defined in law are not broadly understood – even within councils
- Councils are not getting the needed resources
- Capacity building programs need to be uniformly designed and delivered
- Citizens want their elected representatives to deliver services and be their advocates

Governorate Councils, their authorities and competences are not well understood among the electorate, nor, arguably, among other institutions of state. Many of the focus group participants say that they are routinely approached by citizens to resolve municipal or national concerns; infrastructure, employment, education and so on. Many say they try and help so as to avoid criticism of the efficacy of the GCs. Fortunately, councillors, to varying degrees, have developed relationships with Members of Parliament, and municipal officials. Similarly, when invited to media opportunities journalists often ask questions better suited for municipal authorities or Members of

Parliament. More needs to be done in communicating the roles and responsibilities of Governorate Councils, as well as the objectives and purpose of decentralization.

Communicating their roles and responsibilities is, in part, something that Governorate Councils should be doing as they meet and discuss issues with citizens and government officials. However, almost all the focus group participants say that they do not have adequate resources allocated for them to do their work. Whether it is allocated office and meeting space, administrative support, transportation facilities, or remuneration GC members feel they are significantly under-resourced. Several are quick to admit the state's financial position doesn't permit profligacy and elected officials asking for more money has a political optics to it, they do point out the inadequacy of available resources. Should future decentralization efforts devolve greater authority and competence, it is clear that additional administrative, research, and legal resources will need to be made available.

Policy Considerations

1. Without a clear and common frame of understanding, decentralization will mean different things to different people and be a source of inter institutional and public discord.
2. Understanding the purpose, roles and responsibilities of each entity within systems of governance provides greater opportunities for efficiency and accountability.
3. Ensuring legal entities are provided with stable and predictable resources is key to seamless and effective work product.
4. Systematic and accessible training programs offer the best possibility of establishing a common knowledge base, and can be delivered through a single platform, such as a national association or training center. Accessible programming would reduce sentiments of inequality.
5. Elected representatives need to consider the ways in which they engage citizens in the decision-making processes. While most citizens expect services and advocacy from elected members, Governorate Councillors can engage voters in needs assessments and priority setting and demonstrate accountability to those who elected them.

Recommendations

1. Define and promote a coherent vision for decentralization with accompanying roadmap.
2. Introduce legislative amendments or instruments to strengthen decentralization; achieving coherence with other legislation.
 - a. Framework contains contradiction and lacks precision.
 - b. Complementary legislation needs to be compatible.
 - i. Laws governing special economic zones, municipalities and executive councils do not account for the provisions in the 2015 Decentralization Law and are the sources of friction between the GCs and other institutions of state.
 - c. Relationships between institutions need to be clarified.
 - d. Accountability measures must be included in legislation.
3. Develop a national association of governorate councils for technical exchange, cooperation, and advocacy.
 - a. Capacity building programs need to be uniformly designed and delivered
4. Provide accessible legal support for interpretation of legal frameworks for initial phases of decentralization.
5. Councils must be provided the resources to conduct their work.

6. Expand the scope of authorities for Governorate Councillors to include some citizen advocacy and consultation.
 - a. Citizens want their elected representatives to deliver services and be their advocates.
 - b. Confidence in GCs must be restored and made attractive as a public office for youth and women candidates in the future.
7. Ensure archival systems capture the experience, decisions, and work product of GCs allowing for comprehensive orientation programs for future councillors and support staff.
8. Celebrate collaborations between Municipal, Executive and Governorate Councils.
9. Develop strategic communications plans for GCs.
10. Develop opportunities to engage citizens in work of GCs.

Legislative Considerations

1. Clarify the ability of Governorate Councillors to communicate with other Jordanian institutions, to allow for efficient, timely, and accountable flow of information:
 - a. Article 3, A, iii - stipulates the Governor shall coordinate between all entities - While this ensures the full authority of the governor is behind specific requests, and may act to reduce frivolous queries, there are instances when GC members should be able to direct queries to ministries or government agencies directly on behalf of citizens. It is possible to define specific categories of information needs of GCs and the appropriate channels.
2. Article 2: Add definitions clarifying terms such as “strategic and executive plans” and “independence”.
3. Expand Article 6, A to detail “financial and administrative independence”. Amend articles that conflict with the principle of independence, or clarify intent; i.e. Article 9, B - How will the budget be determined, by whom, and to whom is it submitted and approved? Article 9, C - may impinge on the concept of independence if financial benefit is at the discretion of the Council of Ministers. This should be deleted or clarified to ensure the principle of “financial and administrative independence” is ensured.
4. Article 10: Must be clarified and/or amended to be consistent with the principle of “financial and administrative independence.”
5. Article 8 should include subsections detailing authorities of GCs to provide oversight and monitoring of plans and measures under its authorities. Additional consideration should be given to authorities or mechanisms to compel complementary institutions to provide information requested.
6. Legislation governing complementary institutions should be amended to include recognition of the competences of the governorate councils; i.e. legislation related to Municipal Councils, and special economic or tourism zones.
 - a. Clarifying relationships between elected bodies (Municipal, Governorate, and Parliamentary) and shared competences is required to reduce potential conflict and tension.

Discussion

The quotations below are a sampling and have been translated from their original Arabic. The purpose of the following section is to provide the most common sentiments expressed but does not represent the entirety of the discussion. Any error in capturing the sentiments is that of the author and should not be attributed as the exact words as expressed by focus group participants.

Performance Evaluated

Most believe they did what they could given the very limited scope of work they have.

Despite the immense challenge we were under, the council's performance was excellent not just very good, given the limitations and weakness of the law. (Madaba)

The performance was theoretical and practical, and concerning the theoretical part, the implementation with the government was a bit weak, maybe because it was based on personal relations and follow ups, as each member had the goal and passion of providing better services for citizens and the segment it elected him. (Madaba)

His Majesty is the one who initiated the idea, but the people who worked on implementing it are incapable and unqualified. We don't have a location to meet at, not to mention that most of our colleagues are not specialized in their area of work. We don't have technical staff and we don't have a location, and we don't have the tools that are very important to operate and work. I don't have a problem in using my own car, but we need stationary, we need computers, we need cameras. I've been requesting since the day I started working but I haven't received any response. How am I supposed to work? Unfortunately, we have become a burden, receiving compensations without doing anything. (Zarqa)

Many feel the legal framework is weak and in reality, allows for very little. However, in Tribally cohesive regions there appears to greater collaboration between the various levels of government.

According to what I saw, the council had a very strong performance, but it was restricted in the law, which is still considered centralized. The Council is working hard to bring investments and projects to Madaba, but there are bureaucratic obstacles from ministries and executive officials. (Madaba)

The performance of members, each member tries to give what they have but they face obstacles, first of which is not understanding the law by the members and even the government that formulated it. (Zarqa)

If we go back to the Decentralization law and look at its regulations, we will find that most of these regulations have come with an authority that is limiting to the Council members. The council doesn't have the authority to move around. All articles and authorities that include endorsing, for example endorsing for the Executive Council that sends it to us to endorse it, without giving us the chance to discuss or refuse it. Of course, this has all affected the council's performance in this regard. (Amman)

We performed our role of approving the budget but in fact nothing has been disbursed. Thus, our efforts were all for nothing. This is because there is no true political will to implement these projects, as the government deal with this issue in terms of saving costs and created these restrictions on purpose... now one year has passed and some project haven't really seen the light of day. (Aqaba).

A belief that little has been achieved is demoralizing to members of the Governorate councils. Karak respondents are most frustrated.

The council's performance is humble. They haven't found the support from the law itself because the role is endorsing budgets and following up only. So yes, our 38 colleagues came with enthusiasm and wanted to work but haven't found any support from the law. (Zarqa)

At the beginning, we were excited to search for weakness points, but later on, many problems appeared by the ministries, executives and heads of municipal councils as they lacked proper knowledge in this law. We arrived in the aim of working and achieving progress, not looking for positions and ranks. This point what made us frustrated as we worked hard to find flaws but in return, there was no one to solve problems. I do not know who to refer to as three different governors were appointed within one year. Some citizens say describe things as easier and faster before the decentralization law, because minister and MPs now put obstacles in front of us, making us feel as we are taking their authority away from them. (Karak)

And they don't get the support or tools to do the job.

We are talking about virtual councils, they don't have locations, tools, or technical equipment. The experience is spiritual, like nirvana, like yoga, you're working in a virtual reality. For me to endorse a project in Azraq, as the head of the agricultural committee I had to go on 5-6 visits in my own car because I don't have a technical team to write reports for me, so I had to go on my own and present my colleagues with a project. Also, the lack of infrastructure plays a role, we don't even have papers with proper headings for the council. Part of this slow pace is that we don't have a clear understanding of which ministry do we follow. (Zarqa)

The performance of the Zarqa GC is very weak, but it's due to the obstacles. The members want to work, but they don't have the tools that enables them to do so. I don't want to talk about the location, even though it's important to at least have an office to meet with people instead of meeting them in the parking lot I think that we haven't done anything except endorse, which is a given thing. I know that all my colleagues want to work, but they don't have the tools. (Zarqa)

Following up on projects is one of the council's tasks, but we do a lot of tiring visits to ministries in Amman, but in the end, the final decision is for the minister or the general manager in regard to speed of implementing projects. We have a lot of unfinished projects in the governorate, leading to forgery or loss in financial allocations for several years. Some of these delayed projects are schools, which had priority in the 2018's budget with almost 46 percent, or JOD 14 million, but there was no tendering to any school regarding air conditioning and heating systems. This delays schools' projects which are crowded and have too many students. (Tafleh)

If I want to evaluate the performance I would split it in two parts: individual performance as a person, and the Council's performance as a body. To say that the Council's performance as a body is not satisfactory would be nice and polite. It's nonexistent. As a council, they have tried. Why? There many reasons, such as: the lack of empowering tools, a location to meet, a table to use, like this one, is not available. How am I supposed to meet? Where am I supposed to keep the files? An administrative staff comes to us, if I want to send an official letter to a certain organization, I have to go through difficulties, and the letter has to pass. I mean, the focus of decentralization and bureaucracy is now on my letter. Therefore, the performance of the Council as a body is weak. I would consider the performance of individuals to be good and satisfactory. They were vigor and active. They conducted many initiatives and visited all sectors whether public or private. (Amman)

Several participants are quick to point out the newness of decentralization and say that growing pains are to be expected.

The decentralization is a new concept in the region. It needs improving to mature and at all levels; at the level of the government, society and local councils. However, I think it's a successful experience for more than one reason. The main element is the attention that His Majesty gives to the decentralization. On more than one occasion He pays tribute to the accomplishments in relation to the decentralization elections. Before a weak, the King met with the Councils' Chairpersons where He reaffirmed His unequivocal support for the idea of decentralization. There are challenges especially in relation to the financial matters as we lack the required working tools. We are fine with the situation with great enthusiasm.

However, our achievements have not met the expectations of the public opinion. We are not the cause of this. We have the enthusiasm to make efforts and we carried out daily follow up in the fields of health, education, however, our achievements are minimal. Nevertheless, we hope that some projects see the high very soon. We are as a team satisfied with some of our achievements and attribute the underperformance to factors outside the councils. (Aqaba).

Accomplishments

Most say they have accomplished all that they are legally allowed, some also say they have gone beyond their mandate and provide support and advocacy on behalf of citizens.

Madaba governorate enjoys a collaborative relationship within communities.

As a Governorate Council, we focused on three aspects, as my colleague said that we are a development project, we wanted to raise development indicators of health, education, poverty and unemployment. Education had the lion's share in our budget, followed by the health aspect. As my colleagues talked about operational projects in reducing poverty and unemployment; the development budget also was concerned about poverty such as helping poor families. We also had leadership programs such as aquaculture and supporting clubs and cultural organizations. An important point to focus on is that how community segments will differentiate between the roles of the Governorate Council and municipalities. (Madaba)

As my colleagues mentioned, we worked on the recommendations and suggestions that ensure the administrative performance of governmental entities. We now take the complaints from people through our work and tasks, and follow up with different departments, which makes things easier for people. (Zarqa)

Many are quick to say that only a limited number of projects they identified as needed received funding.

The budget contained projects to establish schools, hospitals and health centers and so on, which have a direct impact on the wellbeing of citizens. I think we have done all what is required from us. Nevertheless, the projects' implementation rate is only 10%. What is the reaction of citizens in this situation! The government applied the decentralization but still firmly in control of the projects' implementation process, which is still a central decision. They don't want to give us powers. (Aqaba)

Challenges

We are stripped from all kinds of authorities, except approving budgets. After approving it, we only sit on chairs doing nothing but looking at each other. The law must give authority to our councils, they are called governorate councils, so there should be power to monitor, follow up, hold accountable, and offer tenders. What are we supposed to do after approving the budget? (Madaba)

They say allocations are approved and then not spent, and when they try to get answers they are frustrated by a lack of cooperation.

The budget has 20-22 million, 2 million were spent, which means that almost 18 million are going back to the ministry. Isn't this a problem? We are working for nothing. We receive reports from directors about what they did and didn't do. We always follow up and during our meetings with them we fight to get the reports, but we don't get them. (Zarqa)

Ambiguities in the law allow for actions that make it difficult for councillors to do their jobs.

My colleagues mentioned the transfer of powers, which is the biggest challenge. The second point is the overstepping of the executive authority on the councils; they overstep the law because it is weak anyway. The third point is that the law is weak and needs to be amended, and for the past year and two months they've been telling us that it will be amended but we haven't seen anything. It doesn't make sense for me to approve a project and not be able to monitor it or follow up with it. A mayor once put up a sign that says, "no GC members allowed". They don't accept us, not even the members of Parliament accept the idea of this council and they work on weakening it. Not to mention the lack of tools, that's the fifth point. The sixth and last point is the absence of a clear article in the law to follow up with service projects. (Zarqa)

Changes in ministerial responsibility for decentralization, and with which ministries GCs should engage, causes an additional level of frustration.

We are unclear about our main umbrella... Is it the Ministry of Interior or the Ministry of Political and Parliamentary Affairs? (Karak)

The achievements do not live up to citizens and elected members' aspirations and they are still at the minimum. As I spoke earlier, the obstacles come from the designated ministries because the delays and connection. (Mafraq)

Because decision making has not been devolved, delegated decision making still requires ministerial scrutiny which increases the time for a decision to become actionable. As a result, many projects do not get timely review and allocated funds revert back to the national government.

As the distinguished doctor said, the designated ministries sabotaged and delayed the governorate and executive councils' work. Another point is that the offices in Amman do not have enough time to perform their jobs due to pressures from all governorates and any study needs at least one to two-months review time, and thus, reaching the end of the financial year and all financial appropriations go to the budget. The development and operational sides are very important for the governorates by moving power and service, because the foundation of the decentralization law is engaging citizens in the decision-making process. Several committees were formed after the Prime Minister approved and praised this point, and now they are studying raising tenders' pricings inside governorates, this is undoubtedly an achievement at the national level. (Mafraq)

It is not a huge cooperation, because sometimes if the Governorate Council approved a project, the Executive Council may postpone it or see interference from the head of the municipality. This is why in my opinion I do not think it is a cooperative relationship. (Tafleh)

The main challenge now is that there is a number of ministries where you can't engage with an employee who has been operating in a centralized system for the past 30 or 40 years; he won't easily hand over part of his authority to someone else or accept that another entity is going to share his authority. We need workshops throughout so that we can reach a point of balance and understanding. (Amman)

Training opportunities were available, but not for everyone.

After winning the elections, colleagues that studied law, management and local governance were trained. As for the rest of the members, they didn't receive any training... I mean, even when it comes to the budget, when they started preparing it, most were lost about it. They didn't know how to prepare a budget. This is a shortcoming from the government that it hasn't enabled and prepared them in the appropriate way for them to work. (Amman)

Citizens' view of Governorate Councils

Most participants in the focus group believe that the majority of voters view them as representatives, advocates, and service providers.

Another challenge is the lack of awareness among citizens regarding the work of councils. There is confusion; some think that you are a deputy while others think you are a minister with absolute powers. As a result of this misunderstanding dozens of citizens approach us asking for demands that exceed our capacity. Unfortunately, we don't have the proper powers or tools to help them. (Aqaba).

The reality is that citizens do not know anything about decentralization, where until now they consider members of the Governorate Council as members of the municipality, asking for services like installing a light pulp, garbage container, streets and so on. This is because the government did not advertise for decentralization properly, as since 2005 they have been promoting for the decentralization law but did not hold any awareness campaigns or sessions to educate citizens before the elections took place. Now they ask about what we achieved, saying the government only put us as an extra burden. (Madaba)

The media hasn't clarified what GCs or decentralization are. Secondly, members feel that they take on the role of municipal council members, meaning, if anyone refers to them in regard to services, they quickly go to the mayors to have it addressed. (Zarqa)

Because of misconceptions about the role of elected Governorate Council members, voters are increasingly becoming frustrated. The expectations raised in the run up to the elections were high.

People are unsatisfied because they do not know anything about the council. They know we do not have authority and they are frustrated. (Karak)

... I think the view towards the subject of decentralization and its marketing during the first stages set high hopes. I mean, all signs put up in the streets said "participate, create, you are a partner in the decision making". People thought that decentralization is going to make a drastic change in making us part of the decision-making process, where the community participation base expands.... However, people were surprised at a certain point that these slogans were much bigger than the currently implemented idea, and they began to understand that we can't, and this is not our specialty... Of course, the media has failed, because a large campaign took the country by storm and it suddenly went quiet. If there has been a sustainability of the media project in educating people about decentralization, it would've been a good thing. It would've made my life easier, but it didn't continue. (Amman)

The public is still unsatisfied from the council's performance. For example, some citizens come to us asking to pave a street, and if we did not complete it in less than 10 years, they say we are not working properly. This is why the public's general outlook is like this, because they need tangible results. We work outside of this framework, I do not have to work inside Ain Al Baida or Tafilah or pave streets at the door step of each citizen.

Laws and Regulations

Participants believe that not only does the Decentralization Law need to be amended and clarified, but complementary laws need to be made more coherent and compatible. For example, laws governing special economic zones, municipalities and executive councils do not account for the provisions in the 2015 Decentralization Law and are the sources of friction between the GCs and other institutions of state.

The law needs explanation and clarity, because being ambiguous does not serve any interest.... Another issue is dependence on the Ministry of Interior and the Ministry of Political and Parliamentary Affairs; according to the law, we follow the Ministry of Interior, but they categorized us to four different ministries, so we cannot hold any ministry accountable for not working properly. (Madaba)

Legislation is weak as we have no power to talk to executive officials before referring to the governor first. (Karak)

There are no powers given to monitor, hold accountable and follow up on the government's work, so that it works properly and serves all citizens in a just and comprehensive manner. All the paragraphs in Article 8 talk about discussion and follow-up, and this do not help the council to do its role properly. (Karak)

Added layers of bureaucracy is not leading to greater efficiency in the decentralization process.

I want to add that financially and administratively, our communications can be done only through the Governor, we cannot send a direct letter to the minister without going through the governorate. The head of the council communicates with the Governor, then the Governor talks with the designated manager and so on. For example, the water issue; we wrote a letter inside the council signed by the head of the council, then it was sent to the Governor, who sent it to the Minister of Interior, who later addressed the Minister of Water. The loop is too long, so the financial and administrative independence make us speak directly with the Ministry of Water. (Tafleeh)

Dependence on varying Ministries appears to contradict principles of financial and administrative independence.

The biggest mistake is to affiliate these councils with the Ministry of Political and Parliamentary Affairs, or even the Ministry of Interior, they must have their own ministry. The Minister himself does not differentiate between different councils, and most of his speeches are addressed to local councils. A while ago he stated that cars will be given to local councils, but in reality, he should not have power over us. (Mafrag)

Statutory relationships are unclear and has the potential to lead to conflict or friction between various elected bodies.

There must be official clarification from the highest ranks in the Kingdom of how to deal in protocol with the president and members of the governorate council. Does the head of the municipality have privileges over the president of the governorate council or vice versa? Does a municipal member have power over the members of the governorate council? (Mafrag)

There is an article in the decentralization law that stipulates that the Governorate Council has the right to review the municipality's budget. This article created misunderstanding between heads of municipalities and some heads of governorate councils. In my opinion this created negative conflict, because both governorate and municipal councils are elected. The municipal councils have tasks within their borders, but they misinterpreted this issue, thinking the governorate councils have authority over them. The law placed reviewing budget to avoid any duplication in projects. Imagine if the municipal council wanted to build a park, and in the same time the Governorate Council also wanted to build a similar facility, that what duplication means. This article should be deleted to remove confusion between both councils. (Tafleeh)

Many feel that the legislation is incomplete in that it extends authorities to GCs to examine and approve budgets, plans, and develop needs assessments, but does not authorize councils to monitor implementation.

The first section: we should participate in preparing the budget and not simply endorse it. The second section: after endorsing the budget, we need to have a role in monitoring these projects in order to achieve them.... Here are two amendable sections to the original, in addition to the main sections in the law that were neglected either by accident or on purpose. (Amman)

The whole problem between us and the Executive Council is that they're loyal to the government to whom they refer. We don't have the tools to monitor it and hold it accountable, that's why they won't listen to us. In truth, they may humor you on an individual or personal level resulting from a personal relationship. However, legally speaking, I don't have any monitoring or accountability authority against it. The only thing I can hold over their head is endorsing the budget, but once they have it, they wouldn't be willing to meet with us. I was hoping that the law would at least give me the authority to supervise and monitor these projects so that they would keep our opinion in consideration. The relationship is not clear. (Amman)

Because decentralization is a new experience, it is inevitable that the laws need to be reviewed and amended to correct unexpected outcomes; this includes complementary legislation.

I was informed about the law and attended different panel discussions including one with Friedrich-Ebert Stiftung at the Four Seasons Hotel along with the former Minister of Municipal Affairs. We talked a lot about the law and its challenges. Any law, even the decentralization law, cannot just be implemented without amendments. Some articles must be amended in other laws. Looking at our experience or the decentralization concept, we see that it is not enough, because we only implement the administrative decentralization while neglecting the financial aspect. (Madaba)

As my colleague said, the law is made of one page, the financial system is one page, and the internal regulation is one page. Each member read the law a million times, so the problem is not understanding the law, it's the implementation of the law, because it's not being implemented. The law also needs to be amended. (Zarqa)

This session can be summarized in two points: Increasing the Governorate Council's authority and delegate power from ministers to executive officials if we want local development and success in decentralization. (Tafleh)

The law contradicts itself stipulating that governorate councils are financially and administratively independent, however, text in other places confirms it is not independent by stating that governors have the authority of coordination between the governorate and executive councils, municipalities, government bodies, and public institutions, which is a clear dependency. Also, Article 33 Paragraph A stipulated that the governor shall invite the council to meet within a period not exceeding 30 days from the date of the announcement of the results of the governorate councils' elections in the Official newspaper. The law linked the first invitation of the governorate council's meeting to the governor, meaning to keep dependency to the Ministry of Interior. The text of article 10 of the law stipulated that the development unit in the governorate is the general-secretariat for both the governorate and executive councils, where the governor shall be named secretary and ask the meeting to convene, which is also a clear dependency. Article 8 Paragraph A talked about reviewing any topic presented to the governor. Article 6\D stipulated that the cabinet, based on based on the recommendation of the Minister, to appoint no more than 15 percent of the number of elected members of the Council, which is a clear interference. (Madaba)

Focus group participants were asked how specifically they would propose improving the law. In addition to addressing statutory relationships, strengthening independence of the councils and delegating monitoring and oversight authority, several participants also believe the appointed positions should be phased out.

First, the dependency on the ministry, as in order for the decentralization law to succeed, it must have a local government ministry, where all governorate councils belong to it. The relationship between the Governorate Council and the Executive Council must be separate, not related to dependency laws. I want to highlight the municipalities issue as we are only entitled to view their budgets. (Madaba)

Cancelling appointed positions. (Tafleh)

In terms of designated members, there is some cruelty because I worked hard and faced many obstacles to be here, and they come easily sitting next to us voting on the same topic, having the same privileges as I do. The recruitment law in the governorate councils must be cancelled. We spent three gruelling months visiting houses until 1 AM, and just like that some people arrive with ease! I lost JOD 10,000 and my colleague lost JOD 20,000 in the process to be here. (Tafleh)

As long as our colleague and all other members are now assigned, then they are part of this council. There is no designation in municipal or parliamentary elections, and this is a weakness point in the decentralization law. It is a negative point because the elected council should not have designations, but they are now our brothers and friends. (Mafraq)

Relationships

With non-elected members of the council

While many object to the principle of having appointed members, in general the working relationship is collegial. However, there are some who feel appointed members are not as engaged in the work because they have no constituents to satisfy.

The relationship between elected and appointed members doesn't even reach a participatory relationship, because appointed members don't have any responsibility towards the people because they weren't elected, and they didn't give promises to the local community. They're a burden to the council. (Zarqa)

It is an integrated relationship, where appointed members have great deal of awareness and responsibility, working as a one team. (Madaba)

With civil society

Relationships with civil society are good, but some recognize that civil society organizations concerned with service delivery issues recognize the limitations of GCs and therefore do not work closely with them.

We open channels of communication with them, but sometimes we are shocked because they get cut off. These groups have plans with the government and usually they are built on personal relationships rather than collective participation. (Karak)

We consider the civil society a great source of information because of its closeness to the society it can help us in identifying the local needs, we have a clear channels of communication. In the end we are all working toward the best interests of the citizens. (Aqaba).

With municipal councils

Relationships with municipal councils depends to a great deal on the personal relationships. But because the laws governing the municipalities does not recognize the creation of Governorate Councils, some municipal officials use this fact to reject or refuse collaboration.

We have great relationships with some municipal councils, and bad relationships with others. (Tafleh)

In the end, these councils are governed by the law, even if there is misunderstanding to tasks and specialties by an official, head of municipality or member of a governorate council, or an executive council. Here in Mafraq governorate, all concerned councils work cooperatively and jointly to remove any obstacle by explaining power to some members of different councils. (Mafraq)

There's no cooperation between the GCs and MCs, because they say that their work is different than ours. (Zarqa)

We can't improve the relationship because the elected Mayors refuse to improve the relationship with the GCs, because they think they are taking their jobs. (Zarqa)

There are no cross-cutting issues between the Law and the Municipalities Law. Our relation is not limited to the capital projects, but also cooperation in delivering services in the public interest. (Aqaba)

The Law does not require the mayor to cooperate with me or to present me with the budget... and there is nothing that requires me to meet with him or to debate with him. They only listen to you but do not heed your recommendations or he tells you that the Law gives you the power of being informed of the budget. (Aqaba)

Between the genders

Male members feel that female members are included without prejudice, female members do not share this perspective (please refer to key informant interviews with female members).

A number of them are appointed as heads of committees and there is no difference between us in tasks. (Karak)

They are just like our sisters and active members just like us. (Aqaba).

Consider serving as a Governorate Council Member

A significant number of GC members feel this experience has been difficult and frustrating. As a result, they would not recommend the role or position to anyone. If decentralization is to succeed, it will be important to build confidence in the Governorate Councils by providing needed resources, and the authorities to provide some level of service to the electorate.

I sat with several members and we cannot wait until this term ends. (Tafleleh)

I regret running, and I would advise him not to run. (Zarqa)

If I love them I'd give them the honest opinion of staying away. (Amman)

How would you change things

Decentralization in Jordan is concerned about the development and administrative aspects, not the political side. If challenges were fixed, the council's role will be perfect and will fulfill its duty. Do we want a political role? For now, we only need the development and administrative aspects. These challenges and obstacles need legislation whether in law or regulations. Sometimes a specific reason delays projects of a whole country. (Tafleleh)

If you deliver the development aspect with fairness and justice, then citizens will be satisfied with the political and administrative authorities. If the councils' work was comprehensive in all respects within the powers of the law, there will be enrichment in the decentralization process, thus, all aspects are reflected on citizens in a good way. This is what we hope for in Mafraq Governorate Council, as well as extending the legal framework to all aspects of decentralization to reach the closest thing to idealism or a modern democratic country. (Mafraq)

It's only natural for someone who endorses a budget to ask about how it's spent. However, we endorse budgets, but we don't have the authority to ask where that money went. The parliament monitors their budget, which they endorse. However, we have a budget, but it's monitored by the Parliament. (Zarqa)

We do not have employees in the first place. We do not have accountants or financial employees, even someone to make tea and coffee for us. We have a secretariat working but need more of them. We also have independent people working with us in administrative positions, but we need more administrative staff and jobs. (Tafleleh)

The internal and external training programs are nonexistent. They should be continuous so that the councils can understand the experience and learn new issues. Grants, the donor countries, if they have offices or agencies, should sit with the GCs. I have information that a certain donor country wanted to build locations, a Spanish grant and a German grant, the GCs don't know what the Ministry of Planning receives in grants, or what projects they have. As a GC, we don't know what our program is for the coming week. This need a new structure. (Amman)

Building the capacities of the executive council and GC and any entities that is relevant to this issue. I want to stress the requests my colleagues spoke of are not personal nor are they personal gains, and we don't want it to be misinterpreted. The license plate number issue is not about having a red plate on my car, it's about facilitation. If I want to go to 3 or 4 governmental departments during the day, I would spend half the day trying to find a parking spot. The red plate would make things easier. The compensation topic is embarrassing to talk about with your friend, not to mention your wife. The topic of empowering and work tools is also for purposes that have nothing to do with prestige. We all have offices, it's about finding a place to store your files. Not to mention that there isn't an administrative staff to assist you. You won't even find an errand person to assist the GC. (Amman)

Legal Review of the Jordanian Decentralization Law

Mohammad
Khasawneh

Part II:
Interviews of the Heads of the Governorate
Councils

Methodology

The research group conducted interviews with all the heads of the governorate councils (12 heads in 12 governorate/governorate councils), guided by a unique questionnaire to achieve the goals of the study. Interviews, lasting 45 to 90 minutes, were conducted in person. 12 field researchers were trained to lead these interviews, which were conducted between 25 October and 14 November 2018.

The questionnaire was based on a set of open-ended questions, followed by a number of sub-questions to acquire further details on specific issues, divided later into four main sections:

1. The Satisfaction perceptions of the heads of the governorate councils on the performance of their councils.
2. The Perceptions of the heads of the councils on the decentralization law and regulations, one year later after its implementation.
3. The expectations of the heads of the councils on developing the decentralization system.
4. The role of the heads of councils in the management of work inside and outside the Council.

The results of the interviews

Theme I: Achievements and Challenges

All heads of governorate councils agreed that the performance of the councils in the first year was excellent. They all also suggested that most of the achievements were a result of their relationships and networks and of the efforts of the councils members.

When asked about the nature of these achievements, most of respondents focused on the permanent formation of the bureau of the council and the formation of the main committees of the council. Adding to that is the implementation of the code of procedure, in some cases, and the internal management of the councils.

Since these expressed “achievements” are all basic legal requirements of the law on decentralization and its regulations, a few heads of governorate councils admitted that they only completed what was required of them, within the limits of the law. In other words, they did not reach the concept of expected accomplishments of the system of decentralization and its objectives.

The head of a governorate council in the Northern region stated : “We realized all of our specific tasks mentioned in the law according to our granted powers. We have approved the 2018 and 2019 budgets. We have also approved the emergency plan, approved the needs guide, identified priorities and needs in the region, not only within the law but in a personal capacity.”

The heads of the governorate councils believe there are many obstacles that hindered the realization of achievements on the ground during the first year of their electoral mandates; the failure of the government to provide any technical tools for the governorate councils or qualified administrative cadres, even though the offices of the administrative governor in each governorate tried to provide these needs according to their abilities. But the councils need more technical tools to achieve concrete goals, according to the heads of the councils.

Until now, the heads of the governorate councils see the role of the Council as advisory only and does not work concretely on the ground. The Council shares its recommendations on a permanent and continuous basis, but there is a failure in implementation.

The heads of the councils also see that the main obstacle for the councils to achieve any success is the law of decentralization itself. According to council heads, the law does not grant them any authority to monitor the implementation of the first period approved budgets, nor hold any part of the projects accountable for misdeeds.

The head of a governorate council in the Southern region stated: "The oversight role of the council on the executive council should be expanded. I do not mean absolute administrative control, only the oversight and supervision on the implementation of the approved projects. Real control."

Theme II : Laws and regulations

The heads of the governorate councils considered that the law is understandable and clear but incomplete, since it does not help the councils to efficiently implement, monitor and control approved projects. In interviews, the presidents focused on the challenges they face in their work and the limitations of the law to only a few articles that clarify the general tasks of each of the councils concerned with decentralization. While it does not address or explain the relationships between these councils, their detailed tasks or limits of power.

The head of a governorate council in the Southern region stated: "The first challenge is the law of decentralization. The law is born incomplete."

According to the interviewees, the law states that the council heads have certain powers of approval for the governorate councils, such as the approval of the annual budgets for each governorate. It does not, however, address what follows these approvals, mechanisms to implement the approved projects, how to follow up the implementation in the field according to the plans.

The heads of the councils are of the opinion that the councils should be given greater powers to follow up and monitor the implementation process, including ongoing field activities starting with the implementation of the annual budgets they approve and how the rest of the councils deal with these plans. As well, interviewees believe they should have some control in the implementation and the accountability of various actors in the implementation of the approved projects and the councils decisions.

The head of a governorate council in the Central region stated: "The main challenge is the law itself, the granted powers and the control. We demand to supervise the projects while being implemented by the Executive Council. It is unreasonable to name a project and put it to execution without the authority to monitor its implementation."

Some of the heads of governorate councils believe that some members of councils are not aware of the limits to their powers. They also lack understanding of the roles of the different committees. This unfamiliarity affects

the mechanisms of work within the councils, in addition to impacting the relationships between the governorate councils and other bodies and institutions linked to the continuity of the councils' work.

The heads of governorate councils also called to amend the law so that it transfers powers from the center to the governorates/regions and not to remain as it is -- currently limited to the delegation of these powers. This situation can change at any moment because of the lack of legal binding text.

The head of a governorate council in the Northern region stated : "The amendment should transfer powers, not delegate authorization."

The heads of the governorate councils also expressed challenges in many legal matters, which they are mostly unable to deal with. The legal committee is consulted in the event of the creation of a new committee for this purpose. But there are no references to a legal interpretation. This gap makes it possible to have several legal interpretations between the various councils.

The heads of the governorate councils believe that the powers of the various councils in the governorate (such as the executive council and the local council with the governorate council) sometimes conflict according to their point of view. They also see the municipal law as a clear, comprehensive and detailed law in many aspects, which creates a gap between municipal councils and governorate councils that must work together harmoniously in the field to achieve the decentralization vision.

The heads of governorate councils called for the amendment of other laws in addition to the law of decentralization, such as the law of municipalities and the laws of the executive councils, so that they harmonize to achieve the purpose of decentralization and efficiently transfer the powers from the center to the field.

In addition, the heads of the councils face a social challenge. As elected representatives of the people, they are responsible for the implementation of all projects directly related to the governorates, including municipal ones. The law stipulates that the governorate councils should be informed about the budgets of the municipalities, although does not clarify this point. On the other hand, the heads of the governorate councils believe that the process of access is a sham process that has no legal consequence.

The interviewees also believe that the law does not include any special powers for the councils in approving the strategic plans of the regions, in addition to the approval and updating of contingency plans for each region in line with the specific needs of each. The law focuses mainly on the budget of the region and approval without addressing any other areas.

The head of a governorate council in the Central region stated: "The law did not provide any benefits such as the timing of the contingency plan to be submitted or when the strategic plans are submitted. Only the rules of procedures mentioned these milestones. The law set the period of time in which the budget should be approved and nothing for the related, remaining procedures."

The heads of the governorate councils also believe that the internal rules of procedures, established by the government, do not serve the work because of gaps that need to be addressed to develop mechanisms of internal work in the councils. Some presidents also considered that the internal rules of procedures are nothing but "ink on paper" waiting to be activated.

Theme III : The external relations of the councils

The heads of the governorate councils believe that the administrative rulers in the governorates have provided all they could provide, within the means available in the whole governorate, including meeting venues and some administrative cadres who helped the councils to execute some tasks. The governorate councils lack human, financial and logistical resources to carry out various tasks.

Regarding external relations of the councils, a number of council heads explained that the work of the governorate councils depends on the personality of the administrative ruler and the nature of personal relationships between the governorate council and the administrative governor.

Meanwhile, bureaucratic procedures for communication with various parties limit the work of the Council. The head of the governorate council has to address the governor before communicating with any stakeholder, which is a challenge in a number of governorate councils to accelerate and facilitate communication with various parties.

A number of governorate council heads also believe that a code of conduct must be established to regulate the relationship between the members of the Council as well as between the governorate councils and other relevant councils, mainly the executive councils and the municipal councils. This will improve the quality of work/execution at the present time until the legal texts are amended to regulate the work of these councils and define the relationship between them.

In the view of the heads of governorate councils, the development of the relationship between the councils in each governorate is not achieved only through the amendment of laws. The existence of the councils and powers granted them is a sensitive issue in some governorates. Interviewees believe that the relationship must be participatory and integrative, whereas it is currently competitive.

The head of a governorate council in the Southern region stated: "The relationship is supposed to be a participatory, complementary. But it is competitive until now. They (the heads on the governorate councils) consider that we are a cancerous body that came to compete with them. Some feel that we have exceeded the work and authorities and there is no full understanding of the law."

The relationships of the councils with some municipalities are good, but disconnected and negative with other municipalities, depending mostly on the level of personal connections between members of these councils. The legal texts do not regulate or define their shape or nature in a clear and detailed manner. The heads of governorate councils think that these relationships were poor at the beginning but have improved positively over time.

However, the basic problem, according to many council heads, remains in the legal text, concerning the governorate councils being informed of the municipal budgets. This point was not elaborated or clarified in the law or the relevant regulations. Many municipalities consider that their work is only governed by the Municipalities Law, regardless of what is stated in the main decentralization law.

A number of governorates councils heads are challenged by the relationship with the national members of parliament from their governorates. They believe that some MPs offend or ignore the prerogatives of the governorate councils. These MPs compete with the governorates councils to provide services to citizens who represent their potential voters.

The community/social opinion about elected representatives, generally, is that they must provide services to citizens, especially in their governorates' territory. Since the legislation indicates explicitly that the governorate councils' roles are to approve the annual budgets without working on executing them in the field, the councils are obliged to provide extra services with the municipalities and the MPs, which creates competition between the various elected groups. The lack of a cooperative, participatory, and inclusive vision to work on delivering citizens' needs. result in every council/party trying to provide as many services as possible to maintain voter bases. .

The heads of the governorate councils note that various institutions are working to sensitize members of the governorates councils and build their capacities. But this work does not extend to members of the executive and municipal councils in the various governorates. Interviewees believe that the rest of the councils in the governorates need more awareness and capacity building efforts to strengthen the mechanisms of work and implement development plans. Increased awareness and capacity might improve the nature of the relationships between the governorate councils and other councils in the same governorate.

The interviewees recommend holding a large number of consultative meetings to strengthen the relationships of the council with other bodies working in the governorates, or even at the central level, to reach the development of the system of decentralization in Jordan in general.

In the view of the heads of the governorates councils, society misunderstands decentralization. In each governorate, four homogeneous councils should operate with a single plan. Decentralization does not refer to the governorate council only. This misconception is another challenge the councils, especially when distinguishing between the services provided by the municipality and the services provided by the governorate council.

The number of citizens' demands towards governorate council members, coupled with those members inability to achieve much on the ground because of weak budgets or the slow implementation process, leads to an atmosphere of citizen mistrust towards these councils.

The heads of the governorates councils think the relationship between the governorates councils and the four main national ministries concerned with their work (Ministry of Interior, Ministry of Finance, Ministry of Political and Parliamentary Affairs, Ministry of Planning and International Cooperation) is still complex and thorny. The lack of coordination between the various councils and ministries poses difficulties to the councils on the ground.

The heads of the governorates councils also believe that the relationship between the councils and civil society institutions is still forming and dependent on the personal connections of the heads and members of councils with the various local and international institutions working on decentralization. There is great scope for cooperation and exchange of experiences to benefit from these institutions as well as the rest of the councils in the partnership, to strengthen decentralization in improving the lives of citizens in their governorates.

According to the head of a governorate council in the Central region: "The relationship is still being established. We can not call it a relationship/partnership yet. I hope we can establish a strong relationship. This meeting is a gesture of a positive sign of cooperation."

Theme IV : The internal relations of the councils

Many heads of governorates councils believe that internal relationships within the councils need to be further developed. The legislation fails to regulate the internal working procedures and mechanisms of the councils, mainly with regard to the internal rules of procedure of the councils and the instructions they issue.

The president and members rely on their personal relationships to remove obstacles and challenges faced in the implementation of what is required of them by law or by citizens' demands and needs.

A head of a governorate council from the Central region claimed that: "The law does not help organize the work procedures. The same goes for the case of the internal system which needs to be amended. So, only by 'us being friends' and my network of relations with the members, I manage the affairs within the council."

Several heads of governorates councils also believe that one of the challenges is the lack of clear and specific rules for the president's relationship with the council's members; how to deal with non-compliant members and the procedures for meetings of the council.

The chairmen of the councils believe that there is no discrimination within the councils between male and female members or between elected and appointed members. Nor do they believe that there is any greater influence or superior sovereignty for the appointed members. Most of the elected members have greater authority thanks to their electoral masses who trusted them.

A head of a governorate council from the Southern region stated: "The relationship between the members is based on the public and common interest. Everyone seeks to improve the quality of the services and serve the region without any differences between any member, whether elected or appointed. Honestly, we do not distinguish between any of the members, whether they are appointed or elected, male or female."

While a number of council chairmen believe that the appointed members add no value to the councils because of their professional backgrounds.

A head of a governorate council from the central region stated: "I wish that the appointed council members (appointed by the legislation/legislator) were technocrats, to fill any shortage of expertise. But the distribution was based on satisfying some parties, so it did not succeed. I think that was not a qualitative addition."

The nature of the post and the 'diplomatic answers' shown by the heads of governorates councils limit their disclosure concerning the nature of relations between members of the governorate councils, whether male or female or elected and appointed. Researchers noticed a contradiction between the answers of the heads of governorates councils and the female members of the governorates councils in this regard.

Recommendations

- Amend the decentralization law in order to guarantee:
 1. Necessary authorities to follow-up on the implementation of approved annual budgets by the governorates councils.
 2. A clear relationship between the governorate council and the municipalities since they represent the core components of the decentralization process. Additionally, to solve the issue of conflicting legislation concerning monitoring and executing the municipal budgets.
 3. The transfer of authorities from the center to the governorates with regard to the implementation of plans and projects at the governorate level, including necessary mechanisms of budget approval, implementation and follow-up at the level of each governorate.
 4. Tools for the councils to carry out their work; including trained and qualified administrative cadres.
- Update the needs manuals approved by the governorates councils on an ongoing basis to reflect the reality of each governorate and ensure the implementation of strategic plans based on these needs.
- Appoint a legal advisor to every governorate council to resolve legal disputes and to interpret provisions related to the work of these councils and circulate them to all the others.
- Amend internal rules of procedure of the governorates councils to develop mechanisms of work within the councils and to solve legal problems related to the work of committees in the councils and the obligations of the members of the councils in general.
- Each governorate council should issue instructions to deal with the implementation of the provisions of internal rules of procedure in accordance with the legal provision.
- Create a code of conduct to regulate the relationship between the members of the governorates councils as well as between the councils.
- Minimize the bureaucracy of the procedures of communication between the governorates councils and the various partner institutions working with these councils.
- Establish a single reference to the governorates councils concerning the relationship of these councils with the ministries, in order to increase coordination between the governorates councils and the relevant ministries.
- Establish a network of governorates councils that holds periodic meetings to exchange experiences, best practices and consultations in solving common problems and unifying the viewpoint between these councils. A network would make the relations complementary and participatory to better serve citizens.
- Train the members of the governorates councils to fully understand the details of the decentralization law and clarify the important role assigned to them according to the law.
- Train the members of the governorates councils on reviewing and auditing budgets, including gender sensitive budgets. Additionally, train them on effective methods of follow-up/monitoring of the implementation process.
- Train the governorates councils members to identify the needs and prioritize the communities in which they work.
- Raise the awareness and capacity building of the other councils in the governorates (municipalities), in order to improve the mechanisms of work between them and strengthen these relations.

Legal Review of the Jordanian Decentralization Law

Mohammad
Khasawneh

Part III:
Interviews of the Women Members of the
Governorate Councils

Methodology

The research group conducted interviews with all the women members of the governorate councils (36 members in 12 governorate councils), guided by a unique questionnaire to achieve the goals of the survey study. Interviews, lasting 45 to 90 minutes, were conducted in person. 12 field researchers were trained to lead these interviews, which were conducted between 25 October and 14 November 2018.

The questionnaire was based on a set of open-ended questions, followed by a number of sub-questions to acquire further specific details on specific issues, divided later into four main sections:

1. The satisfaction perceptions of the women members of the governorate councils on the performance of the councils;
2. The perceptions of the women members of the councils on the decentralization law and regulations, one year later of its implementation;
3. The expectations of the women members of the councils about developing the decentralization system;
4. The role of the women members of the councils in the management of work inside and outside the Council.

The outputs in statistics/numbers of the representativity of women members, in the forming of the permanent offices of the governorates councils and the special committees, are very low:

1. One woman as a head of governorate council (Ma'an);
2. Two women as a vice president of a governorate council (Jerash, Zarka);
3. Very small number of women head of or rapporteurs of permanent committees out of the elected members in the governorates councils.

The results of the interviews

In general, comparing the results of the interviews of the presidents of the governorate councils with those of the women members, show a consensus in the points of view on a number of basic points, which relate to the decentralization laws and regulations. In addition to the relationship of the governorate council with the rest of the concerned parties.

While the heads of the councils generally responded by talking about the work of councils, achievements and challenges, the women were more outspoken and daring to talk about the performance of the councils and the challenges they face in working within the councils or the work of the councils in general.

The comparison also shows that women members face many problems within the councils because they are the lowest represented (minority) in the Council and the prevailing societal perception of the role of women in public work.

This part of the report is a continuation and complement part of the previous section of the interviews of the heads of the governorates councils and their perceptions of the performance of the councils, laws and regulations on decentralization.

Theme I : Achievements and Challenges

According to the women members of the governorates councils, all the positive achievements, the councils reached during this first year of mandate, were internal. While on the external level, the performance is still weak, as they believe that the councils did what is required of them within the legal texts governing the work of the councils only, without making any significant achievements outside these duties: the formation of permanent offices, committees, budgets and evidence of needs.

At the external level, with regard to the work of the councils in partnership with the various bodies and the implementation of approved plans and projects, the interviewees see that the councils did not achieve anything worth being mentioned. They believe that the bulk of the budget for each governorate, approved by the councils are fake and not implemented. This failure is directly related to the lack of independence of the councils or their oversight role.

The women members of the governorate councils also believe that the councils lack any special tools for working to achieve what is required of these councils, in order to fulfill all the hopes of the citizens in the governorates, according to the specificity of each governorate apart. The councils do not have the human, financial and administrative resources to carry out various tasks, including the role that all the members are seeking to do, namely, the implementation of projects at the governorate level and the provision of services to citizens in the governorate.

According to the women members of the governorate councils, the councils have no media presence or media coverage over their activities on a regular basis, which makes the task of these councils more difficult to change the prevailing view in society about the importance of their existence and its purpose or even what is required of them. Where they considered that there is a big gap between what prevails in the minds of citizens about the system of decentralization and the actual functioning of the councils and their powers.

The absence of a media committee or a media spokesperson for each of the governorates councils makes the task of members in general, harder to clarify the image of the real duties and tasks of the councils to the citizens.

Theme II : Laws and regulations

The women interviewed members believe that the governorates councils should be granted greater autonomy in their work, especially with regard to the internal work mechanisms and the financial system of the governorate councils. The councils currently rely on the administrative governor and his offices in the governorates to carry out the daily tasks of the councils.

The members also see that the decentralization law has affected the relationship between the councils in each governorate because of the lack of clarity and adequacy of the law. It makes it difficult to determine the nature of the relationship in a clear and specific way, that helps in the course of work, without any impurities in the nature of this relationship.

The women members of the governorate councils also believe that it is necessary to quickly delegate full powers to the councils, until the law is amended. Also there is an urgent need to clarify the relations with other councils.

The central government has not transferred powers to the executive councils because of a legislative imbalance in the system of decentralization. So what was done during the first year of the decentralization is the delegation of some powers, which hindered the work of the various councils in addition to weakening its role in the approval and implementation and follow-up of the work of projects for the governorates.

In addition, the weakness of the law is what created the gap between the various councils and government bodies, in particular the existence of a legal gap between the governorates councils and the local councils, which were recently elected in all the regions of the Kingdom. The law mentioned the municipalities and specified some points concerning their relations with the governorates councils, while the municipalities are the central core of the decentralization process.

The women councils members believe that the legal framework of decentralization does not guarantee adequate representation of women in the governorates councils in general and in the permanent offices of the councils in particular: women have 8.3% of all positions in the permanent offices of the councils.

With regard to the work of the councils, the members see that the governorates councils has nothing to do with the process of bidding or monitoring the projects, which limits their powers and gives them a simple authority of approval only, without accountability to the executioner.

Theme III : The external relations of the councils

According to the women members of the governorates councils, one of the reasons for the loss of citizens' confidence in the governorate councils is the lack of the participatory aspect in the work between the governorates councils, the executive councils and the municipal councils. This created a challenge to the governorates councils to show their important role in approving projects based on the needs of each governorate. But the executive councils failed to implement the main parts of these approved projects and therefore no real results were attained or witnessed by the citizens.

The relationship with the various executive councils, municipalities and ministries is not very good. There is nothing that regulates this relationship within the legal texts, which makes the work process dependent on other things, which made this relationship non-participatory nor complementary.

From the point of view of the women council members, communication with the various institutions and other councils depends primarily on the personal relations of the heads and members of the councils. The services are provided to citizens based also on these capabilities.

As well as the relationship with governorates deputies is not good. The MPs fear to lose their role in the provision of services to their popular electoral bases or masses. Since the governorates councils are also providing services to the citizens, this created a competition between them and the MPs because of the absence of mechanisms and clear functions in the laws.

The members also think that some municipalities are competing with the governorates councils in their daily tasks. These municipalities believe they are olderly implemented so they have the needed abilities and resources to fulfill the citizens' requests with no needed help from any other part.

The members of the governorates councils believe that the relationship with the civil society organizations is good but must be developed to benefit from the expertise provided. Many members participated in the activities of local and international civil society organizations before and after the membership of the councils. They appreciate the role played by these institutions at the grassroots level.

Theme IV: The internal relations of the councils

Many women members of the governorates councils face a number of challenges with the other male members: the 'word of men' within the Council is heard more than the word of women because of the view of some male members of the mechanism of women's access to the councils in general and the outlook on women's participation in public life in particular.

The interviewees also think that the traveling opportunities and the participation in different meetings, workshops, trainings and activities outside the governorate are more offered to the male members. In addition to the marginalization of members, whether males or females from outside the center of the governorate in some cases.

They also said that the family burden is a major challenge in their work as representatives of citizens in different governorates, which makes male members easier to move than members, and this limits their access to citizens so they can not highlight their role in the governorates councils.

In general, the women members consider that the capacity of the members of the councils in the legal field of the decentralization system has not been built, which is a challenge for everyone to know their powers and the limits of authority granted to the governorates councils and other councils in the decentralization process. Despite the passion they all have to fulfill the requested tasks in order to serve the electoral masses who trusted them with these offices and responsibilities.

The women members indicated that the appointed members do not have electoral masses that affect the way they work and how they deal with the current status of governorates councils. This increases the pressure on the elected members to try to convey the right messages to citizens about decentralization. This also creates a conflict sometimes between the elected and appointed members.

The women members of the governorates councils also note that the society in general compares these councils with the House of Representatives (the Parliament), especially in terms of service. The deputies have long provided services to citizens, especially to their electoral masses, which increases the burden on the members of the governorate councils in an attempt to reach the expectations of citizens.

Many women members see that the permanent committees are still formative. These committees are not doing any important work for this moment, which increases the percentage of personal initiatives undertaken by members based on their enthusiasm for work and their use of popular pressure to improve services and establish projects in the governorates.

They also think that it is the duty of the councils members to explain the new decentralization system to the citizens, to raise their awareness about the real image of this system totally different to the expectations of the citizens.

Recommendations

Amend the decentralization law in order to guarantee:

- The needed authorities of the follow-up on the implementation of the approved annual budgets by the governorates councils.
 1. A clear relationship between the governorate council and the municipalities since they represent the core components of the decentralization process. Adding to that, to solve the issue of the conflict of the two related laws concerning monitoring and executing the municipal budgets.
 2. The transfer of authorities from the Center to the governorates with regard to the implementation of plans and projects at the governorate level, including the needed mechanisms of budget approval, implementation and follow-up at the level of each governorate.
 3. Providing the necessary tools for the councils to carry out their work; including trained and qualified administrative cadres.
 4. Grant a greater autonomy to the governorates councils, to not rely on the ministries on the provision of administrative cadres and financial and logistical needs to work.
- Develop and improve the needs manuals approved by the governorates councils on an ongoing basis to reflect the reality of each governorate and ensure the implementation of strategic plans based on these needs.
- Appoint a legal advisor to every governorate council to resolve the legal disputes and to interpret any provisions related to the work of these councils and circulate them to all the others.
- Appoint a media committee specialized in media affairs and a media spokesman for each council working to highlight the role of the governorate councils in the media.
- Amend the internal rules of procedure of the governorates councils to work on developing mechanisms of internal work in the councils and solving the legal problems related to the work of committees in the councils and the obligations of the members of the councils in general.
- Each Governorate Council shall issue instructions related to deal with the implementation of the provisions of the internal Rules of Procedure in accordance with the legal provision.
- Minimizing the bureaucracy of the procedures of communication between the governorates councils and the various partners institutions working with these councils.
- Establish a single reference to the governorates councils concerning the relationship of these councils with the ministries, in order to increase the coordination between the governorates councils and the various concerned ministries.
- Establish a network of governorates councils that holds periodic meetings aiming to exchange experiences, best practices and consultations in solving common problems and unifying the viewpoint between these councils. This would make the relations complementary and participatory for the good serving of the citizens.
- Train the members of the governorates councils to fully understand the details of the decentralization law and clarify to them the important role assigned to them according to the law.
- Train the members of the governorates councils on reviewing and auditing the budgets. Also to identify their relevance to the extent of gender. Train them also on effective methods of follow-up/monitoring of the implementation process.
- Train the governorates councils members to identify the needs and prioritize the communities in which they work.
- Raise the awareness and capacity building of the other councils in the governorates (municipalities), in order to improve the mechanisms of work between them and strengthen these relations.

- Establish a minimum representation (Quota) of women in the permanent offices of the governorates councils and the chairmen and rapporteurs of the permanent committees in the councils.
- Amend the internal codes of the governorates councils:
 1. To ensure fairness in the distribution of participation opportunities to the members with a guarantee for a fair participation of women members.
 2. To activate the role of the committees and give them more tasks to have a real role in the work of the governorates councils.

Legal Review of the Jordanian Decentralization Law

Carlo Binda and
Ali Mhenni

Part IV:
Understanding the Decentralization Process
in Jordan, Tunisia, and Morocco
A Comparative Analysis

Introduction

The authors of this analytical paper compared the decentralization experiences of Jordan, Tunisia and Morocco, to extract the best legal texts presented in the laws regulating decentralization in the Kingdom of Morocco and the Republic of Tunisia. We did this in the belief that these proposals are the best way to start a democratic, participative, and participatory decentralized process in the Hashemite Kingdom of Jordan.

The Kingdom of Morocco has been engaged in decentralization for decades, establishing elected Communal Councils in 1960. Significant progress toward decentralization occurred with the 1992 constitutional amendments that introduced regional authorities, and His Majesty the King's vision for enhanced regionalization in 2010.

The new Tunisian Constitution (January 24th, 2014) recognized and imposed that the State/Government is responsible to implement decentralization in the whole Tunisian territory and support it within its abilities and under the unity of its flag.

The Seventh Chapter of the Constitution "Local Authority" (12 articles), indicated that the decentralization is based on 3 different types of local authorities: Local Councils (Municipalities), Regional Councils (Governorates) and Provinces (with an open ability to found new types if needed, based on the law). To pursue this constitutional duty, a "Basic" law project was drafted (Number 48, 2017 in relation to the Code on Local Authorities (392+ articles, updated and ratified on April 26th 2018).

Jordan's experience is much more recent with the introduction of a 2015 law No. 49 providing for elected Governorate Councils built on the foundation of His Majesty King Abdullah II's policy. Similarly, Tunisia's experience is also more recent with the passage of decentralization legislation in April 2018, days before municipal elections. Given Tunisian decentralization is a relatively recent event, it is impossible to analyse its implementation experience; where Morocco has decades and Jordan three short years.

However, this paper briefly examines the experience in developing policy and legislation. We have examined the structural developments and the relations between central national and subnational authorities.

This analysis informs the deliberations of a pool of esteemed Jordanian legal practitioners and scholars contemplating recommended legislative amendments for the decentralization process currently underway in the Kingdom. Several comparative analyses have been prepared on the legal texts, this paper does not aim to duplicate.

Ultimately, for those contemplating the substance of legislation, important questions need to have answers allowing for design and implementation to follow the concept. For example, what is the objective of, and pathway to, decentralization? What tangible developments are required to meet objectives? Is the aim to devolve decision-making power, or political and fiscal authorities to subnational entities, and how is that achieved through comprehensive legislation including complementary legislative amendments? What fiscal or resource powers have to be transferred in meeting these objectives?

If there is no coherent vision or objectives there is a real danger that even well-intended improvisation will undermine the enthusiasm for decentralization. It also provides an opportunity to those who oppose diminished centralized authorities to frustrate the process and objectives while undermining the architects of the policy.

Three realities

Arguably recent decentralization processes in Morocco, Jordan, and Tunisia were reactions to popular uprisings of the Arab Spring, and intended to assuage grass roots demands for greater political participation and institutional accountability. However, Morocco's experience began well before 2011, and its enhanced regionalization concept was articulated by his Majesty King Mohammed VI in 2010. However, regional political developments injected urgency into national reforms. Similarly Jordan's decentralization processes were advanced after 2011, during a period of economic decline in the Kingdom, and civil war in neighbouring Syria.

Decentralization in Tunisia was a consequence of the revolution which deposed the Ben Ali regime; and, as a consequence the political decisions to redefine the state and state institutions. The process of developing decentralization policies and legislation occurred in relatively accessible and transparent democratic discourse. Though a lengthy and sometimes controversial process, elected members of parliament, political activists and civil society were able to contribute to the discourse around the constitutional arrangements of state, and in the development of the concept and legal framework of decentralization.

The will for decentralization in Tunisia was broadly shared among certain political elites committed to devolution of authorities; administrative, political, and financial. The vision and implementation has been tempered by a reality that full devolution would take many years, ensuring that local and regional actors have the capacity to utilize the authorities in their command. It is still too early to assess the extent to which decentralization is succeeding in Tunisia, as the law was passed ten days before the May 6th, 2018 local elections.

Unlike the Tunisian experience, the Kingdoms of Jordan and Morocco enjoy relative stability and their enduring institutions are capable of guiding reform. However, the processes leading to decentralization were centrally driven and attempted to respond to the visions articulated by their respective Monarchs. As such, centralized design and management of decentralization may or may not meet the vision, but certainly are open to criticism that those responsible for giving form to the vision are reluctant to devolve significant political or fiscal authority to decentralized bodies.

Importantly, Tunisian decentralization is articulated in both their constitution and in the decentralization law (code des Collectivites Locales) for use as a guide to decentralization. This is the result of negotiation and discourse among a broad political class, and while difficult at times, represents a collective effort. It may take two decades to realize the complete project of decentralization, but there is this road map which provides common reference. In contrast, His Majesty King Abdullah II of Jordan has articulated a vision that has depended on elites of a centralized system to translate into the instruments of decentralization. Members of Governorate Councils¹, a new elected decentralized body, in recent focus groups conducted by Karak Center, feel that there is a significant disconnect between the vision as articulated by the King and the resulting structures.

Similarly His Majesty King Mohammed VI provided the vision and empowered a commission to develop the strategy for Morocco's enhanced regionalisation. The resulting implementation of decentralization, as Houdret and Harnisch² point out, has been slow to materialize, even though regional councils were elected three years ago.

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- 1 Jordan's Karak Center conducted focus group discussions between October 2nd and 25th in eleven governorates with 98 Governorate Council participants.
 - 2 Houdret, Annabelle & Harnisch, Astrid : "Decentralisation in Morocco: The current reform and its possible contribution to political liberalisation"; (2017)

Ultimately, political will has to accompany the design and implementation of decentralization. Consultation, debate and discourse can be important elements in building consensus around the principles, objectives, and mechanics of decentralization. If decentralization is a response to popular demand, but fails to meet expectations (because centralized authorities are reluctant to devolve competences), then there is a danger of deeper dissatisfaction that gave rise to decentralization in the first place. More importantly new political elites that tie their credibility to an unrealized potential may step away from future initiatives.

Constructive Development

All three countries' decentralization processes have involved the transfer of authority, mainly administrative, to subnational entities. Morocco and Tunisia had existing subnational structures at the municipal, and regional levels to which they transferred authorities and introduced elected offices. Jordan created new entities at the governorate level, equipping them with authorities and introducing twelve elected Governorate Councils.

In conjunction with new authorities these newly established elected bodies, in all three countries, are to varying degrees accountable or subordinate to centralized government agencies, courts or ministries. The motivations for subordination are most often called into question by those who believe in rapid devolution of authority and independence of bodies, particularly those that are elected.

A cynical view might be that having the Ministry of Interior provide oversight is intended to control the impulses and decision-making to the benefit of central state authorities. A more generous view is that the new authorities and in Jordan's case new structures require capacity building support. Because they are new structures, they must develop the organizational capacity to assume progressively significant authorities.

If it is the case that careful management is intended to ensure success, then those responsible for decentralization processes must be persistent in promoting constructive engagement that contributes to strengthened capacity and institutional development within an understood framework.

Administrative, Political or Fiscal Decentralization

Jordan's governorate Executive Councils are responsible for establishing budgets and overseeing regional economic and social development. They are effectively responsible for managing and coordinating central government efforts in the governorates. The governor appointed by the King through the Ministry of Interior leads the Executive Council. The elected Governorate Council is empowered to review and endorse governorate development and strategic plans as well regional budget referred to it by the Executive Council.

Governorate Councils are, by law, legal entities with financial and administrative independence. The extent of this independence is confused in law by contradictory provisions providing secretariat support from the Executive Council, an extension of central authorities, and ad hoc fiscal benefits from the Council of Ministers. In practice, financial allocations for administrative and operational functioning of the councils has been delayed. Only recently, and through intervention by his Majesty the King and the Prime Minister, have regular financial transfers been agreed.

Tunisia's decentralization law was brought into force at the end of April 2018 days before the May 6th municipal elections. Therefore it is difficult, at this point, to make an evaluation of the decentralization experience. However the decentralization legislation is a detailed 400 article law that, albeit over a long transition period, transfers significant financial, political and administrative authorities to municipal and regional governing institutions. In addition it provides clear rationale for what decentralization seeks to achieve in terms of community empowerment in decision-making, and addressing regional disparities.

Municipalities are provided revenue generating authorities through municipal taxes, licencing and user fees for municipal services. In addition they are responsible for a range of local infrastructure and service delivery.

Highlights on the Moroccan and Tunisian decentralization laws

Article 2 of the Code on Local Authorities (CLA) - Tunisia: "The local communities are public entities with a moral identity/personality administrative and financial autonomy. They are either Municipalities, Governorates or Provinces that totally cover the Tunisian Republic territory".

The local Authorities enjoy a legal personality and have a financial obligation. This legal personality enables them to acquire rights but also bind them to duties. The breach of these duties entails the local authorities to a total responsibility and the possibility to be held responsible/guilty before the administrative court, according to Article 3, paragraph 3 of CLA: "All conflicts/cases related to the borders/territories of the local authorities are to be held before the Administrative Court from the same local territory in accordance with the procedures and deadlines established by the law on administrative justice."

We refer here also to Article 2 of the Legal Guide of Local Authorities from the Kingdom of Morocco: "Local Authorities enjoy a legal personality/identity and administrative and financial autonomy".

The CLA gave a freedom of execution to the local authorities, but this freedom is regulated by Chapter 2 "Free Management of Local Authorities" (Articles 4 to 12) where it affirmed also the obligations of the local authorities. Chapter 3 of CLA (Articles 13 to 24) and Chapter 4 (Articles 25 to 28) named in order "Powers of the Local Authorities" and "the Ordinal Authority of the Local Authorities" also explained the limitations of the mentioned freedom of management.

The Republic of Tunisia is working to solidify the process of democracy. Article 29 of CLA: "The Local Authority Council ensures that all residents/citizens and civil society are actively involved in the various stages of preparation and follow-up of their implementation and evaluation programs. The local Authority shall take all measures to inform residents and civil society organizations in advance of territory development programs."

"The projects and programs of development shall be submitted to the approval of the local councils concerned after the stipulated procedures in this law are all met." this article (from Chapter 5 "Participatory Democracy and Open Governance" , Articles 29 to 36) highlights the important role of civil society components and citizens/residents when it comes to taking real decisions.

It is mandatory to involve society in political life to choose their representatives in transparent elections, which is

a constitutionally enshrined right. It also highlighted the primary objective of local authorities which is to ensure community/society service throughout the whole territory of the Republic.

The intervention of the state is limited by law. It is defined in Chapter 6 “Solidarity, Amendment and Positive Discrimination” (Articles 37 to 38) “The State is committed to assist local authorities to achieve a financial balance, effective administrative and financial autonomy through the allocation of funds and the transfer of appropriations of special adjustment granted by the Fund for the Support of Decentralization, Adjustment and Solidarity among Local Communities funded from a the budget of the state.”

According to the Article 39 of the CLA, the Local Authorities have the ability/freedom to establish cooperation agreements and realize projects in cooperation with foreign local authorities (from States with which the Tunisian Republic has diplomatic relations), Governmental or non-governmental organizations working on developing decentralization and local development efforts.

In the above mentioned regard, the Moroccan and the Tunisian legislators totally agree. Chapter 4 Article 86 of the LGLA “International Cooperation”: “The local authority have the ability to conclude agreements with effective stakeholders/actors from outside the kingdom under the framework of international cooperation. It can also acquire funds after the approval of the public authorities in accordance with the laws and regulations in force” but it also prohibits “concluding any agreement or cooperation group between a local authority-ies and a foreign state” to guarantee the serenity of the central power authority.

While still very early in the decentralization process, Governorate Councils have limited administrative and political authorities. They have power of review and comment, and are able to award project tenders up to one million Jordanian Dinars³. The Governor is their point of contact as the authority responsible for coordination of institutional actors in the Governorate. In addition various ministries are responsible for engagement with Governorate Councils and the decentralization processes in Jordan. These include the Ministries of; Interior, Political Affairs, Municipal Affairs, and Finance.

At the regional level, elected councils are responsible for developing and providing oversight for regional economic and social development. Governors appointed by the central government, do however wield a great deal of oversight authority over Regional Councils, and Municipal Governments are under the authority of the Ministry for Local Administration and Environment Directorate General for Local Affairs. Both the Ministry for Local Administration and Environment and the Ministry of Interior are responsible for oversight of decentralized entities.

Morocco’s decentralization process has a long history and more recently introduced a regional concept of decentralization. Advanced Regionalization, a concept advanced by His Majesty King Mohammed VI in 2010, introduced an elected body at the regional level (Regional Councils), and provides for expanded fiscal authorities for municipalities. However, it is important to appreciate the extent to which central government, specifically the Ministry of Interior and the Ministry of Economy and Finance exercise oversight of sub-national entities. Budgets, for example, must be approved by central authorities before being voted at the local level. Regional Councils must obtain the Wali’s (Governor) approval for many of their functions including meeting agendas, plans, and engagement with state officials.

3 On November 20th the Jordanian Ministry of Interior announced through the media that Governorate Councils would each receive 4,000 Jordanian Dinars for administrative and operational expenses.

Much of the advanced regionalization has yet to be realized⁴ but the process has conferred authority for Regional Councils to deliberate and develop regional development plans, as well assume responsibility for a range of regional strategies and policies related to economic development, vocational education and training, rural development, transportation, culture, environment and international cooperation⁵. Both Regional Councils and Municipal Councils have fiscal authorities allowing for setting tax and fee rates, though must receive approval from central government oversight.

Morocco's Advanced Regionalization phase of decentralization also includes provisions for citizen engagement and consultation in the design of development plans. Though as Houdret and Harnish describe many elements needed to actualize advanced regionalization have yet to be implemented, and Regional Councils struggle with effective public consultation⁶.

Conclusion

The decentralization experiences of Morocco, Tunisia, and Jordan have similarity and some notable differences. All are processes that will take time to fully realize, and for Tunisia and Jordan they are still at very early stages. All also involve a degree of management and control by central government authorities, particularly the Ministries of Interior.

The approaches of Morocco and Jordan emphasize regional or governorate level decentralization over transfer of authority to municipalities. While municipal authorities are enhanced in Morocco, the Tunisian model proposes to go much further in empowering the local entities.

The legislative framework of both Morocco and Tunisia are extensive in describing authorities and competences within their decentralization models, including the engagement of citizens. Tunisia's legislation provides a comprehensive guide to the objectives of decentralization and serves as a roadmap for what will be a long process. Morocco's organic law is considered another step in a decentralization process that is well underway and has been developing over decades.

Jordan's decentralization law no 49 provides exhaustive description of electoral process, but dedicates relatively little space to a detailed description of competences nor provides insight into objectives or goals of decentralization. While the reform is relatively new in Jordan, and will necessarily evolve over time, several participants in Karak Center focus groups felt the law was hastily constructed and drafted by government officials who may be reluctant to cede much authority to subnational entities.

In contrast, decentralization as a policy and the accompanying legislation was the subject of lengthy debate in Tunisia. Civil society and political activists contributed to the form and substance of the decentralization program through the constitutional deliberations and legislative drafting process. As such, it reflects a cohesive objective for which national and local institutions and actors can develop.

4 Houdret, Annabelle & Harnisch, Astrid : "Decentralisation in Morocco: The current reform and its possible contribution to political liberalisation"; (2017)

5 Article 82 Organic Law No. 111-14

6 In early 2018 authors of this analysis were contacted to propose a program for a UK funded project supporting Regional Councils' engagement with civil societies and key regional stakeholders.

Ultimately, decentralization is necessarily a process requiring phasing of initiatives that lead to an understood objective. There must be careful management, reflection, and modification by competent and responsible state actors; but there must also be genuine empowerment of subnational bodies if the objective is localizing and inclusive decision making.

There has been a greater emphasis on Tunisian law of Decentralization (CLA) since it was based mainly on the best practices of the Moroccan law (LGLA), especially on the financial articles, where the Moroccan Law excels by defining all the thin lines of financial rights and duties of the local authorities.

The principle of Free Management gave the local authorities/municipalities wide powers and terms of references to manage their internal affairs. This freedom goes up to concluding agreements with foreign entities or local authorities (cities), as far as the constitution allows. This principal gives a first impression that we would have state-cities but the rest of the regulating chapters explain in details where this freedom ends in front of the duties of the municipalities towards the regional governorates councils and provincial ones and also the center state/government. This freedom is also linked to a following-up judicial control, based on the efficiency of the taken decisions.

Avoid falling in the trap of the momentum of the excellency of regulations “theoretically” which appear to be no very effective “practically” since society is not ready for a one night radical change and the efforts of the state were not enough or efficient to spread the needed information and knowledge related to the new local authorities management. The recently (May 2018) elected local authorities councils are still digging into and discovering the CLA.

A strong built process of participatory democracy and local governance starts from an inclusive local council who involves civil society components and citizens in the different established local committees to grant more civic engagement by real decision making and taking decisions.

The Moroccan Law is best related to the financial rights/duties. The Tunisian Law is best related to explaining the roles of each authority. Both kinds of information should take all the time they need to establish a real decentralization process. We must also highlight that it is a necessity to establish/have an independent superior judicial institution before which entities/institutions/local authorities stand to solve their conflicts/issues. A criteria of the Tunisian system thanks to its Administrative court.

Legal Review of the Jordanian Decentralization Law

Part V:
Amendments Proposal for the Jordanian De-
centralization Law No. 49 of 2015

Original Article	Proposed Amendment	Justification
<p>Article 2 – The following words and expressions, wherever they appear in this Law, shall have the meanings ascribed to them hereunder, unless the context indicates otherwise:</p> <p>Ministry: The Ministry of Interior. Minister: The Minister of Interior.</p>	<p>Modify the following definitions: Ministry: The Ministry of Local Government. Minister: Minister of Local Government.</p>	<p>The Ministry of the Interior is not the suitable body to oversee the centralization process, nor is the Minister of Interior the suitable authority to make recommendations for several resolutions to the Prime Minister, including the appointment of members of the governorate Council and the dissolution of the Governorate Council and the appointment of a temporary committee substituting the Council. In addition, the functions of the Governorate Council are technical with economic, social and political dimensions, and the Ministry of the Interior is not the suitable body to supervise this experiment. Therefore, we recommend the institution of an independent specialized ministry (with the suggested name Ministry of Local Government) to oversee the decentralization process.</p>
<p>Article 3</p> <p>A. The Governor shall, over and above the tasks and the powers granted to him by the legislation in force, undertake the following:</p> <p>(i) Lead the official institutions in the governorate and supervise the performance of their tasks. (ii) Follow up on the execution of state public policies in the governorate; take whatever action is required to ensure these policies are heeded, so that state departments and institutions in the governorate are performing their duties and applying the laws, by-laws, instructions, notifications and official directives, in coordination with stakeholders, as needed.</p>		

Original Article	Proposed Amendment	Justification
<p>(iii) Coordinate between the Governorate Council and municipalities of the governorate, the ministries, government departments and public institutions.</p> <p>(iv) Supervise developmental and service plans and the preparation of the annual governorate budget.</p> <p>(v) Take the necessary measures to ensure the execution of the Governorate Council's decisions and their referral to the competent bodies.</p> <p>(vi) Provide the optimum services to citizens in coordination with the Governorate Council.</p> <p>(vii) Work with the Governorate Council and the Executive Council to secure the appropriate environment to encourage investment in the governorate and provide socio-economic development requirements, and take the necessary measures to realize these in coordination with stakeholders.</p> <p>(viii) Preserve state property, work on developing and utilizing it, and take the necessary measures to guarantee this.</p> <p>(ix) Take the necessary measures to protect health, public safety and the environment; form monitoring and inspection committees with the authority to temporarily close shops, enterprises and sites violating the law, and seize assets until these violations are referred to the competent court.</p> <p>(x) Take the necessary measures in cases of emergency and coordinate the efforts of all the competent authorities.</p>	<p>Cancellation of sub-paragraphs (iii) and (vii) of paragraph (a)</p> <p>Cancel the phrase (insure the implementation) and replace it with the word (to implement) in sub-paragraph (v) of paragraph (a).</p>	<p>The Governorate Council should be given the power to communicate with and coordinate with other councils in the governorate, especially the municipal council, without the need for any intermediary. The provisions of sub-paragraphs iii and vii of paragraph (a) considers the Governor independent from the Governorate Council and the Executive Council, whereas he/she presides over the Executive Council.</p> <p>These provisions consider that the Governor is in a higher and stronger position than the elected Governorate Council, although the heads the Executive Council, which must be subject to the control of the elected Governorate Council and not vice versa. This is particularly important because there is no supervisory authority for the Governor's Board over the decisions of the Governor, who heads the Executive Board of the Governorate.</p>

Original Article	Proposed Amendment	Justification
<p>(xi) Hold periodic meetings for the Governorate Council and committees that he/she presides over and take the necessary measures to execute their decisions and recommendations.</p> <p>(xii) Perform any powers or duties assigned to him/her by the Council of Ministers, the Prime Minister or the competent ministers.</p> <p>B. Public security forces, gendarmerie, and civil defence forces shall be deployed in the governorate and their locations shall be designated and cancelled in agreement with the Governor.</p> <p>C. Should it become apparent to the Governor that the public security forces in the governorate are insufficient to maintain security, public order or public safety, he/she may request of the Minister support from the Jordanian Armed Forces / the Arab Army.</p>	<p>C. If the Governor finds that the public security forces in the governorate are insufficient to maintain security, public order or public safety, he may request the Minister of the Interior to use the Jordanian Armed Forces / Arab Army.</p>	
<p>Article 6: D. The Council of Ministers shall appoint as members of the Governorate Council, upon a recommendation by the Minister, no more than 15% of the number of elected Governorate Council members, provided that one third of this percentage is allocated to women.</p>	<p>Cancellation of the text of paragraph (d).</p>	<p>This intervention is clear and explicit from the government in the formation of the governorate council, which would lead to guiding the performance of the Council and influencing it even if a fraction of this configuration.</p>
<p>Article 8 A. The Governorate Council shall undertake the following duties, as long as they do not contradict with the provisions of the applicable ASEZA Law and Petra Development and Tourism Region Authority Law, and the powers of the board of commissioners of either of them:</p>		

Original Article	Proposed Amendment	Justification
<p>(i) Approve strategic and executive plans related to the governorate, that are referred to it by the Executive Council, and ensure the implementation of these plans.</p> <p>(ii) Approve the governorate's draft budget within the ceilings set by the Ministry of Finance/General Budget Department, referred to it by the Executive Council, in order to incorporate it into the general budget in line with the procedures for drafting the state general budget.</p> <p>(iii) Examine the mechanisms of implementing the annual budgets of all municipalities of the governorate.</p> <p>(iv) Approve the governorate's document of needs relating to development and service projects, referred to it by the Executive Council, and identify which needs are priority.</p> <p>(v) Approve the services and investment projects referred to it by the Executive Council after completing the necessary procedures in accordance with the applicable legislation.</p> <p>(vi) Approve development projects of public benefit to the governorate, bearing in mind the development projects proposed by Municipal Councils and official departments and institutions within the governorate, and submit them to the Governor to take the necessary procedures in their regard.</p> <p>(vii) Discuss reports on the implementation of projects, plans and programs that are being carried out by the government departments in the governorate, without contradicting the work of the competent government monitoring agencies, and follow up and assess work progress in the development projects.</p> <p>(viii) Propose the establishment of investment projects and carry out joint projects with other governorates, with the approval of the competent entities.</p>	<p>Amend sub-paragraph (ii) by adding the following phrase to its end: "Provided that the draft budget shall be submitted to the Council in the ninth month of each year".</p> <p>Amend sub-paragraph (iii) of paragraph (a) to read as follows:</p> <p>3 - Monitor the mechanisms of implementing the annual budgets of all municipalities of the governorate.</p> <p>Amendment of sub-paragraph (iv) by cancelling the phrase "and submit them to the Governor to take the necessary action thereon".</p> <p>Amend sub-paragraph (vii) of paragraph (a) to read as follows:</p> <p>7. Study the reports of the implementation of projects, plans and programs that are being carried out by the government departments in the Governorate and to discuss the same with them and issue binding decisions pertaining thereto.</p>	<p>The Council's powers should be expanded and not limited to the mere right to "know" how to implement annual budgets, "propose" the establishment of investment projects, and "discuss" reports of project implementation processes, of course not inconsistent with the work of the competent government control bodies.</p> <p>All the paragraphs in Article 8 talk about discussion, follow-up and follow-up, and this does not help the Council to play its role properly.</p> <p>There is a need to have powers to monitor the work of government departments, and follow-up, and accountability, so that it works correctly and in a fair and comprehensive.</p>

Original Article	Proposed Amendment	Justification
<p>(ix) Submit recommendations and proposals to the competent entities in a way that guarantees improvement of the performance of government departments and public institutions within the governorate, in order to ensure provision of optimum services.</p> <p>(x) Identify the areas within the boundaries of the governorate that are suffering from shortages in services and development or have emergency problems, propose appropriate solutions for these shortages or problems, and approve the governorate's emergency plan.</p> <p>(xi) Discuss with any member of the Executive Council the topics within its jurisdiction.</p> <p>(xii) Consider any issue submitted by the Governor.</p> <p>B. The Governorate Council may establish one or more committees from among its members to carry out its duties or powers provided that its members and the tasks assigned to the committee are specified in the decision of its formation.</p>	<p>Amend sub-paragraph (xi) of paragraph (a) to read as follows:</p> <p>11. Discuss any of the members of the Executive Council the topics within its jurisdiction and address the bodies responsible for this member to investigate and take appropriate action against him.</p> <p>Cancellation of sub-paragraph xii</p> <p>The addition of Paragraph b to Article 8 as follows:</p> <p>(B) The Council may make amendments to any of the projects, plans, programs and recommendations submitted to it under the provisions of paragraph (a) of this Article and return them to the Executive Council for amendment. If the Executive Council rejects these amendments, the dispute between them shall be resolved in accordance with the provisions of Article 11 of this Law.</p> <p>To renumber paragraph (b) to become paragraph (c).</p>	<p>Item 12 makes the Council work under the Governor's mandate as if the latter is responsible for the former, because it makes him look at what is presented to him and this is considered a clear and explicit interference in the work of the Council. The topics are from the President of the Council to the Council and not from the Governor, but the Governor can ask the President to present the topics.</p>
<p>Article 9: C. The Council of Ministers shall approve a bonus for the members of the Governorate Council based on a recommendation by the Minister. It shall be permissible to combine these bonuses with the pensions of the chair and members of the Governorate Council.</p>	<p>Amend paragraph (c) of article (9) to read as follows: The remuneration of the Chairman and Members of the Council shall be determined by a regulation issued for this purpose. It is permissible to combine this remuneration with the pensions of the Chairman and members of the Board.</p>	<p>The article as it currently affects the concept of independence, especially that the financial rewards are assessed by the Council of Ministers. This should be deleted or clarified to ensure the principle of "financial and administrative autonomy".</p>

Original Article	Proposed Amendment	Justification
<p>Article 10 – The Development Unit of the governorate shall be the Secretariat for both the Governorate Council and the Executive Council. The Governor shall name one of the officials of this unit as secretary for the both the Governorate Council and Executive Council. The secretary shall send out the invitations to the meetings of both the Councils and write minutes of their sessions, resolutions and recommendations in a special register for each Council. These are signed by the chair of the Governorate Council or the Executive Council and the members in attendance as the case may be. These minutes shall be published on the Governorate Council’s website.</p>	<p>Amend article (10) to read as follows: Each the Council and the Executive Council shall have a secretariat separate from the other, who shall call for their meetings and record the minutes of their meetings, decisions and recommendations in a special register for each of them signed by the President of the Council and the members present as the case may be. These minutes may be published on the Governorate Council’s website.</p>	<p>There should be for both the governorate council and the executive council a separate secretariat that enhances the governorate council and enables it to play its role away from the intervention of the governor’s administration and avoids subordination.</p>
<p>Article 15: H. Coordinate with the Ministry to draft a security plan to guarantee the safety of the electoral process.</p>	<p>H. Coordinate with the Ministry of the Interior to draft a security plan to guarantee the safety of the electoral process.</p>	<p>In line with the amendments of the law to decentralize under the supervision of the Ministry of Local Government.</p>
<p>Article 17 A. Election for members of the Governorate Council shall be general, secret and direct. B. The voter shall have two votes if the electoral district has more than one seat.</p>	<p>Amend paragraph (b) to read as follows: B- Each voter shall have a number of votes equal to the number of seats allocated to the electoral district</p>	<p>To give each voter votes in the number of seats allocated to the constituency, which enhances the quality of the process of electing members by diversifying the considerations on which the election is based, such restrictions affect the quality of legislation.</p>
<p>Article 33 A. The Governor shall summon the Governorate Council to convene for its first meeting within a period of no more than thirty days as of the date of the publication of the election results in the Official Gazette. The session shall be chaired by the oldest member and the Governorate Council shall elect a chair, vice-chair and chair’s assistant from among its members by direct secret voting.</p>	<p>Article 33 shall be amended to read: The Minister shall summon the Governorate Council to convene for its first meeting within a period of no more than thirty days as of the date of the publication of the election results in the Official Gazette. The session shall be chaired by the oldest member and the Governorate Council shall elect a chair, vice-chair and chair’s assistant from among its members by direct secret voting</p>	<p>The Governor who presides over the Executive Council shall not have any direct authority over the work of the Governorate Council, but shall be subject to the Executive Council for the supervision of the Governorate Council. The validity of the invitation may also give to the Council of Ministers.</p>

Original Article	Proposed Amendment	Justification
<p>Article 35</p> <p>A. If a seat becomes vacant for any reason stipulated in this Article, within a period of no more than ten days after the position becomes vacant, the chair of the Governorate Council shall inform the Governor and the Commission of the name of the candidate who shall be awarded that seat in accordance with the provisions of this Law. This shall be published in the Official Gazette.</p> <p>B. In the event that the elected member's seat becomes vacant due to resignation, death or loss of membership, then the candidate who received the next highest number of votes in the electoral district shall be awarded that seat provided that he/she still fulfills the candidacy conditions; if not, the seat is awarded to the candidate who received the next highest number of votes. If there is no candidate available, the Minister shall appoint a member to fill the vacant seat from the voters of that electoral district who fulfil the candidacy conditions. Membership acquired in accordance with the provisions of this Article shall continue until the end of the Governorate Council's term.</p>	<p>Amend paragraph (a) of Article 35 as follows:</p> <p>If a seat becomes vacant for any reason stipulated in this Article, within a period of no more than ten days after the position becomes vacant, the chair of the Governorate Council shall inform the Minister and the Commission of the name of the candidate who shall be awarded that seat in accordance with the provisions of this Law. This shall be published in the Official Gazette.</p>	<p>In line with the amendments of the law to decentralize under the supervision of the Ministry of Local Government.</p>

Recommendations

1. Identify and promote a clear vision of decentralization so as to ensure effective participation in the development process and equitable distribution of benefits through enhanced participatory decision-making and policy-making.
2. Disengaging the governorate councils from the Ministry of Interior by creating a Local Government Ministry specialized in local government affairs in order to activate the principle of decentralization. It would also empower the four councils (executive, municipal, local and governorate) to perform their tasks for the realization of the goals of development in all areas of the Kingdom, ensuring the integration of the roles of the councils, which would result in the reduction of the problems that arose among the four council at the implementation of the present law, in preparation for binding them all to a single law that includes the Ministry of Municipalities under the umbrella of the Ministry of Local Government.
3. Enable councils members to supervise the areas in which they contribute to decision-making and enable them to do more than the right to “know” how to implement the annual budgets, and “propose” the establishment of investment projects, and “discuss” reports of project implementation processes, with no, Contravenes the work of the competent control bodies.
4. Enable the council’s members to practice their duties to the fullest extent by providing them with comprehensive training programs in various fields within the competence of their work.
5. Provide continuous legal support to the council’s members by appointing legal advisors.
6. It is a must that the official bodies conduct fair elections so that the official institutions are neutral.
7. Disengaging the idea of appointing council members, or to decrease the percentage of the appointed members.
8. To sensitize the citizens to the specifications of the suitable candidate for membership of the governorates council and the danger of the arrival of unqualified members, which will give the negative result the decentralization experience.
9. Provide flexible mechanisms for coordination between the provincial councils and the Executive Council, so as to determine the required procedures and their previous requirements and direction of implementation and the time it takes.
10. Enhancing the role of civil society during the development of the governorate budget and building strategic plans.
11. Modification the legislation or instruments to enhance the decentralization approach to harmonize with other legislation. In this context, the Karak Center proposes amendments for the decentralization law No. (49) for the year 2015, which has already been mentioned.
12. Abolishing the current Rules of Procedure of the governorate councils No. (175) for the year 2016 and issue a new regulation guaranteeing the effectiveness of the performance of the provincial councils with the suggestion that it be based on a research study similar to the methodology of this project.



Karak Castle Center for Consultations and Training

A national institution established in 2008 in the Governorate of Karak in the south of the capital Amman. The center aims to build and enhance the capacities of women and youth, and thereby contribute to their economic, political and legal empowerment and to improve their skills and to provide opportunities for equal and effective participation in the development of society within a framework that respects the principles of democracy, human rights and the rule of law.

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