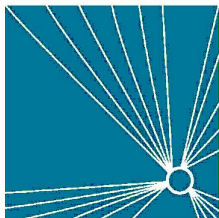




Foundation
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Assessing Democracy Assistance:

Jordan

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This report was commissioned by the Foundation for the Future. It forms part of a broader project on 'Assessing Democracy Assistance' that aims to gather views on how democracy support can be improved and its impact enhanced. Other case studies and a synthesis report can be found at www.fride.org.

The fieldwork forming the basis of this report on democracy assistance to Jordan was carried out in September and October 2010, before the Parliamentary elections and before the ongoing regional uprisings. Although this report does not aim to provide an analysis of recent political upheavals in Jordan, nor predict the route that reform may take, it is important to note that donors are reconsidering their involvement in the Middle East and Northern Africa (MENA). The interviews carried out by FRIDE provide an insight into local demands that have been taking shape over recent years and thus constitute a necessary starting point for new policy responses from the international community and donors in particular.

This report focuses on the relationship between donors and recipients, in the context of international democracy assistance. Its purpose is to provide an overview of donor activities in Jordan focusing on democracy assistance and of local civil society organisations' perception of such assistance.

Democracy: the state of play

Jordan has recently been 'rewarded' by international donors. In October 2010 Jordan signed a compact worth USD 275 million with the US Millennium Challenge Corporation which Secretary Clinton referred to as 'a vote of confidence in the path that His Majesty is pursuing.'² The

¹ The authors would like to thank all interviewees for their time and opinions shared during fieldwork. The research methodology for this report is explained in an appendix at the end of the main text. Responsibility for this report and the views expressed are solely those of the authors, and do not necessarily represent the positions of either FRIDE nor the funders.

² Hillary Rodham Clinton Remarks with Jordanian Foreign Minister Nasser Judeh After Their Meeting, US Department of State, Washington, DC, January 26, 2011.

following day the European Union granted Jordan ‘advanced status’ partnership. Despite pats on the back from the international community and semblances of reform from the Jordanian side, the consensus on the ground is that Jordan has actually seen stagnation in its path towards democracy. Neither the regime nor its main international backers are prepared to forgo stability for democracy. Maintaining the status quo in key allies such as Jordan has proved of greater priority than pushing for genuine reform. Notwithstanding signals to the contrary, the last few years have seen a reversal in Jordan’s path towards democracy.

There was hope in 1989, when political reforms were initiated by King Hussein, that the country was on the path towards a more democratic state. Despite the fact that liberalisation had been initiated as a means of reducing opposition to unpopular economic policies, there were some tangible improvements. Parliamentary elections were held for the first time since 1967 and a National Charter lifted martial law, legalised political parties and removed some restrictions on demonstrations. Nevertheless, the last few years have seen those hopes dashed by a significant backtracking in political reform. The top-down reforms initiated did not address the structural back-bone of a system that is inherently undemocratic and the few liberties granted were curtailed as soon as the situation allowed it. The accession of King Abdullah to the throne in 1999 did not live up to reformist expectations either. Efforts towards reform were directed at the economic arena while an appeal to security concerns allowed for the reversal of civil liberties. Although some initiatives such as Jordan First in 2002, the National Agenda in 2005 and ‘We are all Jordan’ in 2006 contain elements of political reform, none of these have been implemented. Parliament was suspended between 2001 and 2003; 211 provisional laws were issued during the suspension, many of which institutionalised the reversal in freedoms. In 2009 Parliament was once again suspended until elections were held in November 2010. In an apparent move to preempt the escalation of protests held around the country in January 2011, King Abdullah dismissed his Cabinet at the start of February and announced reforms. It remains to be seen whether such measures achieve more concrete results than previous – and equally frequent – replacements of Prime Ministers and nominal pledges of reform.⁴

Many of the formal elements of democracy are in place in Jordan and for this the country receives plaudits – financially and politically – from the international community. Political parties are legal, there are laws on freedom of assembly and association, and elections are held more or less regularly. Nevertheless, the King has a total monopoly on power, often through institutions outside constitutional structures, which report directly to him and are not constrained by parliamentary oversight (such as the royal court and intelligence services). Parliament has very limited powers and, according to the constitution, the King can appoint and dismiss the Prime Minister, the Cabinet and the upper house of Parliament. He is also entitled to dissolve Parliament, veto legislation, decree ‘provisional laws’ when the Parliament is dissolved, establish governmental and legislative policy and appoint the judiciary. There has been no genuine attempt by the international community to address this concentration of power.

The Arab-Israeli conflict has had a significant effect on Jordan’s domestic balance of power and Palestinian refugees remain a major undercurrent to all political issues and national debates. Their integration as Jordanian citizens has generally been more successful than in other countries with a high density of Palestinian refugees such as Lebanon and Syria. Palestinians in Jordan benefit from citizenship and inclusion in many areas of Jordanian life, but continue to be underrepresented in the public sector and in the political establishment. A senior government official explained that the lack of resolution of the Arab/Israeli crisis leads to political stagnation, which acts as an obstacle to political reform. The difficulty is compounded in Jordan by the generalised perception that Palestinians control the economy and Jordanians control politics.

⁴ For more on anticipated political reforms, see Al-Momani, Mohammad Hussien, ‘Jordan Seeks to Pre-empt Discontent with New Government’, Arab Reform Bulletin, February 16, 2011.

One of the most contentious issues revolves around electoral politics and the balance of power between the Transjordanian population and Jordanians of Palestinian origin. The 1993 amendment of the electoral law limited the voter to choosing one candidate, regardless of the number of seats to be filled in each district ('one-person, one vote'). It thus favoured tribal candidates to the detriment of parties and so reduced the presence of the Islamic Action Front (IAF) in Parliament. In addition, an uneven distribution of parliamentary seats among electoral districts ensures the under-representation of urban areas that are bastions of Palestinian or Islamist support and over-representation of rural segments of the population that are allied with the regime. This has favoured the entrenchment of tribal allegiances in Jordan's Parliament to the detriment of national political parties. On May 18 2010 the King passed by royal decree (with Cabinet approval) a new temporary elections law. Despite some improvements, such as doubling the quota for women and more transparent voter registration procedures, the new law retains the same skewed system. The number of parliamentary seats was increased from 110 to 120, including the six additional quota seats for women, but only four additional seats have been added to address demographic imbalances in the system. These additional seats will have little impact as southern districts will continue to have one seat allocated for every 3,000-5,000 citizens, while some districts in the north and in Amman, where Palestinians are concentrated, will continue to have one seat for every 20,000 citizens or more.⁵

Jordan's relative stability and important strategic position in the region have reduced external pressure to reform with no consequences for its aid-dependent economy. International actors see the Jordanian regime as a useful intermediary between Israelis and Palestinians and welcomed the regime's quiet cooperation with the US-led occupation of Iraq in 2003. Furthermore, the 2005 terrorist bombings in Amman brought the issue of security to the top of the agenda, where it has firmly remained since, not only for Jordan but also for all the external actors operating in the country. The regime uses an image of precarious stability and the threat of Islamist gains in the face of liberalisation to stem any push for political reform and to secure international aid. External resources in turn cushion any pressures towards reform. With regards to the so-called 'Islamist challenge', a prominent policy studies organisation in Jordan admits that many international organisations do propose a 'realistic approach' to dealing with Islamists, but national security concerns end up trumping the translation of such an approach into policy. For instance, according to a member of the Islamic Action Front's executive committee, President Barack Obama sent an advisor to consult with the IAF in Jordan at the start of his elected term. This suggests that the international community recognises the importance of an inclusive approach in its policy making, but thereafter finds itself constrained in its actual implementation.

Although Jordan is a security state – if a less extreme, less openly repressive version of one than Egypt was – it continues to be held up as an example of one of the more progressive and democratic Arab states.⁶ Jordan's path to reform has been a carefully managed top-down process which has all the trappings of democracy while lacking substance. Despite its failure to take meaningful steps towards democracy, donors continue to laud Jordan as a democratizer. Since 1994 the US has progressively raised aid levels until Jordan became the fourth largest recipient of US economic and military assistance. Jordan was also one of the first countries in the region to sign a partnership agreement with the European Union. In May 2010 the EU announced an increase in annual aid to Jordan of 13 per cent, providing the kingdom with an aid package worth EUR 223 million over the next three years.

Donor activities

Jordan is among the countries that receive most per capita foreign aid in the world. Its lack of natural resources and large industries increase its dependence on tourism, remittances and foreign aid. Jordan's main donors are the US and the EU.

⁵ J.Schwedler, 'Jordan's Risky Business As Usual', Middle East Report Online, June 30, 2010.

⁶ A. Echague, 'Planting an olive tree: the state of reform in Jordan', FRIDE Working Paper 56, March 2008.

American involvement

US aid levels started to increase after 1994, when the peace treaty with Israel was finally ratified (in 1980, the United States had ended its economic package to Jordan after King Hussein refused to sign a peace treaty). After 1994 the United States also declared Jordan a major non-NATO strategic ally and wrote off its debt. In less than a decade, Jordan became the fourth largest recipient of US economic and military assistance. The administration's allocation of USD 682.7 million in total assistance to Jordan in its FY11 request represents a slight (1.5 per cent) decrease from the total amount of USD 693 million spent in FY10. The breakdown of funds also remains relatively constant, with USD 322.4 million for military and security assistance and USD 360 million for civilian economic assistance. Of the latter, roughly half is for direct budget support. Within civilian aid the amount requested for democracy and governance programming – 'Governing Justly and Democratically' (GJD) – is reduced by USD 5.7 million (26 per cent) from USD 22 million in FY10 to only USD 16.3 million for FY11. This includes a USD 2 million cut from the Political Competition and Consensus Building heading; a USD 2 million cut from Civil Society; and a USD 1.7 million cut from the Rule of Law and Human Rights programme area. The requests for democracy, rule of law and governance projects thus represent 2 per cent of the total aid programme. Within the Military and Security Assistance request, USD 83 million have been shifted to the counter-terrorism programme area, representing an 81 per cent increase in counter-terrorism funding to USD 186.3 million. This is the highest figure for US assistance for antiterrorism given to any country in the world.⁷

Bilateral assistance is distributed through the United States Agency for International Development (USAID). GJD programming in Jordan includes support for the government of Jordan's programme to enhance the 'authority, independence, and accountability' of the judiciary, as well as decentralisation programming that aims to strengthen local governance and improve public participation. For example, the MASAQ project provided USD 15 million in technical assistance to the Ministry of Justice. In addition, USAID programmes focus on formal processes such as elections and transparent parliamentary proceedings. For example, the Parliamentary Strengthening Project destined USD 8.7 million to provide technical assistance to parliamentary committees, automate the parliamentary voting system, and build a legislative research office in the Parliament. Smaller projects, of around USD 2.5 million each, focus on human rights, freedom of information, gender equality and civil society capacity building. USAID partners are usually US implementing institutions such as the National Democratic Institute (NDI), the International Republican Institute (IRI) and Freedom House, which then work with local implementers. The main partner in the civil society capacity programme is the Academy for Educational Development (AED). The programme works on capacity-building of NGOs, advocacy campaigns, access for those with disabilities to voting booths and encouraging NGO lobbying, and tries to focus the strategy of civil society organisations so that they can 'graduate' to receiving funds from the AED. USAID does not directly fund local NGOs in part because these organisations do not have sufficient absorption capacity given the scale of USAID grants. The system stretches back to Washington where implementers bid for grants worth millions.

The National Democratic Institute (NDI) has a budget of USD 1 million most years with USD 2 million during election years. The focus of its work is on strengthening Parliament (it works mainly with the Lower House), election monitoring, supporting women candidates, funding research on social and political issues and raising awareness among women and youth. It distributes grants of between USD 75,000 and USD 100,000 for projects of between six and nine months. Tangible achievements highlighted by NDI since the 2007 elections include setting up an election committee, campaigning for equal TV/radio air time for candidates, increased voter registration, reports by al-Hayat and the National Centre for Human Rights (NCHR), and persuading the Jordanian regime to host both domestic and international observers. NDI's assistance project to Jordanian political parties, which was supported by USAID, concluded in late 2009 and the Institute chose to focus on other pressing programme priority areas, especially in light of limited resources. Nevertheless, NDI continues to informally engage political parties in its programmes.

⁷ The President's Budget Request for Fiscal Year 2011: Democracy, Governance, and Human Rights in the Middle East.

The Middle East Partnership Initiative (MEPI) has a budget of USD 40 million for a total of 50 projects in Jordan. MEPI programmes are generally shorter-term and more focused on addressing specific reform challenges than those of USAID. Rather than working with government ministries, MEPI provides direct funding through its small grants programme for independent civil society organisations and to support political competition. It has a strong emphasis on encouraging political engagement among youth and women as well as on media and entrepreneurship.⁸ It also carries out work of a less political nature such as educational workshops for youth, projects for training teachers or citizenship and public service-related projects. It distributes grants of between USD 25,000 and USD 75,000, based on issues determined by the MEPI committee, for projects of between six and 12 months. It disseminates information regarding grants through an 'alumni network' of those who previously attended workshops, inquired about local grants, etc. Projects then require the approval of the Ministry of Social Development. Unlike most international donors it accepts funding proposals and concept papers in Arabic and strives to work with organisations that might not be funded otherwise. It is willing to work with new NGOs that do not have a proven record and tries to cover all geographic areas, even if this means having to work with government-linked organisations such as the Hashemite Foundation because they have a broader geographical reach. It is smaller and more flexible so as to reach as broad a group as possible.

The National Endowment for Democracy (NED) was created by Congress to strengthen democratic institutions around the world through nongovernmental efforts. Its priorities are opening political space in authoritarian countries; aiding democrats and democratic processes in semi-authoritarian countries; helping new democracies succeed; building democracy after conflict; and aiding democracy in the Muslim world. In 2009 it spent a little over USD 1 million in Jordan, disbursing grants of between USD 25,000 and USD 500,000 to various projects concerned with civic participation, trade unions, public-private policy dialogue, media networks and youth and women's awareness.

In addition to this bilateral assistance distributed through USAID and the MEPI grants, Jordan signed a large multi-year assistance compact with the Millennium Challenge Corporation (MCC) in October 2010. The MCC 'positive conditionality' model is supposed to reward reformers with more aid but it has been criticised for granting compacts to countries with very low performance in areas of democratic reform. Jordan seems to be a case in point. The actual substance of Jordan's Compact Agreement is also in no way related to political or economic reform. It is a USD 275 million agreement that will fund water infrastructure over a period of five years.⁹

European involvement

European funds allocated to supporting democratic governance usually represent a small percentage, usually no more than three or four per cent, of overall overseas development assistance (ODA). Nevertheless, there is a tendency towards increases in funds allocated to democracy and human rights. The bulk of support focuses on building state institutions in collaboration with the government, in an effort to maintain stability through negotiated, consensual reform. For this reason direct budgetary support is far greater than support for civil society.

The European Commission (EC) channels democracy assistance through the bilateral EU-Jordan cooperation programme via the European Neighbourhood Partnership Instrument (ENPI) and the European Instrument for Democracy and Human Rights (EIDHR) which provides direct civil society funding. In the bilateral programme via ENPI, USD 45 million have been earmarked for human rights and good governance issues for 2011–2013, corresponding to 20 per cent of the total amount allocated to Jordan for this period (EUR 223 million). However, the good governance figure includes EUR 35 million allocated to justice, home affairs and security, which does not have a strong link to democracy assistance. Therefore, EU overall assistance

⁸ Ibid.

⁹ A. M. Peters, 'Jordan: Just what exactly are we promoting?', The Middle East Channel, Foreign Policy Magazine, October 12, 2010: http://middleeast.foreignpolicy.com/posts/2010/10/12/jordan_just_what_exactly_are_we_promoting

stands at roughly EUR 75 million per year with EUR 15 million a year directed towards human rights and good governance issues. Approximately 50 per cent is granted as direct budgetary support and the other 50 per cent is directed towards technical assistance. Bilateral cooperation is negotiated and implemented by the government, channelled through the Ministry of Planning along three main budget lines, and includes support for the Parliament, civil society and the judiciary. Technical assistance is provided mainly to ministries, especially the Ministry of Political Development. In addition, there are grants for civil society distributed through the EIDHR which disburses around EUR 900,000 annually. The EIDHR allows funds to be channelled directly to civil society and non-governmental actors, although in Jordan the government still tries to control how the funds are disbursed.

The EU avoids funding political parties or opposition groups. It also acknowledges a preference for working with Jordan-based partners over other international organisations. The complexity of the application process for EIDHR grants has contributed to a bias in favour of larger, mostly Amman-based, organisations. As examined later in the report, such a geographical concentration often impacts negatively on the effective scope and outreach of NGO projects. International support tends to be focused on a few influential NGOs, helping them to enhance their institutional capacity and ability to contribute to debates. An EU representative admits that most projects 'don't touch sensitive issues'. This is an aspect which risks not being fully unearthed, however, as evaluation is predominantly donor-led and donor-designed.

Democracy promotion instruments are built into the European Neighbourhood Policy (ENP) with an Action Plan that at least in theory includes agreed reform targets and a strong element of conditionality. The reality, as this report later suggests, is somewhat different, with the EU merely following the Americans in their support for a stable status quo over an unknown process of genuine democratic reform. In fact there is no indication that the EU has ever attempted to press conditionality in its negotiations with Jordan. The first Action Plan was agreed in 2005, and in October 2010 the first ever Action Plan incorporating the 'advanced status' partnership was agreed. In its Communication to the Parliament and the Council on the implementation of the European Neighbourhood Policy, published in April 2009, the Commission stated that a formal upgrading would be appropriate when the implementation of the Action Plan in force demonstrated the ambition of the partner concerned to go further notably as concerns democratic practice, respect of human rights and fundamental freedoms, and the rule of law. It is questionable whether Jordan has demonstrated such ambitions. The supposed benefits that accrue from an upgrading of relations are the institutionalisation of and increase in political exchanges, intensification of the country's participation in the EU economic area, and integration in various policy areas. The 'advanced status' partnership further expands the areas of cooperation between Jordan and the EU, opening up new opportunities in economic and trade relations via a progressive liberalisation in services and the right of establishment, facilitation of market access, progressive regulatory convergence and preparations of future negotiations on a Deep and Comprehensive Free Trade Agreement, as well as reinforced cooperation with certain European agencies and programmes.¹⁰

Bilateral cooperation with the EU takes place through the association subcommittees, the Association Committee and the Association Council. Association subcommittees include thematic, operational and technical level experts. They are all led by the Ministry of Planning and report to the Association Committee which is chaired by the secretary of the Ministry of Planning. Within this committee talks are held at a semi-political level. It discusses the conclusions of the subcommittees and takes decisions as well as giving assignments to the subcommittees. The Association Council is the highest forum, at which policy is discussed. It is chaired by the Jordanian Minister of Foreign Affairs and by the Minister of Foreign Affairs of the EU presidency. Human rights and democracy issues are specifically touched upon in the subcommittee on human rights and democracy, which covers regional and bilateral projects and whose beneficiaries include the media, NCHR, judges and the penitentiary. Civil society organisations complain that only state actors are invited to attend the subcommittee on human rights, and that NGOs cannot participate.¹¹

¹⁰ Europa Press release: <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/10/1388&format=HTML&aged=0&language=EN&guiLanguage=en>.

¹¹ A. Echague, 'Is the European Union supporting democracy in its neighbourhood?', FRIDE and ECFR, December 2008.

¹² Ibid.

In contrast to the EU's bilateral relationship with the government, individual member states usually work directly with civil society organisations, despite government hurdles. The main focus areas are the media, women's empowerment (apparently the government is happy to allow work in this field) and NGO capacity building. This is certainly the case for the Dutch, German and Danish, if not for the French who focus more on reform of the judicial sector, and the British who prefer to support the government in counter-radicalisation projects. The government requires all donors to notify the authorities of their funding activities. Some donors ignore the requirement.¹² Many European donors include Jordan in regional funding programmes rather than bilateral ones (Sweden, for example). These are often multilateral in nature and typically contain a good governance, human rights and democracy dimension.

Dutch funding under the MATRA social transformation programme has tripled to Jordan since 2003. Jordan has access to a human rights and good governance facility of about EUR 400,000 (which funds about 10 projects per year); a MATRA-KAP programme which funds smaller projects (the budget, which was EUR 70,000 for 2007, is delegated to the Embassy); a PKP public knowledge programme for cultural exchange at the Ambassador's discretion; MATRA training for European cooperation; and a Flexi instrument for information exchange through short visits for government officials.

The UK's Department for International Development (DFID) programme of bilateral development assistance in Jordan was closed down in November 2005. Small scale Global Opportunities Fund money from the Foreign Office now focuses on counter-radicalisation by supporting Jordanian programmes on issues such as monitoring Imams' speeches and other efforts to control extreme versions of Islam.

French bilateral aid cooperation is mostly directed towards cultural activities and French language training, although it also includes some judicial cooperation carried out through the Judicial Institute of Jordan (training judges and prosecutors), cooperation with the Ministry of Justice, cooperation with the NCHR (financing a EuroMed HR Network seminar on judicial independence) and cooperation with the public prosecution office (to improve supervision of the police forces during arrests).

Jordan is a priority partner country for German development cooperation but most work focuses on water issues. German political foundations work on political and civil society issues. The Friedrich Ebert Foundation works with local partners on human rights issues, trade union issues, women's empowerment and civil society. The Konrad Adenauer Foundation supports the work of local organisations through technical cooperation on issues such as civic participation and development, human rights training and decentralisation.

Denmark's ODA to Jordan is DKK 13.4 million per year (EUR 1.8 million). Denmark launched a new policy towards the Middle East in 2003 with its 'Partnership for Progress and Reform'. The programme's focus is on general civil society capacity building and funds are disbursed through twinning projects between Danish and Jordanian NGOs. Thematic issues include media training, women's participation, decentralisation, children's rights, gender mainstreaming, support for the family protection department of government (a government-to-government project but led by an NGO), establishing an ombudsman (at the initiative of the King) and prevention of torture. As opposed to seeing civil society as an adversary to government, the Danish approach is to recognise that civil society often needs to work with the government to achieve funding, legitimacy or impact.

Multilateral donors such as the United Nations Development Programme (UNDP) work mainly with ministries, such as the Ministry of Planning and the Ministry of Political Development, and other state institutions such as the Lower House of Parliament or the Anti-Corruption Commission. In addition, UNDP works with the Global Compact (a group of banks, leading private companies and public shareholding companies) and NCHR. The UNDP budget for Jordan is approximately USD 7 million per year. Around 40 percent is destined to co-funding government projects. About one third of thematic funding is devoted to governance. In 2010 this amounted to USD 1.48 million. The focus is on gender mainstreaming, a human rights-based approach and anti-corruption.

¹² Ibid.

Local views

The impact of democracy aid is weakened on the one hand by local conditions and on the other by the actions of donors. Perceptions of donors are much bleaker at a macro level although there is also criticism about procedures at the project level.

Most civil society activists interviewed felt that donors, particularly the US and EU, are primarily concerned with security and stability and are guilty of blindly supporting the regime while hypocritically providing democracy assistance. Accusations of donor posturing do seem to have some basis of support. For example, EU Commission representatives have admitted that the 2005 Action Plan was poorly conceived and was more of a political document than an actual plan.¹³ EU declarations are considered to be purely rhetorical: 'The respect for democratic principles, human rights, fundamental freedoms and the rule of law constitutes an essential element of the Association Agreement between the EU and Jordan and remains a priority in the new ENP Action Plan.'¹⁴

Donors are accused of adopting the official, government storyline. Shifts in regime strategy are generally taken up as new priorities on the EU side. For instance the new priorities highlighted by the King for 2006, poverty alleviation and job creation, were taken up by the EU, leaving behind the previous year's focus on public sector reform which the government had decided to put on hold.¹⁵ Perhaps an emphasis on partnership and local ownership, understood as partnership with the government and local ownership by the government instead of with civil society, leads to donor cooption.

Some US partners admit that 'The US is not genuinely interested in change here in Jordan' and that if it were, the US Ambassador, Embassy and USAID would be talking to their high level Jordanian counterparts, as is the case in most countries. Although the US might recognise that its long term interest is best served by a legitimately elected government, at the moment stability and security are more prescient. Statements such as the one made recently by Secretary Clinton help perpetuate this view: 'Jordan is setting a great example, and we are proud to be your partner and your friend. Sixty years of mutual respect, common security interests, and shared values has built a strong and enduring relationship, and we continue to look for Jordan to lead further progress in the region as we meet the challenges ahead.'¹⁶

It is not only US military and security assistance which helps support the durability of the regime and works against any reform of the system. Non-military assistance is also perceived as working at cross-purposes with democracy. Some donors admit to not knowing whether they are part of the solution or part of the problem. USAID cash transfers and technical assistance implicitly encourage extra-legislative mechanisms of policymaking. Often technical assistance for economic and judicial reforms leads to legislation which is then passed as temporary laws during parliamentary suspension (2001-2003 and 2009-2010) so as to circumvent any parliamentary opposition. Although the laws may be beneficial for reform, the manner in which they are passed is not and in fact contributes to the entrenchment of the system.¹⁷

Although some donors have stated that the US has been 'impressive' in its continued emphasis on democracy promotion, referring in particular to a succession of high profile visitors who help raise issues of reform and remind Jordan that it cannot continue to rely on funds from Congress unless it improves its

¹³ Interview in Amman with EU official, June 2007.

¹⁴ Statement by the European Union, Ninth Meeting of the EU-Jordan Association Council, Brussels, 26 October 2010.

¹⁵ Appointments in the public sector (representing close to 50 percent of total employment) are an important instrument towards the maintenance of the patron-client networks that help sustain the state. Reforming this sector would entail changing the social contract between state and society and reducing privileges to politicians and tribal leaders which provide stability and support to the regime. Structural changes to this system of privileges face severe resistance from entrenched and privileged groups. Thus little progress has been made to reform public administration and introduce merit-based recruitment and payment.

¹⁶ Hillary Rodham Clinton Remarks With Jordanian Foreign Minister Nasser Judeh After Their Meeting, US Department of State, Washington, DC, January 26, 2011.

¹⁷ A. M. Peters, 'Jordan: Just what exactly are we promoting?', The Middle East Channel, Foreign Policy Magazine, October 12, 2010.

track record in human rights, the perception at ground level is just the opposite. Congress is seen to have been very supportive of the Jordanian regime, while expressing little concern for any of the human rights issues or stagnating political reform that have been raised regarding other US allies in the region. Whilst King Abdullah's dissolution of Parliament in November 2009 was widely criticised by analysts, it received no such criticism from Congress. In fact, Congress has consistently expressed support for the Jordanian regime as a key strategic ally of the US and contributed to the considerable increase in foreign assistance to Jordan over the past five years.¹⁸ The EU also stands accused of not reacting to clear instances of democratic backtracking, most notably in the areas of freedom of association and assembly and in the constraints on civil liberties included in the antiterrorism law.

A donor preference for engagement with the government precludes any attempts at **conditionality**. The November 2009 dissolution of Parliament resulted in Freedom House downgrading Jordan from a 'partly free' country to a 'non-free country' in its January 2010 tables but the change has not been reflected in US policy or budget aid.¹⁹ Although USAID cash transfers are conditional on the implementation of a list of 20 to 30 'conditional precedents' (CPs) that have been jointly agreed by USAID and the Ministry of Planning, the CPs are not all relevant to political reform. Some even refer to small changes to benefit USAID projects or even to benefit US commercial interests. The formulation of CPs takes place at the Cabinet level and then appears to be ushered through the Parliament by the King and his Cabinet.²⁰

The democracy and human rights clause (sometimes known as the 'essential elements' clause) included in the EC's agreement with Jordan includes an element of conditionality but it has never been invoked. Similarly, the European Neighbourhood Policy (ENP) was devised as a policy based on rewards and positive conditionality in relation to promoting human rights and democracy (reflecting the EU's view that exporting democracy does not work and that the Commission does not have the means to apply negative conditionality). Local stakeholders call for the EU's Neighbourhood Policy to offer more incentives to Mediterranean countries, but stop short of equating these incentives with conditionality. Although the Action Plan highlights priority areas for reform it does not specify the reward attached. Direct budget support agreed with the EU Commission is paid to the Treasury as a reform facility for specified sectors which sometimes includes some form of conditionality. Once reform (never of a political nature) is passed a tranche is disbursed. Critics counter that although direct budget support is meant to be conditional on decentralisation, in reality this is not the case. Some of the reformers within the country are quick to call for more conditionality. They feel that conditionality from the EU and US would be the best way to move forward. They refer to the municipalities' law as an instance where conditionality, through the MCC, was successful. Others, however, warn that conditionality would be counterproductive and resisted by both the public and political elite as interference in domestic affairs. In terms of EU member states' bilateral relations the use of conditionality is in no case considered.

International actors are reluctant to push too hard; they would rather use soft power to facilitate change than clash openly with government. The EU raises more sensitive issues in private, during the political dialogues or with the King, but is quick to back down and accept the official line. This was the case with the draft law on civil society put forward by the Ministry of Social Development; objections were raised only then for the EU to quietly accept the claim that it is in line with best practices. Deference to the regime is also demonstrated by the issues donors choose to pursue. For the US, for example, the electoral law is one of the 'don't touch' issues, as is the public gatherings law. Local actors accuse donors of ignoring real priorities in Jordan, favouring projects to do with elections, women and youth over issues of corruption, poverty and the Palestinian citizens: 'you can't provide democracy whilst pleasing the regime.'²¹

¹⁸ The President's Budget Request for Fiscal Year 2011: Democracy, Governance, and Human Rights in the Middle East.

¹⁹ This despite the fact the Freedom House ratings are unofficially often used as standards for granting of a MCC compact. Any country scoring worse than 4 (on a 1 to 7 scale) on the ratings for political rights and civil liberties would be disqualified from receiving an MCC compact.

²⁰ A. M. Peters, 'Jordan: Just what exactly are we promoting?', The Middle East Channel, Foreign Policy Magazine, October 12, 2010.

²¹ Interview in Amman with Research Center representative, September 2010.

In terms of **coordination**, an informal Donor and Lenders' Consultation Group (DLCG) was created in 2000 as an initiative of the commission delegation and member states' embassies to improve donor coordination. This mechanism attempts to ensure coordination among member states, as well as USAID, the UN and other active donors, such as Japan. The DLCG has established thematic groups: education, social development, private sector reform, environment, water, governance and public sector reform and some sub groups. UNDP leads the governance group and the decentralisation sub group. Within the governance group, only the bilateral donors working in Jordan meet. At the moment the environment group and social affairs group do not meet. The groups meet monthly to update each other on current activities and avoid an overlap of funding. However, there is no formal division of labour among actors in terms of specialising in particular sectors according to comparative advantages. Joint programming between all donors is missing. This coordination mechanism complements the Aid Coordination Unit of the Ministry of Planning which has been ineffective in the past. Moreover, the Commission benefits from extensive contacts with individual donors for ad-hoc coordination.

Civil society organisations complain of being excluded from discussions and the drafting of overall donor strategies such as the Action Plan. In addition, civil society actors resent the fact that assistance is so heavily weighted towards government and state institutions. Such a model favours state-led development to the detriment of political competition and a redistribution of power. Government officials regularly claim that the government is stuck between the King (personally representing a genuine desire for reform) and conservative elements of society (many of whom hold parliamentary seats). Direct budget support also increases mismanagement. There are calls for the EU to stop funding the Ministry of Political Development directly. One civil society actor claims that the Ministry of Political Development is 'burning the fiscal budget of Jordan', acting as a façade to take the heat from the Ministry of Interior. Furthermore, by having its own projects to raise awareness and promote participation in electoral or other fields, it is straying from its official role as coordinator of the reform process and is merely 'pulling the carpet from under the NGOs.'²² In its defence, a key figure of the Ministry points to the reform-orientated nature of his Ministry as opposed to the security-orientated nature of the Ministry of Interior. The Ministry of Political Development has assumed the role of mediator between state and civil society, partly because 'many CSOs are too young and too weak to know how to lobby effectively.'²³

NGOs accuse donors of lacking in-depth country knowledge and awareness of cultural and social realities. This can lead to inappropriate calls for proposals, funding concentrated on the same few organisations or those that the government favours, or even the funding of corrupt organisations. This can also lead to blind spots in programming (although arguably these might be the consequence of political expediency rather than ignorance) both thematically and geographically.

Donors are accused of not making efforts to reach smaller communities. While there is significant work being done in terms of capacity building, trade unions have been largely disregarded (although NED has a programme working with trade unions), perhaps because they fall under the purview of the all powerful Ministry of the Interior. Only 8 per cent of the Jordanian population are said to be members of a labour union. The Phoenix Centre is one of the few organisations that have a programme focusing on labour rights, social security and labour legislation. Other areas that have not been significantly addressed are corruption (although EU and MEPI have had anti-corruption projects) and freedom of the press. A related complaint is that donors tend to set their agenda according to their preferred fields of work rather than on the basis of needs as defined from the grassroots. For example, the focus on children and women's issues is seen as donor-driven and sometimes considered as a distraction from matters of poverty, education, access to justice, rights for the disabled, discrimination and human trafficking. As a consequence local organisations lack focus as they rush to respond to donor programmes and shift their priorities to align them with the donor agenda. 'Training women in the least accessible Bedouin tribes and on the Saudi borders on how to use twitter/blogs/IT in election campaigns is nonsensical.'²⁴ Recipients believe programming should be determined by local priorities rather than been decided from offices in the US or Europe.

²² Interview in Amman with NGO representative, September 2010.

²³ Interview in Amman with official from the Ministry of Political Development, September 2010.

²⁴ Interview in Amman with NGO representative, September 2010.

Lowering the bar on standards for success is also a means for donors to claim to be achieving progress. For example, the EU deems the fact that Jordan accepted the creation of a subcommittee on human rights ('the first mechanism of this kind in the MEDA²⁵ region') a success in targeting the objective of 'human rights' included for the first time in the 2002 Country Strategy Paper (CSP). The ENP first year progress report listed as achievements the regular political dialogue held in the Association Council and Association Committee and the establishment of a subcommittee on human rights and democracy: 'The mere fact that a dialogue on such issues can now take place within an institutional framework is a progress brought about by the ENP.' It also made reference to progress in governance as reflected in the ratification of the UN convention against corruption, the definition of an anti-corruption strategy and decentralisation plan, the strengthening of the Audit Bureau and the draft of a financial disclosure law. Similarly the EU takes credit, through its dialogue with the government, for the acceleration in the pace of ratifying and enforcing international treaties protecting pluralism and human rights, including the International Covenant on Civil and Political Rights in June in 2006,²⁶ but rarely concerns itself with the lack of implementation of the International Conventions signed. One human rights activist explained that 'if Jordan fully implemented the conventions it has ratified, then human rights would be institutionalised in domestic legislation and NGOs would be free to concentrate on issues such as corruption and poverty. Citizens have to know their rights. Just as judges have to be aware of how and when to implement them.'²⁷ Human rights activists continue to cite shortcomings in the rule of law as a major obstacle to reform. Progress highlighted in the report for 2007 included the adoption of the law on municipalities, the amendment of the press and publication law, the anti-money laundering law and the law establishing an anticorruption commission (although the report later admits the anti-corruption commission is not operational and lacks the resources to become functional). While the first progress report noted that the judicial upgrading strategy was said to be on track with the capacity and efficiency of the justice administration enhanced through the training of judges, the subsequent progress report stated that 'none of the core issues hindering the independence of the judiciary – such as its total and administrative dependence on the Ministry of Justice – have been addressed'.

A standard criticism is that the US spends its money on American organisations and the EU spends its money on European organisations. This leaves relatively little for the smaller, community-based organisations. A director of two local community centres stated that 'donors are under pressure to spend money. Who are their real targets, the poor, the middle class women of Amman, or their own implementing agencies?' As to the size of donations, while US organisations are seen to disburse larger amounts, the Europeans are seen as more efficient in producing results. US donors focus on workshops and conferences. The EU focuses on social and economic issues. Technical cooperation receives overall praise over grant-making as it is seen as having more impact.

There is widespread criticism of the application for funding procedures. The EU applications are considered by far the most cumbersome, complicated and time-consuming. 'If you have to hire specialists to help write funding proposals, then only the larger NGOs can submit such proposals' or 'it's too complicated to even try applying'. The EU demand that 20 per cent of projects be funded by the recipient organisation is also considered problematic. The requirement to use English in bids is also an obstacle (MEPI and the Foundation for the Future accept proposals in Arabic). Many genuine grassroots organisations do not have the high technical skills needed to write these funding proposals. FFF and MEPI are known to be willing to give the younger organisations a chance.

Donors counter that local organisations often do not have the absorption capacity or the necessary know how and that only a very limited number of NGOs really understand the nature of democracy and good governance work. While there are a few solid organisations that regularly apply for funding, many smaller NGOs want 'easy money' and are not prepared to undergo the necessary scrutiny. The lack of capacity of local actors to implement potentially interesting programmes and to financially support them and the lack of overall vision

²⁵ The MEDA Regulation was the principal instrument of economic and financial cooperation under the Euro-Mediterranean partnership. It was launched in 1996 (MEDA I) and amended in 2000 (MEDA II).

²⁶ A. Echague, 'Is the European Union supporting democracy in its neighbourhood?', FRIDE and ECFR, December 2008.

²⁷ Interview in Amman with Human Rights Activist, October 2010.

on how to set up an NGO are a problem. This leads some donors to fund semi-governmental organisations or royal NGOs, a practice widely criticised by the independent civil society organisations. While donors often see these government-linked organisations as more capable of producing credible results, smaller NGOs feel it is not fair for quasi-governmental NGOs (QUANGOs) and royal NGOs to absorb the international funding. Moreover, competition from royal NGOs in bids for projects is unfair competition because they have more favourable tax regimes and are subsidised.

Although donors have invested in capacity building for NGOs, training has tended to be donor-driven, feeding a demand for NGOs that can become implementing partners for donor grants. Thus NGOs might spend a lot of time attending workshops and implementing short-term projects which are donor-driven and aim to enable NGOs to speak on their behalf rather than to give them a voice in policy debates.²⁸ The restricted timeframe of such projects, and the tendency for follow-up to be in the form of reports as opposed to activities, leads to the complaint that Jordan is not building up its next generation of political leaders. In the words of one local observer, young people are 'cheated of their rebellious youth', with a lack of opportunities or means of channelling their creativity and ambition.²⁹

Jordan's more than 3,000 civil society organisations also work within significant constraints imposed by legal and administrative conditions that hinder their operations and make it difficult for donors to support them. Aside from a hostile legal framework, they face difficulties in raising funds and constant interference from the authorities. Non-state actors (professional associations, NGOs, not-for-profit companies) are not allowed to be involved in 'political' issues. As a consequence they play a weak role in terms of contributing to public policy. The challenges to the establishment of networks and alliances in Jordan are also numerous: legislation such as the Public Meetings Law and the Right of Access to Information Law; prevalence of individualism over collective action at work; competition among organisations rather than integration; lack of experience of associations' governing bodies; competition for limited funding sources.³⁰

The Association Law which regulates Jordanian NGOs has become more restrictive over time. As stated in the EU's National Indicative Programme for 2011-2013, 'The adoption of a new Societies Law regulating the activities of NGOs was generally seen as a step towards more, not less, government control.'³¹ As one local actor phrased it, 'any donor wanting impact has to come through the government's door'.³² Although the government engaged some elements of civil society in consultations over new legislation, none of its recommendations have been reflected in the new law.³³ The 2009 Law on Associations no. 22 amending Society Law 51 of 2008 provides for a faster registration process by creating a single location for registration instead of going through multiple ministries. Nevertheless, it has not improved any of the restrictive clauses which require associations to obtain authorisation to register, submit their annual plan of work, obtain approval before holding board elections or amending rules and regulations, and allow Ministry officials to attend general meetings and approve board decisions. Furthermore, the law grants the registry management committee the right to refuse any association without providing a reason and without resorting to the judiciary.³⁴ Staff at the registry management committee are accused by local activists of not understanding the work of NGOs. Organisations that had previously registered as non profit companies under the Ministry of Industry and Trade are expected to re-register under the Ministry of Social Development.³⁵ In general terms, regional organisations seem to be less constrained by regulations than local ones, an example of the inequity in application of the law.

²⁸ Commission Decision of 17/11/2010 on the Annual Action Programme 2010 in favour of Jordan to be financed under Article 19 08 01 01 of the general budget of the European Union, Brussels, 17 November 2010.

²⁹ Interview in Amman with official from the Ministry of Social Development, October 2010.

³⁰ A. Echague, 'Planting an olive tree: the state of reform in Jordan', FRIDE Working Paper 56, March 2008.

³¹ European Neighbourhood and Partnership Instrument, Jordan, National Indicative Programme 2011-2013, p.4.

³² Interview in Amman with officials from the Ministry of Planning, September 2010.

³³ The Ministry of Political Development led a consultative process with NGOs, including Adaleh and Partners, for the purpose of drafting a new NGO law. The draft proposal was sent to the then Prime Minister but ultimately the draft law which was adopted was another version put forth by the Ministry of Social Development.

³⁴ Law 51 of 2008 (as amended), Article 11.

³⁵ Euro-Mediterranean Human Rights Network, Freedom of Association in the Mediterranean region, A Threatened Civil Society, 2010, pp.43-44.

The law requires prior approval for funding from foreign sources. Furthermore, the new approval requires additional detailed information and reporting on the use of the funds. The law gives the government the right to refuse requests without providing any justification.³⁶ Some organisations complain that they have not been able to accept foreign funds because the Ministry of Social Development has simply not responded to their request and accompanying proposal, even a year after it was made. The Ministry sent a letter to all embassies in 2007 reminding them that they may not fund Jordanian organisations or foreign organisations operating in Jordan without prior consent. In practice, some organisations accept foreign funds without government approval and have thus far had no problems. The Ministry has attempted to take over some aspects of the administration of the financing of civil society organisations. Donor countries are expected to provide the funds to the Ministry, which in turn finances the projects of associations applying for funding using applications specifically designed for this end. However, the Ministry is accused of not being objective in the disbursement of these funds and has the option of depriving associations of funding based on its own criteria, which makes many associations and organisations reluctant to request funding from the Ministry and resort to donor parties directly instead.

Public meetings require prior approval and the security services demand very specific information from associations.³⁷ Submission of all the required information does not guarantee approval. Given the authorities' repeated refusal to grant permission for activities, many organisations choose to hold events on their own premises,³⁸ thereby curtailing their effectiveness and outreach capabilities.³⁹

Dynamics in two key sectors of support

Elections

Electoral processes are a favourite theme among donors, who during election years tend to ramp up their budgets. But any effort by the international community to affect electoral issues in Jordan only scratches the surface of the problem. Donors are predominantly concerned with procedural issues immediately before, during and after the elections. Nevertheless, giving the country a clean bill of health on such procedural issues might only be serving to help legitimise a process that is inherently flawed. The government has generally been reluctant to allow any foreign electoral support for anything except campaigns to encourage voter participation. In the run up to the 2007 parliamentary elections the EU offered support for civil society and the media but was rejected.⁴⁰ Any talk of concrete electoral reform is off limits. By complying the donors are just legitimising a system they are not willing to openly question.

A temporary election law (Law no.9/2010) was adopted by the Cabinet in May 2010. While some claim there are tangible procedural improvements to the law, it does not address faults in the electoral system itself. The electoral law limits the voter to choosing one candidate, regardless of the number of seats to be filled in each district ('one-person, one vote'). The one man vote system (called the Single Non-Transferrable Vote (SNTV) system by political scientists, but more accurately described as a single vote in multi-member districts) works against political party development and is more susceptible to vote-buying. In the context of Jordan's tribal social make-up, it favours independent tribal candidates to the detriment of parties and so reduces the presence of the Islamic Action Front (IAF) in Parliament. Calls for reform of this system have been persistent since the law was adopted in 1993. Most notably, one of the main recommendations of the 2005 National Agenda commission appointed by the King was a proposed gradual shift in the electoral system, towards proportional representation and party lists. In addition, the uneven distribution of parliamentary seats among

³⁶ Law 51 of 2008 (as amended), Articles 16 and 17.

³⁷ The most recent amendment to the Public Gatherings Law requires organisers to notify the Interior Ministry 48 hours in advance of any rally or protest and to submit a list of their names, addresses and signatures, as well as the purpose, time and place of the gathering (Jordan Times, 24 March 2011).

³⁸ Even holding events in the organisations' premises might require permission from the authorities.

³⁹ Euro-Mediterranean Human Rights Network, Freedom of Association in the Mediterranean region, A Threatened Civil Society, 2010, pp.43-44.

⁴⁰ Interview in Amman with EU official, October 2007.

electoral districts is designed to under-represent urban areas that are bastions of Palestinian or Islamist support. The difference in the number of voters per seat in electoral districts disadvantages urban voters and advantages rural voters. There are many more voters per seat in the urban districts, compared with the rural districts. Even with systems other than the Single Non-Transferrable Vote (e.g. proportional representation), urban voters would still be at a disadvantage if the ratio of voters per seat remain what they are now.

The May 2010 temporary elections law does nothing to alleviate the problem. It increases the number of parliamentary seats from 110 to 120, including six additional quota seats for women and one additional seat each for Zarqa, Irbid and the first and second districts of Amman, all major cities with large Palestinian populations and all historically underrepresented in Parliament. The law also maintains the practice of guaranteed representation for key minority groups, with nine seats reserved for Christians and three more for Jordan's Circassian or Cherkess minority. This is insufficient to address the demographic imbalance. Transjordanians (rather than Palestinians) will continue to dominate in Parliament and political parties will underperform. Under the new law, all districts with multiple seats are broken into sub-districts, giving the country 108 single-seat sub-districts in which the winner will be decided by simple plurality. Voters will continue to have one vote, which they may cast for a candidate in any sub-district within their primary district. Candidates, however, must choose which sub-district seat to contest. A given electoral district might be represented in Parliament by one or more politicians who were not among the top vote-getters in the district.⁴¹

Improvements to the new electoral law include a doubling of the quota seats for women and annual revision of voter registration lists, which will hopefully lead to greater transparency. Although the new law does not provide for domestic or international election observation, the Ministry of Interior issued procedures allowing such observers.⁴² The fact that international monitoring was allowed for the first time during the November 2010 Parliamentary elections has been much applauded by the international community but it remains unclear that the results are any less skewed given the 'one man one vote' system and the blatant gerrymandering. At least NDI in its report acknowledges the problem: 'The technical preparations for balloting and the conduct of the voting on Election Day compared favourably to accepted international practices, although the delegation noted that structural shortcomings – widely unequal districts, lack of an independent election body and limited press freedom – means that Jordan's political processes need further improvement.'⁴³ Similarly, the slight increase in the women's quota and the attempt to reorganise the regional districts might placate donors, but it distracts from the fundamental lack of legislative power of Parliament.

The EU's response to the new law was quite subdued: 'The EU has taken a careful note of the temporary Elections Law adopted in May 2010. The EU continues to encourage Jordan to implement specific recommendations of its National Agenda Committee with regard to further reforming the electoral framework so as to ensure true and representative political pluralism. The EU looks forward to Jordan's holding of the forthcoming parliamentary elections in a free, fair and transparent manner.'⁴⁴

The main international actor with regard to election monitoring, election awareness campaigns and electoral transparency is the International Foundation for Electoral Systems (IFES). It works with the Ministry of Interior ('the guys who basically run the elections', according to one local source), in seeking to expose Jordan to international election standards. Although the results of November 2010's elections were predictably disappointing, IFES officials point to small but concrete changes which they have achieved: come results, the ballot paper is shown and not just the name read out; copies of objection forms are to remain on record; candidates sign copies of official results forms.⁴⁵ Since the protests in January and February of this year, and since the appointment of a new government, public opinion has remained cautious regarding anticipated political reforms in Jordan. Hints of redrawing electoral district boundaries and potentially introducing partial proportional representation will all be believed once they can be seen.

⁴¹ Schwedler, Jillian, 'Jordan's Risky Business As Usual', Middle East Report Online, June 30, 2010.

⁴² See <http://moi.gov.jo>

⁴³ Preliminary Statement of the NDI Election Observer Delegation to Jordan's 2010 Parliamentary Elections, Amman, November 10, 2010.

⁴⁴ Statement by the European Union, Ninth Meeting of the EU-Jordan Association Council, Brussels, 26 October 2010.

⁴⁵ Interview in Amman with IFES representative, October 2010.

USAID also works with the Ministry of Interior regarding the administration of elections including registration, ballot boxes, names of candidates on websites and fortnightly reports from NCHR. Aside from contributing to the observation of elections at the international and local levels through NGOs such as the NCHR and al-Hayat, NDI supports female candidates in their campaigns, platforms, outreach, etc. The Konrad Adenauer Foundation cooperated with al-Quds Centre to raise awareness of the new Election Law, despite disappointment in the law itself. Many NGOs started awareness campaigns prior to the elections but have been criticised for starting their election awareness programmes so late rather than right after the dissolution of parliament in November 2009: ‘Changing mindsets is not a matter of months.’⁴⁶ Foreign donors have been criticised for throwing too much money at the Ministry of Political Development for this purpose. Critics believe the Ministry would have made more of a grassroots effort if it had had fewer funds. Instead ‘it hired a cartoonist, paid him a large sum from this money, and proceeded to make yet another “awareness campaign”.’⁴⁷

The results of November 2010 elections were disappointingly predictable and predictably disappointing. Despite the efforts of those such as IFES, it has been proved once again that the international community is prepared to collude with the regime in preventing any potentially destabilising surprises. As one local analyst phrased it, ‘donors are happy to be in bed with the government’.

Royal NGOs and QUANGOs

Another key sector of support is represented by royal NGOs and QUANGOs, which in Jordan are a conspicuous phenomenon. Royal NGOs and QUANGOs are established by special decree with government-appointed boards of directors. They do not operate under the Law of Associations but rather function under royal patronage. Not falling under the umbrella of the Ministry of Social Development allows them to have their own audit systems and to receive funds directly from foreign donors. They generally focus on economic and social development, although many also claim to promote human rights, awareness campaigns, and women’s participation. The main royal NGOs and QUANGOs include the Noor Al-Hussein Foundation, the Jordanian National Commission for Women (JNCW – led by Princess Basma), the Jordanian Hashemite Fund for Human Development, the Jordan River Foundation, the National Commission for Human Rights, and the King Abdullah Fund for Development.

Royal NGOs are favoured not just by donors but also by the private sector (banks, telecommunications, pharmaceuticals, etc.) which is in search of ‘corporate social responsibility projects’. CSR is apparently ‘the buzzword amongst the Jordanian private sector’ but was referred to by one veteran of the system as ‘useful for demonstrating that you can be a good egg without challenging the system’. Favourable media coverage is forthcoming for projects such as visiting refugee ‘camps’ or implementing an environmental initiative. The Jordan River Foundation, for instance, enjoys technical support from Mobilecom, Orange, Société Générale, and even CocaCola and Starbucks. It is also registered abroad in the US, the UK and France as an international not-for-profit organisation/charity/association respectively. Having a board of directors in these countries helps with access to funding and allows certain handicrafts from one of their projects to be sold abroad. But patrons also often have seats on policy-making bodies, and this can lead to the blurring of advocacy, charity, and public policy roles.

Independent organisations feel they are crowded out by these larger organisations which often have similar missions but operate under royal patronage. Aside from minor cooperation on isolated campaigns, there is little cooperation between independent civil society organisations and royal NGOs. What does exist, however, are several umbrella organisations which unite their members’ voices and act as a body between citizens and the state. Again, the most powerful of these umbrella organisations, the three which represent women, all cooperate under the semi-governmental Jordanian National Commission for Women.⁴⁸ Umbrella organisations represent the interests of their members and have mechanisms of information exchange, strategy co-ordination and cost-sharing, which in theory should give them a unified voice concerning social public policy issues.

⁴⁶ Interview in Amman with activist and blogger, September 2009.

⁴⁷ Ibid.

⁴⁸ W. Williamson and H. Hakki, ‘Mapping Study of Non-State Actors in Jordan’, July 2010.

Independent organisations criticise international donors for funding the already well-funded royal NGOs rather than aiding smaller organisations. Smaller CSOs routinely claim that ‘royal NGOs take funds’ from them, although figures are not available to substantiate the claim. The strengths of royal NGOs lie in their ability to reach most areas of the community, and often provide a seal of approval for projects which, if outrightly funded by foreign donors, would be deemed sensitive. Apart from their relatively easy access to funding and lack of scrutiny, royal NGOs play a significant role as contracted partners in the implementation of socio-economic projects in partnership with Ministry of Planning.⁴⁹ Their history of consensus-building between state and non-state actors, and having the ear of the highest decision makers gives them an important role in any potential public policy developments. For donors it is easier to work with royal NGOs because they do not require approval from the Ministry of Political Development or the Prime Minister, nor are they subject to government audit. In concrete terms, this means easier application processes, easier access to ministers and royals and overall smoother operations. Critics counter that donors should be helping to improve the capacities of independent organisations. The EU admits that ‘To maximise grass-root participation NGOs need to be further empowered. Their influence is now limited as a result of their often weak capacity and restrictions on freedom of association.’⁵⁰

The National Centre for Human Rights receives a third of its funding from government and two thirds from donors (including NDI and the Australian Embassy). It is treated as a government institution rather than as an independent NGO in terms of oversight of its finances. NCHR has a liaison officer with each of the government ministries. But NCHR is an example of an organisation which despite its government links, has proved that it is willing to put forth credible reports and tackle sensitive issues. For example, after the 2007 elections, while the US Embassy issued a press release stating that elections went smoothly, NCHR issued a report accusing government of gerrymandering, cheating, etc. In anticipation of the elections in 2010, it also issued a set of recommendations for revising the elections law that included increasing the number of quota seats for women and creating a mixed electoral system that would allocate a portion of ‘national’ at-large seats by proportional representation. Most provocatively, the report levelled an explicit critique at the unequal distribution of seats across the population, drawing attention to the taboo but widely recognised fact that Jordan’s majority Palestinian population is effectively disenfranchised through the law.⁵¹ Some donors believe that there is no alternative organisation which can produce such credible reporting but which also has the ear of, or influence on the Prime Minister.

International donors justify their support in a number of ways. Some recognise that civil society can achieve more by working with the government as opposed to against it, others argue that it makes sense to work with royal NGOs so that projects are seen as Jordanian-led and not Western-imposed. Some state that the ‘genuinely committed individual’ can perhaps achieve more ‘within the system’.

Conclusion

The impact of international democracy assistance to Jordan is weakened by the geostrategic priorities of donors. Donors are unlikely to pressure for reform if some of their priorities, in the areas of counter-terrorism for example, run counter to democracy promotion. Recent years have seen serious setbacks in political and civil liberties in Jordan. These have been justified in terms of a heightened security situation. The international community has remained silent, not wishing to alienate an important ally. Geostrategic concerns lead to complicity with a regime which has shown only a superficial will to reform. None of the political reforms initiated by the regime has been implemented to any significant effect. Complacency and mutual satisfaction between Jordan and its two main donors, the US and EU, makes for a politically stagnant situation. Nevertheless, in the long run the lack of freedoms together with the failure of socio-economic programmes could lead to problems and to the instability which all actors are so desperate to avert. Granting a country like Jordan ‘advanced status’ or agreeing to a MCC compact sends the wrong signal. Donors

⁴⁹ Ibid.

⁵⁰ European Neighbourhood and Partnership Instrument, Jordan, National Indicative Programme 2011-2013.

⁵¹ J. Schwedler, ‘Jordan’s Risky Business As Usual’, Middle East Report Online, June 30, 2010.

need to strike a better balance between fostering political reform and pursuing other key objectives, such as maintaining stability, avoiding conflict and promoting security. Local democracy stakeholders point to donor country priorities and their related complicity with the regime as the main obstacle to reform. Democracy programmes and funding by international governmental donors nominally meant to lead to political reform are not designed to have any impact on power structures or system imbalances.

The government should address the shortcomings of the electoral law, strengthen guarantees for fundamental freedoms and political rights and broaden public participation in government. A more effective role for parliament—with meaningful budgetary oversight and the ability to initiate legislation without government approval—, political parties, civil society groups and independent media needs to be nurtured. The large number of civil society organisations masks the constraints that they operate under both in terms of the specific legal framework that regulates their activities and the broader democratic deficits related to the monarchy's concentration of power, the lack of independence of the judiciary and the overly extensive and intrusive supervision they are subjected to. The overarching umbrella organisations, on the one hand a coordination mechanism and sign of unity, are on other hand just another way in which the government prevents NGOs from being truly non-governmental. In addition, they suffer the shortcomings inherent in the international donors' programming and procedures. Donors are arguably more risk averse than Jordanian citizens. Their obsession with preserving the status quo (whilst rhetorically promoting change to the status quo) is reflected in the cycle of projects with very similar aims, techniques, partners and evaluations.

a. An appropriate legal framework in accordance with international standards is necessary for civil society organisations to be able to operate. This includes:

- implementation of the social and political international conventions that have been signed and ratified
- ensuring the independence of the judiciary
- adopting a civil societies law in accordance with international standards in terms of formation of associations, restrictions and supervision and funding

b. International donor procedures and requirements could be improved by:

- locally driven versus donor imposed programming priorities
- participation of local NGOs in aid coordination strategies and donor subcommittee meetings
- outreach to organisations more geographically removed
- outreach to organisations with less capacity
- less cumbersome funding requirements and application processes, which would in turn facilitate applications from smaller, less established and less professional community based organisation (CBOs)
- calls for proposals should be issued with as much background material as possible in Arabic (including the context of the concept note and the role of MoPD in policy dialogue); and guidance on how to fill proposal templates should draw on real life successful projects⁵²
- less dependence on government driven priorities and government channelling of funds
- better donor coordination and division of labour
- more local knowledge within donor organisations
- avoiding an over-emphasis on training and workshops at the expense of alternative participatory pedagogy
- developing evaluation mechanisms which take into account the long term nature of democracy related results

⁵²W. Williamson and Huda Hakki, 'Mapping Study of Non-State Actors in Jordan', July 2010.

c. Donor priorities as foreign policy actors will continue to be unaligned with democracy promotion as long as stability is perceived to be guaranteed by maintaining the status quo. In this context and in light of recent upheavals, donors might choose to reassess their priorities and policy instruments and stop focusing on short-term stability to the detriment of long-term reform.

Recent events in the region give rise to potential changes and risks and underscore the need to address calls for social, political, and economic reform.

Appendix: Country Report Methodology

Scope and aims of this report

This report assesses external democracy assistance in one country according to the views of local democracy stakeholders.

The report does not aspire to provide an exhaustive record of external democracy assistance to the country in question. Neither does it aspire to be a representative survey among local civil society at large. The scope of this project allows reports to provide only a rough sketch of external democracy assistance to the country assessed, and of the tendencies of local civil society activists' views on the latter.

Sample of interviews

The report's findings are based on a set of personal interviews that were carried out by the authors in September and October 2010.

For each country report, between 40 and 60 in-country interviews were carried out. The mix of interviewees aimed to include, on the one hand, the most important international donors (governmental and non-governmental, from a wide range of geographic origins), and on the other hand, a broad sample of local democracy stakeholders that included human rights defenders, democracy activists, journalists, lawyers, political party representatives, women's rights activists, union leaders and other stakeholders substantially engaged in the promotion of democratic values and practices in their country. Wherever possible, the sample of interviewees included representatives from both urban and rural communities and a selection of stakeholders from a broad range of sectors. While governmental stakeholders were included in many of the samples, the focus was on non-governmental actors. Both actual and potential recipients of external democracy support were interviewed.

Donors

The term 'donor' is here understood as including governmental and non-governmental external actors providing financial and/or technical assistance in the fields of democracy, human rights, governance and related fields. Among all the donors active in the country, authors approached those governmental and non-governmental donors with the strongest presence in this sector, or which were referred to by recipients as particularly relevant actors in this regard. An exhaustive audit of all the donors active in this field/country is not aspired to as this exceeds the scope of this study. While many donors were very open and collaborative in granting interviews and providing and confirming information, others did not reply to our request or were not available for an interview within the timeframe of this study. While we sought to reconfirm all major factual affirmations on donor activities with the donors in question, not all donors responded to our request.

We do not work to a narrow or rigid definition of 'democracy support', but rather reflect donors', foundations' and recipients' own views of what counts and does not count as democracy assistance. The fact that this is contentious is part of the issues discussed in each report.

Anonymity

External democracy assistance to local activists is a delicate matter in all the countries assessed under this project. It is part of the nature of external democracy assistance that local non-governmental recipients, especially when openly opposed to the ruling establishment, fear for their reputation and safety when providing information on external assistance received to any outlet that will make these remarks public. In a similar vein, many donor representatives critical of their own or other donors' programmes will fear personal consequences when these critical attitudes are made public on a personal basis. In the interest of gathering a maximum of useful information from our interviewees and safeguarding their privacy and, indeed, security, we have ensured that all interviewees who requested to remain anonymous on a personal and/or institutional basis have done so.

Interview methodology

In order to carry out field work, authors were provided with a detailed research template that specified 7 areas of focus:

1. A brief historical background and the state of democracy in the country;
2. A short overview of donor activities;
3. A general overview of local views on impact of democracy aid projects on the micro, meso and macro levels (including best practices and variations of the local and international understandings of the concept of 'democracy');
4. Local views on specific factors that have weakened the impact of democracy aid;
5. Local views on diplomatic back-up to aid programmes (including conditionality; diplomatic engagement; donor coordination; relevance, quality, quantity and implementation of programmes, etc);
6. An illustration of the above dynamics in one or two key sectors of support;
7. A conclusion outlining the main tendencies of local views on external democracy assistance.

Along these lines, semi-structured interviews were carried out by the authors in the country in January 2011.

Key sectors of support

Transitions to democracy are highly complex political, economic and social processes. No study of this scope could aspire to fully do justice to them, or to external assistance to these processes. Aware of the limitations of our approach, we have encouraged authors to let their general assessment of local views on external democracy support be followed by a closer, slightly more detailed assessment of the dynamics in one or two key sectors of support. These were chosen by the respective authors according to their estimated relevance (positively or negatively) in the current democracy assistance panorama. In none of the cases does the choice of the illustrative key sectors suggest that there may not be other sectors that are equally important.