


The Role of Civil Society Organisations in Legislative Reform: Summary



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Foreword

As part of the EU-funded project “Strengthening of Think Tanks, Youth Initiatives, and Civil Society Organisations,” the West Asia-North Africa (WANA) Institute hosted a discussion session on 18 March 2018 in Amman, gathering representatives from policy think tanks and non-governmental organisations (NGOs) in Jordan. This policy paper on the role of civil society organisations (CSOs) in legislative reform is based on the outcomes of the session.

1 The Role of Civil Society Organisations (CSOs) in Legislative Reform

Civil society is often referred to as the ‘fourth power’ within a state, indicating that there is a strong belief in the power of CSOs to effect legislative reform. Civil society organisations assess local community needs and communicate them to decision-makers so that they are taken into account when defining priorities and designing policy.

Challenges

- Lack of understanding by CSOs of their legislative reform role, their ability to effect change and the need to promote upholding the rule of law. CSOs tend to focus exclusively on service-provision and neglect their advocacy and legislative reform roles.
- Absence of coordination among CSOs. CSOs tend to compete rather than collaborate. An over-arching umbrella is needed to aggregate their efforts.
- Lack of government efforts to involve CSOs in the legislative reform process. CSOs should be regarded as consultants and advisors to parliamentarians and political parties as they can inform the policy-makers on the local impact of legislations and advise on how to harmonise legislation with local needs.
- Absence of clear legislative provisions that stipulate how Jordanian CSOs can be involved in the legislative reform process.
- Given the strong focus on mitigating the direct impacts of internal and regional conflicts, relatively little funding is available to support CSOs’ long-term projects and legislative reform role. This leads to weak continuity and sustainability of projects.
- Lack of specialisation among CSOs.

Solutions

- Encourage the establishment of alliances and coalitions among Jordanian CSOs and NGOs, as well as with State authorities involved in legislative reform.
- Encourage government to involve Jordanian CSOs through parliamentary committees to discuss draft laws. CSOs can be tasked to carry out field research to determine the expected positive and negative impacts of proposed legislations.
- Support advocacy campaigns undertaken by Jordanian CSOs to effect legitimate legislative reform.
- Invest in scientific research related to legislative reform.

- Encourage the media to impact public opinion and document the work of CSOs in legislative reform by sharing success stories.
- Support CSOs in monitoring government efforts by publishing periodic reports evaluating the level of government commitment to fulfilling community needs.
- Encourage Jordanian CSOs to document judicial precedents in the public interest.

2 Legislative Reform Priorities in Jordan from the Perspective of CSOs

Legislative Reform Priorities Relating to the Needs of CSOs

- Identify and define the roles and responsibilities of CSOs in legislative reform, and empower CSOs to fulfil them.
- Draft legislation that guarantees the independence of CSOs, and amend regulations that hinder their work, especially those linked to registration and the right to receive funding.
- Amend the Association Law to increase participation of CSOs in legislative reform.
- Install a coordination mechanism between the government and CSOs to allow participation in discussing draft laws.
- Activate the role of CSOs in monitoring the performance of the Government and the Parliament.
- Establish an independent national commission to unify all CSO efforts in legislative reform.
- Amend the Jordanian Constitution to allow Jordanian CSOs to come forward with objections before the Constitutional Court.

Legislative Reform Priorities Relating to Parliament

- Establish a cooperation between the Parliament and CSOs, and define each party's roles and responsibilities in legislative reform.
- Increase awareness on the freedom of opinion and expression among all parties, and increase accountability through legal verdicts against those violating such freedoms.
- Organise the work of the parliamentary committees.
- Involve CSOs in the work of parliamentarians as advisors.
- Amend the Electoral Law and limit electoral fraud.

Legislative Reform Priorities Relating to Political Parties

- Amend the Parties Law, and guarantee regular and credible elections within political parties.
- Fund parties through an independent Government committee.
- Increase cooperation and partnerships between political parties and CSOs in legislative reform.
- Amend the internal bylaw of the Council of Deputies and establish a tri-party committee between political parties, CSOs, and the Council of Deputies.

Legislative Reform Priorities Relating to the Private Sector

- Legislate Corporate Social Responsibility (CSR).
- Increase partnership among CSOs and the private sector.
- Amend the Tax Law and expand the stipulated exemptions to include partnerships and private sector support to CSOs.
- Institutionalise partnerships between the private sector, political parties and the Parliament.

Legislative Reform Priorities Relating to Government

- Increase dialogue between the Government and CSOs on legislative reform and implementing the Sustainable Development Goals (SDGs).
- Amend practices and regulations that limit the work of CSOs.
- Enact legislation guaranteeing freedom of information, and abolish any legislation that violates the freedom of opinion and expression.
- Abolish Article 11 of the Cyber Crimes Law.
- Enact the Integrity Commission Law and expose cases related to corruption.

General Recommendations

- Promote the concept of the Rule of Law and raise legal awareness among all individuals.
- Amend university regulations to promote student engagement and self-expression, and encourage scientific research on legislative reform.
- Promote an active partnership between all stakeholders to execute the provisions of the Comprehensive National Plan for Human Rights.
- Raise community awareness on the importance of CSOs' work, for example through social media and traditional media, as well as through spreading printed materials on the role of CSOs in legislative reform.



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