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Decentralization in Jordan

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Since Jordan's King Abdullah II announced plans to initiate political development in January 2005, the kingdom has been working on establishing decentralisation as a hybrid bottom-up and top-down process. The rhetoric surrounding the decentralization process suggested it could be a step towards political liberalization and democratization.¹ The broader goals of decentralization in the kingdom can be summarized as increasing local participation and allowing citizens a role in decision-making, improving local economic development and a fairer distribution of national resources. More concretely, however, the main aim of the two laws can be seen as improving the communication of the people's needs on the local level to the respective authorities on the national level and thus reduce the pressure on the national parliament, the members of which are – formally and informally – often asked to provide individual favours or arrange for service provision to their respective localities.

Arguably, the decentralisation process in Jordan so far has not been particularly successful for a number of reasons including overlapping roles and responsibilities and a lack of awareness of the laws locally. Moreover, existing social norms and traditions at times hinder the decentralisation and election process and the regional situation, too, impacts the willingness of the government to promote democratisation through decentralization. This paper will first give an overview over the 2015 laws and thus the legal framework for decentralization will be given. Subsequently, the progression of the decentralization process so far and the issues that hinder it, will be analysed.

The Legal Framework

The legal framework of the decentralization process in Jordan is made up of two laws, the new "Law on Decentralization" and the revised "Municipalities Law", both passed in 2015. They were then followed by governorate and municipal council elections in 2017. The Decentralization Law established two councils in each of Jordan's 12 governorates, the "Executive Council" and the "Governorate Council".

The Executive Council is fully appointed and chaired by the governor. It further consists of the deputy governor, the administrative governors who head the districts and provinces in the governorates, as well as of three executive directors of the municipalities in the governorate

¹ Elliott, Cieselski, Birkholz 2018

who are appointed by the Minister of Municipalities. The Governorate Council, in contrast, were newly introduced by the law to replace the former non-elected 'consultative councils' and thus allow for more local participation. Most members of the Governorate Council are elected by the people of the governorate (the number of members is determined according to the size of the governorate), but up to 15% of the council members are appointed by the cabinet. 15% of the seats are reserved for women. The entire council then elects the council president, his deputy and his assistant.

While the Executive Council is responsible amongst other things for formulating development and strategic plans for the provision of public services, drafting the governorate budget and coordinating with other institutions, the elected Governorate Council has no legislative authority and its duties and responsibilities are limited to approving the strategic plans and budget as well as the service and investment projects referred to them by the executive council, in addition to overseeing the spending, proposing new investment projects and discussing reports. Arguably, their main task thus is to identify development needs on the local level, to listen to the people and to convey the information to the parliament. This is necessary because in Jordan, it is often customary for people to communicate their individual requests or local issues to their representative in parliament. This could be anything from demanding employment for their children to requesting specific healthcare services or infrastructure maintenance. One could thus argue that the main task of the Jordanian national parliament is service distribution to their electorate rather than policymaking on the national level. It is important to note that therefore, the Decentralization Law does not actually delegate any decision-making power or authority to the elected councils. Instead, the Executive Council, the Governor and the Cabinet retain these responsibilities. In the case of a conflict between the Executive Council and the Governorate Council, the issue will be referred to a mutual committee, made up of equal parts of the two councils and headed by the president of the Governorate Council.

The revised Municipalities Law, making up the legal framework of the decentralization process in combination with the Decentralization Law, introduced a new structure at the municipal level by and transforming the "Municipal Councils" into indirectly elected bodies and establishing the formation of new elected "Local Councils"², which are meant to serve as intermediaries between the citizens and the municipal councils, thus potentially broadening popular participation in the development process.³ The Municipalities Law further expanded the voter base by reducing the voting age from 19 to 18 years.

The Mayor heads the meetings of the Municipal Council. Their responsibilities include approving the budget, conducting needs assessments and formulating development proposals to the Executive Council on the governorate level. The Minister of Municipalities has the right to appoint two additional members to the Municipal Council and to appoint an executive director of the municipality. The elected Local Councils, in contrast, consisting of 5 to 7 members, can make proposals to the Municipal Council on topics such as local construction

² <https://www.undp.org/content/dam/jordan/docs/Donors-mapping-report-Final-22-33.pdf>

³ <https://www.oecd.org/mena/governance/Jordan-Highlights-2017.pdf>

projects and services. One seat out of 5 in Local Councils is reserved for women and 25% of the seats in the Municipal Councils.⁴

The electoral system related to the introduction and revision of these two laws has been subject to continuous changes, moving back and forth between a majority and proportional representation voting systems. Previously, Jordan had the so-called 'one man one vote' system which had encouraged people to vote along family or tribal lines for their own benefit, and was thus biased against political parties.⁵ This was replaced with a proportional representation voting system in the hope that this would empower political parties and give smaller voter groups a chance at fair representation.⁶

Problems and Elections

Having given an overview over the legal framework, the issues hindering the success of the decentralization process in terms of achieving its goals are now going to be discussed. It can be argued that the laws create at times overlapping roles and responsibilities between the different bodies at the local level which is counterproductive for the decentralization process. For instance, while the law is clear on the powers and responsibilities of the governor and the mayor, some governors overstep and interfere into the day-to-day responsibilities that should be the mayor's. For instance, while it is technically the mayor's responsibility to control the markets and hand out licenses for businesses, governors have the authority to interfere which can lead to contradictions in the decisions taken. Further, it can be argued that there is an overlap between the mandate of the Governorate Councils and that of the Executive Council, creating additional bureaucracy which may slow down local economic development efforts, especially in the main cities of Zarqa, Irbid, Salt, and Mafraq. Additionally, this overlap can be said to have created additional bureaucracy thus slowing local economic development efforts. Moreover, members of the councils often are not aware of their duties and there is a lack of capacity as well as coordination which hinders their work. Both Governorate and Executive Councils continue to work on the same issues rather than distributing tasks such as working on a specific development or economic plan. For example, both the Municipal and the Local Councils work on the investment and planning on the Qualified Industrial Zones (QIZs are business parks that are recognised as free trade zones in collaboration with other countries) which often leads to duplications and contradictions. One can also argue that the Municipalities Law in regard to the Local councils is rather vague and can often be interpreted in a number of different ways which facilitates the control of the central government institutions over the elected local councils, since the governor has the power to control and supervise the whole structure at the Governorate level. The ambiguity of the law has given more room for members of the cabinet to control local development efforts, for instance by way of executive orders and overcontrol of budgetary expenditure.

⁴ https://www.kas.de/c/document_library/get_file?uuid=7ef4a752-5c7e-7627-6600-4b99bd35fbf1&groupId=252038

⁵ Janine Clark 2018, Local Politics in Jordan and Morocco

⁶ https://www.kas.de/c/document_library/get_file?uuid=7ef4a752-5c7e-7627-6600-4b99bd35fbf1&groupId=252038

Another issue that can be said to hinder the decentralization of the decentralization process is the fact that while the Executive and Governorate Councils are meant to cooperate and work together in some way with the Local and Municipal Councils, how exactly this is supposed to happen is unclear as there is a lack of clarification of the relationship between the bodies on the governorate and municipal levels. The Municipal Councils, for instance, have specific responsibilities in regard to their city, yet on the governorate level plans related to investment attraction or Public Private Partnerships are being developed without taking into account plans and projects on the municipal level. The needs and priorities of the Municipal Council may not be consistent with those of the councils on governorate level. Moreover, the Executive and Governorate Councils are subordinate to the Ministry of Interior, while the Local and Municipal Councils are subordinate to the Ministry of Municipalities. They are thus structurally separated, potentially creating more bureaucracy and thus hindering the efficiency and efficacy of the process.

This bureaucracy is further increased due to the fact that any decisions taken by the councils – on municipal or on governorate level – have to be approved by an executive entity. The Ministry of Housing and Construction would be responsible for approving decisions related to infrastructure, while the Ministry of Health would approve decisions regarding health etc. Therefore, decision-making is still very centralized even regarding local issues. Furthermore, the new elected Local Councils are from the outset in a disadvantaged position in regard to allowing citizens more impact on the development process of their locality due to the fact that they receive very little in terms of financial allocations.

More generally, if one considers the aim of the Law on Decentralization and the Municipalities Law to have been to further democratization by increasing local participation in the decision-making process, then one has to conclude that these two laws hardly achieve that. While the Law on Decentralization did create the Governorate Councils, which are elected by the people, it gave these councils hardly any power meaning that the decision-making power still lies with central government institutions thus neither furthering democratization nor decentralization. The fully appointed Executive Council is the entity which actually has the power to shape the development process of the governorate, being responsible for duties such as drafting strategic and action plans, drafting the budget, considering suggestions and reports from the municipal councils as well as making recommendations regarding investment in the governorate. Meanwhile, the elected Governorate Council can merely “endorse” the plans and the budget referred to it by the Executive Council as well as development projects. It can “approve” projects, “discuss” reports and “propose” projects, showing clearly that in this way the laws do not significantly increase the people’s participation in the decision-making process or their power to shape the local issues of their governorate.

Apart from the aspects regarding the laws themselves, there are other issues in Jordan that impede the decentralization process, such as the lack of awareness among the community regarding the role of Local Councils in terms of service delivery. People often associate the councils with service delivery and expect them to provide them with personal favours such as

employment or to use their *wasta* (connections) to get secure for them benefits such as health insurance exemptions.

Moreover, certain social practices and the local power of tribes have the potential to interfere with the electoral process and thus hinder modernization and decentralization. Some tribes may attempt to maximise and consolidate their vote prior to the election and essentially pre-select a representative within their constituency along tribal lines. This is likely to exclude women, youth or economically disadvantaged candidates and thus impede fair elections and access to political participation. For instance, in the recent elections for the deputy mayor of Amman, one candidate led a tribal *Jaha* to the opposing candidate's house with the intention to convince him to drop out of the race and to leave the field open to the other candidate. A *Jaha* is a tribal ritual in Jordan where a group of people, led by a tribal *Sheik*, visit a specific family or individual tribal member, who will host the *Jaha* with his male family members. The aim is to resolve disputes, problems and differences that may occur among some families or other members in the society. Such cultural practices may eliminate fair competition and limit the rights of people to run in elections and participate without any social, tribal and bureaucratic barriers.

Conclusion

Overall, it has become clear that while the Law on Decentralization and the Municipalities Law do create councils elected directly by the people, this does not necessarily achieve more local participation in decision-making and more decentralization. This is partly due to the fact that the laws tend to be vague and don't necessarily regulate the relationship between the different bodies on the municipal and governorate level clearly. The broader issue is that the focus of the elected councils is on "approving", "discussing" or "proposing" rather than actually contributing to shaping the local economic development process.

In order to actually make progress regarding decentralization in Jordan, the laws should, for instance, be amended to give the Governorate Council a role in designing the local economic development plans and not just approving them. The governorate council should have a role in designing development plans, not just approve them in order to strengthen the participatory decision-making process. Moreover, the Local Councils should be given more funds in order to have a chance to contribute effectively and the roles of the different councils should be clarified further so as to avoid extensive bureaucracy which may end up hindering the decentralization process.

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