



**Proposed changes to the
LAW OF SOCIETIES
No.51 will impact Civil Society in Jordan**

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ARDD-LEGAL AID
Arab Renaissance for
Democracy & Development

Proposed changes to the Law of Societies No.51 will impact Civil Society in Jordan

The Hashemite Kingdom of Jordan's government proposed changes to the Law of Societies No. 51 of 2008 (amended by Law No. 22 of 2009) in March 2016. As various stakeholders have highlighted, this appears a step back. Outlined below is the Arab Renaissance for Democracy and Development (ARDD) – Legal Aid's legal opinion on the changes, which were submitted to the government in writing. We recommend this be read side by side the original law.

For the proposed amendment of Article 2, it states that “the members of an association be no less than 50.” It is unclear in the writing of this provision if this applies to all associations without exception, including those who are already registered; or whether it only applies to those who are setting up a new association. It is ARDD – Legal Aids opinion that this poses significant difficulty and risks; firstly, with coordinating attendance and association of new members, and secondly for registered associations with legal capacity and years of experience in their field of work. Introducing new management and members to reach this number can cause damage to their work.

Further, there is a proposal to remove reference to ‘closed associations’ from Article 2. The definition of a ‘foreign association’ in Jordan has also been made obscure. It is ARDD – Legal Aid's position that the Article as written in 2008 should remain unchanged. In the case that ‘closed associations’ must be removed, ARDD – Legal Aid suggests that a procedure should be written to show how conversion from a closed association is possible, and grant sufficient time period for this transition. To clarify the definition of ‘foreign associations’ written into the proposed amendment, international standards for the use of ‘foreign associations’ should be introduced (i.e. ‘organizations of charity,’ ‘federation,’ or ‘charity organizations’).

For the proposed Article 4 which is to replace Article 3, ARDD – Legal Aid recommends the need to cancel the inclusion of the phrase ‘third party rights and their freedoms in the Kingdom’ as this is broad and vague in meaning and forms an impediment to associations’ work.

For the proposed amendment of Article 7, which discusses the number of members of an association being no less than 50, ARDD – Legal Aid reiterates its recommendations in relation to Article 2 (above).

For the proposed Article 8 which is to replace Article 9, which outlines specific regulations for ‘foreign association,’ ARDD – Legal Aid recommends that ‘foreign associations’ be subjected to the same terms as local associations and should not be restricted to a certain period of time. Further, it is recommended that the term ‘headquarters of the association’ read as ‘headquarters of the association through their representatives in Jordan under a duly certified agency’ and ‘foreign associations’ should enclose financial and administrative reports for the last year and those documents must be translated into Arabic, certified, and presented and endorsed by a practicing lawyer. Finally, it is recommended should a ‘foreign association’ suspend its registration beyond the prescribed two (2) months which effectively abolishes the registration, the ‘foreign association’ should have the option of renewing the registration once.

For the proposed Article 9 which is to replace Article 11, which changes indecision from an association's board regarding registration from “accepted de jure” to rejected de jure,” ARDD – Legal Aid recommends that this proposed change be removed. Further, ARDD – Legal Aid recommends amending the current article to include a timeframe for an automatic decision.

For the proposed Article 10 which is to replace Article 14, which is a mandatory provision regarding membership of associations, ARDD – Legal Aid recommends making this provision voluntary.

For the proposed Article 14 which is to replace Article 16, which requires that names of all employees and volunteers be made public, ARDD – Legal Aid recommends removing this proposed amendment. This is a violation of privacy and these names are liable to frequent change or modification which renders the information uncertain. For the proposed Article 12 which is to replace Article 17, which proposes removing a provision relating to the mechanism of obtaining approvals for finance or donation, ARDD – Legal Aid recommends identifying a period of time for seeking approval.

For the proposed amendment of Article 18, which proposes charges to the monetary fund of an association related use of a certified accountant, ARDD – Legal Aid recommends that the provision should instead amend the article to read ‘the association should bear the costs of certified accountants if violations or irregularities are found.’

For the proposed amendment of Article 19, which grants the Ministry power to manage an association’s plan and replace its board, ARDD – Legal Aid recommends cancelling this proposed amendment.

For the proposed amendment of Article 24, which requires approval from the Minister for the formation of coalitions or joint projects, ARDD – Legal Aid recommends that this provision instead call for associations seeking to form coalitions inform the Minister without seeking approval due to the time-sensitive nature of many coalitions. However, should one association be calling on other associations to form a coalition, this may still require approval.

For the proposed Article 15 which is to replace Article 28, which proposes amendments to the legal status of non-profit companies as well as not specifying that associations formed under the original law are exempt from the amended law, ARDD – Legal Aid recommends instituting a grace period for non-profit companies to amend their legal status or their capacity to be in line with the amended law. Further, associations formed under the original law should be exempted from certain provisions, such as the number of required members be at 50 individuals.

For the proposed amendment of Article 17, which grants the Ministry ‘authority to establish staff training centers in the field of social volunteering work and rehabilitating them and train volunteers thereof,’ ARDD – Legal Aid recommends adding a provision which makes participation voluntary.

For the proposed Article 16 which is to replace Article 11, which requires that all associations’ records be subject to the control of the Audit Bureau, ARDD – Legal Aid recommends keeping control of associations’ records with non-governmental auditors.

Although seemingly technical and small, these proposed changes could have profound ramifications for both local and international organizations in Jordan. As Jordan remains host to hundreds of thousands, civil society must be able to continue to provide for those made vulnerable by displacement or affected by it.