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# The Role of Civil Society in Promoting Social Protection Reforms: A Comparative Study of Jordan and Tunisia

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# THE ROLE OF CIVIL SOCIETY IN PROMOTING SOCIAL PROTECTION REFORMS: A COMPARATIVE STUDY OF JORDAN AND TUNISIA

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#### **Abstract**

In the Arab region, social protection systems have historically suffered from several shortcomings, including high degrees of fragmentation, low coverage rates, and financial unsustainability. However, both Jordan and Tunisia have committed in recent years to expanding and reforming social protection systems. While civil society has the potential to positively influence the development of social protection policies in both countries, social dialogue has historically been suppressed. This paper seeks to examine the current context of social protection policy generation in both countries, providing an comparative examination of the historical roles that social dialogue has played in the formation of social protection policies and analyzing how periods of restricted public freedoms and tightening of civic space has limited civic participation in policy formation. The paper also provides a comparative analysis of the current social dialogue mechanisms and public freedoms in both countries, and in particular shifts which have occurred post-2011. By doing so, this paper highlights the role that civil society has played in the creation of recent social protection reforms, as well as identifies the significant challenges to civic participation in policy development which remain in both nations.

JEL Classification: D70, P2

*Keywords:* Social dialogue, civil society, social protection, policy development, policy reform, public freedoms

#### ملخص

في المنطقة العربية، عانت أنظمة الحماية الاجتماعية تاريخيا من العديد من أوجه القصور، بما في ذلك درجات عالية من التبعثر، وانخفاض معدلات التغطية، وعدم الاستدامة المالية. ومع ذلك، التزمت كل من الأردن وتونس في السنوات الأخيرة بتوسيع وإصلاح أنظمة الحماية الاجتماعية. وفي حين أن المجتمع المدني لديه القدرة على التأثير بشكل إيجابي على تطوير سياسات الحماية الاجتماعية في كلا البلدين، وتمعه على مدار التاريخ. تسعى هذه الورقة إلى فحص السياق الحالي للتمخض عن سياسات الحماية الاجتماعية في كلا البلدين، وتقديم دراسة مقارنة للأدوار التاريخية التي لعبها الحوار الاجتماعي في تشكيل سياسات الحماية الاجتماعية وتحليل كيف أن فترات تقييد الحريات العامة وتضييق الحيز المدني قد حدت من المشاركة المدنية في تشكيل السياسات. كما تقدم الورقة تحليلا مقارنا لآليات الحوار الاجتماعي الحالية والحريات العامة في كلا البلدين، ولا سيما التحولات التي حدثت بعد 2011. من خلال القيام بذلك، تسلط هذه الورقة الضوء على الدور الذي لعبه المجتمع المدني في إنشاء الإصلاحات الأخيرة للحماية الاجتماعية، كما تحدد التحديات الكبيرة التي تواجه المشاركة المدنية في وضع السياسات والتي لا تزال قائمة في كلا البلدين.

#### 1. Introduction

Social protection is a human right and a fundamental part of the broader social policy agenda and must be linked to other social policies, including those related to the labor market, education, local and rural development, and communal services, as well as fiscal policy. In the Arab region, social protection systems have suffered from several severe shortcomings. Contributory social and health insurance regimes tend to be undermined by low coverage, a high degree of fragmentation, and financial unsustainability. For a long time, non-contributory social protection has been predominantly consisted of universal subsidies, whereas other forms of social assistance have been marginal. Overall, a lack of coherence and civic dialogue has undermined the effectiveness and efficiency of social protection systems in the Arab world. That being said, both Jordan<sup>2</sup> and Tunisia<sup>3</sup> have taken active steps to expand their social protections, though significant challenges remain.

Various actors and stakeholders are involved in the provision of social protection in the Arab world, including civil society actors and non-governmental organizations. Civil society can play an essential role in not just advocating for comprehensive and rights-based social protection policies, but also in supporting the implementation and monitoring of these policies. Therefore, building and maintaining strong civil society networks is essential to ensure that the human right to social protection is fulfilled. While diverse both within nations and between different nations in Arab region, civil society organizations (CSOs), as a whole, provide essential services to the community by filling in the gaps of the needs that are unmet by the official social protection framework, both before and after COVID-19.

Over the past few years, Jordan has tightened restrictions on the civic space and CSOs, which has prevented civil society from playing a true partnership role in shaping social protection policies and COVID-19 response measures. The legal framework regulating the activity of CSOs imposes limitations on the freedom to form and participate in non-governmental organizations, as well as limitations on the resources that these organizations can access. Rules are often vague, rapidly changing, bureaucratic, and arbitrarily applied. CSOs that are involved in policy dialogues are often treated with more scrutiny than CSOs that provide simple services to beneficiaries (such as food, shelter, healthcare...etc.), especially for organizations that criticize government decisions.

<sup>&</sup>lt;sup>1</sup> Social Protection Reform in Arab Countries, Economic and Social Commission For Western Asia, ESCWA (2019). https://www.un.org/unispal/wp-content/uploads/2019/10/E.ESCWA .ADD .2019.1.pdf

<sup>&</sup>lt;sup>2</sup> Kawar, M., Nimeh, Z., and Kool, T. (2022). From protection to transformation: Understanding the landscape of formal social protection in Jordan. *The Economic Research Forum*. Forthcoming.

<sup>&</sup>lt;sup>3</sup> Helmy, I., Amara, M., and Nasri, K. (2022). Landscape of Social Protection in Tunisia. *The Economic Research Forum*. Forthcoming.

On the other hand, Tunisia's civil society has flourished in recent years following democratization. In the wake of the Arab Spring, Tunisia has been working to create a more inclusive development model, which civil society has been actively pushing for – particularly after the enactment of the 2014 constitution as well as other regulations broadening the freedom of civil society. The reinforcement of freedom of association, access to foreign funds, and human rights protections in the Tunisian legal framework in the aftermath of the enhanced civic space have empowered CSOs to effectively participate in the negotiation for a new social contract. Furthermore, Tunisia's social protection system is considered one of the most comprehensive in the Middle East and North Africa (MENA) region with respect to the current levels of coverage, and Tunisia has a wide geographic coverage of non-contributory programs. CSOs have played a fundamental role in the development of social protection policies since the Arab Spring. The role of Tunisian civil society in advocating for a rights-based and sustainable social protection system, as well as its role in ensuring accountability and transparency, requires further research.

Despite the success of both civic space and social protection in Tunisia, COVID-19 has exposed gaps in social protection policy, especially the current limits of the social protection system in Tunisia. This has led the government to deploy urgent measures aimed at addressing the socioeconomic impacts of mitigation measures on the poor and vulnerable, as well as informal workers. Questions remain unanswered about the performance and quality of the targeting of noncontributory programs, especially cash transfers and access to healthcare for the most vulnerable populations. The need for the increased protection of informal workers and reforms in the monitoring and management mechanisms for services such as public healthcare has become abundantly clear.

Likewise, the COVID-19 pandemic has exposed the gaps in Jordan's social protection system. The Jordanian government's policy responses were not participatory, as there were no consultations with stakeholders or the segments of society most affected by the COVID-19 crisis. Broadly, there are no formal mechanisms for CSOs to engage with the decision-making process. The lack of a regulatory framework to organize partnerships with civil society and the participation of non-governmental actors during any stages of the policy cycle is a huge obstacle, as it reduces the level of civic participation in political processes. This has severe implications for the ability of civil society to shape social protection policies, which is deeply concerning as many Jordanians are on the edge of poverty and extremely vulnerable to future crises. The social contract in Jordan requires expansion and inclusion for both the Jordanian national and refugee populations to ensure that no one is left behind.

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<sup>&</sup>lt;sup>4</sup> Amirah El-Haddad (2019). Redefining the social contract in the wake of the Arab Spring: The experiences of Egypt, Morocco and Tunisia, World Development, Volume 127, 2020, 104774, ISSN 0305-750X, https://doi.org/10.1016/j.worlddev.2019.104774.

There are lessons to be learned from both Tunisia and Jordan, as a comparative approach can facilitate knowledge-sharing and provide new insights on successful strategies. To this end, this study seeks to identify similarities and differences between the social protection systems in Jordan and Tunisia and determine the role of civil society in promoting social protection reforms in both countries.

#### 1.1. Methodology

This comparative paper utilizes qualitative research tools to obtain data and information that allows us to conduct an in-depth analysis. We use a combination of semi-structured in-depth interviews and focus group discussions.

A desk review was conducted to examine the existing literature on the contemporary and historical socio-political contexts of civil society actors in both Tunisia and Jordan, and to develop a good understanding of existing regulatory frameworks for civil society in both countries.

Qualitative methods of research focused on information-gathering through 30 in-depth interviews (15 for Jordan and 15 for Tunisia) with focal points of select government representatives, CSO representatives, and independent social protection experts. These interviews were conducted in the presence of a translator in the event of the absence of a shared language (if the language of the participants is not Arabic or English). Additionally, two focus group discussions (one for Jordan and one for Tunisia) were organized to allow for further discussion and dialogue, which enhanced the information-collection process.

#### 2. Key findings

- Historically, CSOs in both Jordan and Tunisia have experienced periods of both significant suppression and increased freedoms, causing variant levels of influence within the policy sphere throughout each nation's history.
- In Jordan, CSOs fulfill an essential role in the provision of social protection services, particularly for groups uncovered by national protection mechanisms, such as refugees.
- Tunisia's current social dialogue mechanism (the National Council for Social Dialogue)
  represents a positive step toward an increased CSO role in social protection policy formation.
  However, it is largely dominated by trade unions and, therefore, lacks comprehensive
  representation of the Tunisian population, particularly informal workers.
- Tunisia's civil society has played an important role in generating legislative reforms for social protection, particularly for women in rural areas and agricultural workers.
- Jordan's current social dialogue mechanisms are sporadic, generally reactive rather than proactive, and largely unformalized. Formal platforms for dialogue, such as the Economic and Social Council and the Tripartite Committee, have failed to adequately provide a forum for

dialogue. Furthermore, previous instances of social dialogue for the creation of social protection policies, such as that of the 2019 National Social Protection Strategy, have been non-comprehensive or superficial.

- Restrictions on associations in Jordan significantly strained the advocacy capabilities of CSOs
  to influence social protection policy. Conversely, Tunisian organizations face considerably
  fewer governmental constraints when conducting operations.
- The relevant civil society actors working in social protection policy in each country are similar but have variant levels of importance. For example, trade unions dominate Tunisia's social dialogue sphere, while they are quite weak within Jordan.
- CSOs face a number of additional challenges in both Jordan and Tunisia, such as poor communication with governmental bodies as well as limited capacities due to financial and technical constraints.

#### 3. The context of social protection in Jordan and Tunisia

#### 3.1. Historical context

Examining the historical development of Jordan and Tunisia's social protection systems reveals the underlying motivations and influences that formed these systems. While both Jordan and Tunisia are heralded as regional leaders in social protection, the development of their systems has taken largely different trajectories. Historically, social protection systems in Jordan have evolved largely outside the (overt) influence of CSOs, with the most significant social protection policy changes occurring during periods of restrictions on social freedoms and public association. For example, the establishment of pension funds for public sector workers (1959) occurred shortly after the dissolution of the Parliament in 1957, and the expansion of pensions to the private sector and creation of the social security system occurred during the martial law period. In this way, social protection measures were historically used to build State loyalty – particularly during times of political instability – through the establishment of a welfare state rather than as a direct result of public and civil society petitioning.

Conversely, Tunisia's early post-independence social protection systems arose in congruence with the flourishing of its civil society sector, and as a direct result of their petitioning. Specifically, Tunisia's strong labor unions have played an instrumental role in the development of social protection schemes within the country, particularly during the early post-independence period. Furthermore, in recent years, Tunisian civil society has strengthened and become a major element of the overall social fabric of the country, playing an essential role in the democratization process. That being said, Tunisia's social protection schemes, like Jordan, have also historically been used to build political loyalty through the construction of a welfare state, particularly during the Ben Ali period, where the ability of civil society to both influence and monitor these systems was severely limited. Thus, while Tunisia's early social protection schemes were developed in cooperation with civil society, these systems have experienced similar challenges to those in

Jordan, including mismanagement and disproportionate coverage. The following sections explore the history of civil society and social protection in both countries in detail.

#### **3.1.1.** Jordan

#### 3.1.1.1. Jordan's early period (until 1946)

Prior to Jordan's independence from British colonial rule in 1946, early CSOs within the area then-known as Transjordan were largely limited to community-based organizations (CBOs) and charities. During this time, publicly-sponsored social protection programs were still a relatively new concept. Jordan's early social protection system was, therefore, largely unformalized and existed through these voluntary charitable organizations, CBOs, and Zakat funds. In fact, Zakat served as the first form of nationally administered social protection through the establishment of the Zakat Law in 1944, which regulated its collection and established a national Zakat fund to which Jordanians could voluntarily contribute.

Following its independence, however, Jordan's civil society landscape began to diversify, with the introduction of organizations such as professional associations and labor unions. This phenomenon was exacerbated following the 1948 war and the mass migration of Palestinians into Jordan, which resulted not only in considerable population growth, but also an increasingly urban and professional population. Further, political liberalization processes in the early 1950s also helped stimulate Jordan's civil society activity. Prompted in part by the need to address the nation's sociodemographic changes following the 1948 war, Jordan promulgated a new constitution in 1952. This new constitution, which is still active today, grants explicit permission for Jordanians to establish societies and associations freely. This early liberalization period saw the establishment of a number of labor unions and professional associations, women's organizations, and student unions as well as sports, social, and cultural clubs. 10

This growth was stalled, however, with restrictions on association following the dissolution of the Parliament in 1957. Along with political parties, women's and student unions were dissolved, and

<sup>&</sup>lt;sup>5</sup> Awad, A., and Sarayra, R. (n.d.). Enabling Environment National Assessment: Jordan. Phenix Center for Economic and Informatics Studies in partnership with Civicus.org

<sup>&</sup>lt;sup>6</sup> Brumfield, N. J. (2017). Governing Charitably: The State, Civil Society, and Welfare in Jordan. Georgetown University.

<sup>&</sup>lt;sup>7</sup> Bilo, C., and Machado, A. C. (2020). The role of Zakat in the provision of social protection: A comparison between Jordan and Sudan. International Journal of Sociology and Social Policy.

<sup>&</sup>lt;sup>8</sup> Nevo, J. (2001). Professional Associations in Jordan: The backbone of an emerging civil society. *Asian Studies Review*, 25(2), 169-184

<sup>&</sup>lt;sup>9</sup> Jarrah, S. (2009). Civil Society and Public Freedom in Jordan. Saban Center for Middle East Policy at the Brooking Institute.

<sup>&</sup>lt;sup>10</sup> Al-Hourani, H. (2010). The Contemporary Jordanian Civil Society: Characteristics, Challenges, and Tasks. *Civicus.org* 

leaders of other CSOs faced scrutiny and persecution.<sup>11</sup> During this time of reduced social freedoms, Jordan initiated a number of state-building projects, which included some of the region's first social protection programs.<sup>12</sup> These institutions and programs included the Ministry of Social Development and Labor (1956),<sup>13</sup> pension funds for public sector workers (1959), and goods subsidies (1960). Furthermore, assistance often came in the form of employment within the public sector, which provided additional benefits designed to protect Jordanians from poverty. It is also important to note that Jordan's Palestinian population was historically excluded from work within the public sector, ultimately causing disparate levels of access to social protection within the country while simultaneously building state loyalty within the native Jordanian population.<sup>14</sup> Thus, the adoption of social protection policies during this time can be closely linked to building state loyalty and minimizing opposition rather than responding to the demands of organized civil society.

This situation persisted throughout the remainder of the 1950s and into the mid-1960s when Jordan witnessed a slight alleviation of the austere measures imposed during 1957, though political parties remained illegal. In their absence, professional associations emerged as powerful civic platforms through which political activism was conducted, specifically regarding Palestinian issues, and arguably strengthening the position of these organizations within Jordanian society.<sup>15</sup>

#### **3.1.1.2.** The martial law period (1970-89)

Progress was, once again, halted during the 1970s. With the forceful dissolution of a number of civic organizations, civil society within Jordan became largely stagnant. Restrictions on the types of organizations that citizens could establish led to a shift in the civil society make-up of the country, with social societies and charities constituting the majority of new CSOs during this period. Interestingly, like earlier periods of restricted social freedoms, the martial law period of the 1970s and 1980s also saw an expansion of Jordan's social protection services, aided by the nation's strong economy. These expansions would include pensions for private sector workers (1978), social security (1978), and the National Aid Fund (NAF) (1986), significantly increasing the number of individuals who had access to social protection services. The NAF emerged as a key institution in the Jordanian social protection system, providing targeted cash assistance to families in Jordan facing abject poverty. Furthermore, during this period, the public sector

<sup>&</sup>lt;sup>11</sup> Al-Hourani, H. (2010).

<sup>&</sup>lt;sup>12</sup> Bilo et. al. (2020).

<sup>&</sup>lt;sup>13</sup> This ministry was later divided into the Ministry of Social Development and the Ministry of Labor.

<sup>&</sup>lt;sup>14</sup> Marie Baylouny, A. (2008). Militarizing welfare: neo-liberalism and Jordanian policy. *The Middle East Journal*, 62(2), 277-303.

<sup>&</sup>lt;sup>15</sup> Nevo, J. (2001).

<sup>&</sup>lt;sup>16</sup> Al-Hourani, H. (2010).

<sup>&</sup>lt;sup>17</sup> Kawar et al. (2021).

continued to be the largest employer within the country, and government employment (with its various social benefits) remained a key form of welfare for the State.<sup>18</sup>

However, this existing social contract where the State provides public sector employment as a form of social assistance was significantly disrupted by the economic crisis of the late 1980s. Jordan was no longer able to sustain the welfare state that it had created, and, as a result, public sector employment and social welfare services were considerably scaled back, much to the frustration of the populace. In response, many of those who previously received these social welfare protections (primarily East Bank Jordanians) engaged in widespread protests against the economic adjustment measures, especially within the south of Jordan. This is particularly notable considering the fact that East Bank Jordanians (as opposed to their Palestinian-Jordanian counterparts) have historically served as a strong support base for the Jordanian State. These protests called for the removal of the current government due to mishandling the economy and significant price hikes, particularly for basic goods like bread.<sup>19</sup>

#### 3.1.1.3. The post-liberalization period (1989-present)

In response to these mass protests, Jordan held parliamentary elections in 1989 for the first time in nearly 20 years. Following the political liberalization measures taken in 1989, Jordan witnessed the emergence of a variety of types of CSOs that were previously banned or non-existent within the country, particularly human rights organizations.<sup>20</sup> Furthermore, the economic liberalization measures imposed by the International Monetary Fund (IMF) also put pressure on government-sponsored services due to the harsh and rapid curtailing of government spending. Therefore, CSOs emerged to fill this vacuum and provide social welfare services to citizens who were suffering during the ensuing economic crisis. Consequently, Jordanian CSOs established themselves as an essential thread in the fabric of Jordanian society, particularly as social service providers, leading to a shift in both governmental and civilian attitudes toward the organizations characterized by an increased tolerance for their activities.<sup>21</sup> This created an environment that allowed CSOs to flourish during the 1990s and early 2000s.

In addition to emergence of a stronger civil society, this period also saw considerable shifts in the existing social contract; the social protection strategy in Jordan needed to be readjusted to accommodate these new economic realities following the economic austerity measures. The focus shifted from welfare state measures that provided broad assistance to the populace toward targeted

<sup>&</sup>lt;sup>18</sup> Kawar et al. (2021).

<sup>&</sup>lt;sup>19</sup> Ryan, C. R. (1998). Peace, bread and riots: Jordan and the International Monetary Fund. *Middle East Policy*, 6(2), 54-66.

<sup>&</sup>lt;sup>20</sup> Jarrah (2009).

<sup>&</sup>lt;sup>21</sup> Jarrah (2009).

poverty alleviation for the nation's poorest.<sup>22</sup> This included initiatives such as housing assistance and school feeding programs.<sup>23</sup> In some cases, such as the school feeding program, initiatives were conducted in partnership with UN agencies like the World Food Programme, and they were financially supported, in part, by foreign governments and international organizations. In the early 2000s, Jordan developed its first Poverty Alleviation Strategy (2002), which outlined a number of poverty reduction initiatives.<sup>24</sup> The 2010s also saw considerable changes within Jordan's social protection framework, including changes to the social security system, healthcare expansion, and the replacement of food and fuel subsidies with cash transfers.<sup>25</sup>

While the 1990s and early 2000s can be considered a time of change for both civil society and social protection systems within Jordan, the Jordanian government has made efforts to subdue civil society influence and activities. One of these efforts was the 2008 Societies Law, which prevents the formation of organizations without governmental approval, thus allowing restrictions on the formation of new organizations based on their agreeability to the government. This has resulted in the rise of what can be ironically termed as "governmental" non-governmental organizations, a paradox that highlights the fact that CSOs are often either "initiated from within the State apparatus or are severely restricted and controlled by the State." Furthermore, while considerable reforms were made in response to the 2010-11 wave of civil unrest commonly known as the Arab Spring, the Societies Law was not among those amended or reformed. Thus, while civil society, as a concept, is not necessarily a new phenomenon in Jordan, long periods of stagnation and limitations on civil activities mean that it has not been able to fully emerge until fairly recently. The sector can therefore be considered as still maturing, the process of which has been non-linear as organizations continue to face challenges to their autonomy and activities.

That being said, CSOs have, at times, been called to consult with the government for the development of social protection policies. For example, Jordan's National Social Protection Strategy (2019-25) – which proposes a number of initiatives to develop a strong social protection floor for Jordanians through the coordinated development of improved labor market conditions, expanded public services, and the provision of temporary targeted social assistance – consulted

<sup>&</sup>lt;sup>22</sup> Al-louzi, B. (2013). Role of Social Assistance Programs in Poverty Alleviation in Jordan. British Journal of Science, 8(1).

<sup>&</sup>lt;sup>23</sup> Ministry of Social Development (MOSD); Ministry of Planning and International Cooperation (MOPIC); UNICEF Jordan. "National Social Protection Strategy, 2019-2025." Available at: https://www.unicef.org/jordan/reports/jordannational-social-protection-strategy-2019-2025

<sup>&</sup>lt;sup>24</sup> Kawar et al. (2021).

<sup>&</sup>lt;sup>25</sup> Kawar et al. (2021).

<sup>&</sup>lt;sup>26</sup> Awad and Sarayra (n.d.)

<sup>&</sup>lt;sup>27</sup> Al-Ali, N. (2003). Gender and civil society in the Middle East. *International Feminist Journal of Politics*, 5(2), 216-232.

<sup>&</sup>lt;sup>28</sup> Awad and Sarayra (n.d.).

with a number of civil society representatives in its development.<sup>29</sup> However, the effectiveness of these consultations is questionable, with CSOs being incorporated largely in name only and without true consideration of their input.

#### 3.1.1.4. Historical challenges faced by civil society in Jordan

As previously noted, Jordan's civil society sector has faced a number of challenges throughout its history, which have affected its ability to effectively leverage power and advocate for policy changes. Firstly, CSOs have historically been framed as adversarial to the State, and they have generally been regarded with distrust by the government.<sup>30</sup> This distrust, as previously seen, has led to periods of almost complete suspension of civil society activities.

Yet, even during 'open' periods for civil society, such as the 1990s-2000s, this distrust did not completely wane. The distrust that CSOs face from the Jordanian State has produced a number of detrimental effects for the organizations. For example, the government has historically used state media to vilify CSOs, particularly those which have been outwardly critical of governmental policies, thereby sowing public distrust and ambivalence toward these organizations.<sup>31</sup> Furthermore, distrust has also led to both direct and indirect interference in the internal affairs and decision-making of these organizations through controlling board members and vetoing certain activities.<sup>32</sup>

Perhaps due to this interference, CSOs in Jordan have also historically suffered from a degree of fragmentation. Initiatives to build coalitions have often been disrupted and, at times, outright prohibited. Furthermore, there are limited laws regulating cooperation amongst CSOs, with only trade unions and chambers of commerce and industry having specified procedures on coalitions and associations. Because of this fragmentation, organizations have been largely unable to work together to leverage their power and push for particular policy decisions. Finally, while there are a number of political and legal limitations for CSOs within Jordan, the challenges faced by these organizations are not limited to governmental factors. Inadequate funding, unreliable leadership, and lack of organizational vision have all been noted as significant hurdles for CSOs in both their general operations as well as advocacy work.

#### **3.1.2** Tunisia

<sup>&</sup>lt;sup>29</sup> National Social Protection Strategy (2019-2025).

<sup>&</sup>lt;sup>30</sup> Awad and Sarayra (n.d.)

<sup>&</sup>lt;sup>31</sup> Wiktorowicz, Q. (2000). Civil society as social control: State power in Jordan. Comparative politics, 43-61; Abdel-Samad, M. (2017). Legislative advocacy under competitive authoritarian regimes: The case of civil society in Jordan. VOLUNTAS: International Journal of Voluntary and Nonprofit Organizations, 28(3), 1035-1053.

<sup>&</sup>lt;sup>32</sup> Jarrah (2009).

#### 3.1.2.1. Pre-independence Tunisia (until 1956)

Like Jordan, pre-colonial Tunisian civil society was largely religion-based, with a number of charitable and religious organizations<sup>33</sup> providing social, economic, educational, and health services for the population. The administration and ordering of such organizations remained largely unformalized.

The formalization of the process of starting an association was introduced by the French following their occupation of Tunisia in 1881.<sup>34</sup> After this, a number of formal social and cultural associations were established. These early organizations were met with varying degrees of acceptance by the French occupation; at times they were viewed as a tool for the promotion of the colonial project amongst the elite by building pro-Western and pro-French sentiment. At other times, they were regarded with considerable suspicion, as they provided Tunisian intellectuals with organizational structures that they could turn into a front against the French occupation. History has shown that the colonialist suspicion was not misplaced, as most of the founding members of these associations became the leaders of Tunisia's first political movement (the Tunisian Youth Movement) in 1907.<sup>35</sup> Despite this, civil society in Tunisia continued to expand throughout the beginning of the 20<sup>th</sup> century and would come to include labor unions, women's associations, and cultural organizations, in addition to charities and religious groups.

Early social protections within French-occupied Tunisia resulted largely from the demands of these early organizations. For example, under the pressure of Tunisia's labor unions, a succession of legal texts established several labor rights for Tunisian workers, including social protection coverage for the agriculture and fishing sectors and the establishment of the eight-hour workday.<sup>36</sup> This differs considerably from the Jordanian context, where social protection was largely given as a way of fostering State loyalty and dependence rather than as a response to advocacy efforts.

Therefore, Tunisian labor unions in particular were able to mitigate (though not entirely prevent) exploitation. Furthermore, the unions' existence within the French colonial political structure also placed considerable limitations on their political activities. That being said, the early 1950s saw the establishment of a number of CSOs that are still prominent in Tunisia today, particularly unions. These organizations became the main engine of civil national action and were central to

<sup>&</sup>lt;sup>33</sup> Veronica Baker (2015). The role of civil Society in the Tunisian Democratic Transition. A thesis submitted to the faculty of the University of Colorado, the International Affairs Program, p.24.

<sup>&</sup>lt;sup>34</sup> Ibid.

<sup>&</sup>lt;sup>35</sup> Leila Houssi (2017). The History and Evolution of Independence Movements in Tunisia. Oriente Moderno Anno 97, N.1. Istituto per l'oriente C.A, Nallino. https://www.jstor.org/stable/48572291

<sup>&</sup>lt;sup>36</sup> Mohamed El-Hadi Ben Abdallah (2010). Labor and Social Security Law in Tunisia, T. 1, 3rd Edition, Tunis, pp. 10-11.

the struggle for independence and later the construction of the national Tunisian State following independence in 1956.

#### **3.1.2.2.** Early independence period (1956-87)

Like Jordan's independence period, Tunisian independence also saw widespread state-building activities. The newly independent state began the modernization and reformation of its existing systems, largely in consultation with the Tunisian General Labor Union. Reforms included compulsory education, the establishment of healthcare services, and the generalization of the social security system. Furthermore, the State promoted family planning and the incorporation of women into the labor market in order to help build the national economy.<sup>37</sup> The end of the 1950s witnessed the adoption of several major social protection policies designed to protect Tunisian laborers, largely through the direction of the Tunisian Labor Union.<sup>38</sup> These would importantly include protections for agricultural workers, including establishing acceptable working conditions and payment.<sup>39</sup> The role played by the Tunisian Labor Union through its participation in the first national government led to the consolidation of the social gains achieved during the colonial period by pushing for improvements in the social protection system for workers.<sup>40</sup>

While the newly independent Tunisian State made major strides through new legislation, it also minimized democratic participation and attempted to prevent the rise of political opposition. In order to do so, a number of CSOs were forcibly dissolved or significantly oppressed.<sup>41</sup> The first organization to experience this was the Waqf Association, which was abolished through legal orders that also prohibited the creation of private or joint endowments.<sup>42</sup> Further limitations were placed on the formation of new associations, both national and foreign. Simultaneously, existing organizations were placed under State control through infiltration by the State's ruling party, the New Constitutional Party,<sup>43</sup> and ultimately became an integral part of the party's apparatus. Thus, while civil organizations and associations played a pivotal role in establishing several laws that allowed their existence and guaranteed economic and social rights, many ultimately became a mobilization tool for the party. Those who sought to retain their independence struggled to survive.

<sup>&</sup>lt;sup>37</sup> Veronica Baker (2015), p.25.

<sup>&</sup>lt;sup>38</sup> Florence Carter (1965). Labor law and practice in Tunisia. United States Department of Labor, p.10.

<sup>&</sup>lt;sup>39</sup> Decree April 30-1956 fixing the general conditions of pay and employment for agricultural workers, effective May 1-1956.

<sup>&</sup>lt;sup>40</sup> <u>Chris Toensing</u> (2011). Tunisian Labor Leaders Reflect Upon Revolt, Middle East Report 258. https://merip.org/2011/04/tunisian-labor-leaders-reflect-upon-revolt/

<sup>&</sup>lt;sup>41</sup> Eva Bellin (1995). Civil Society in Formation: Tunisia, in Civil Society in the Middle East, Vol. 2, ed. Richard Augustus Norton ,Leiden: Brill, p.127. <a href="https://www.brandeis.edu/politics/people/faculty/pdfs/bellin-civil-society-information.pdf">https://www.brandeis.edu/politics/people/faculty/pdfs/bellin-civil-society-information.pdf</a>

<sup>&</sup>lt;sup>42</sup> Selima Abbou (2016). Civil Society Concept, Challenges and Issues, p.9. <a href="http://www.iace.tn/wp-content/uploads/2016/11/Societe-civile-concept-enjeux-defis-1.pdf">http://www.iace.tn/wp-content/uploads/2016/11/Societe-civile-concept-enjeux-defis-1.pdf</a>

<sup>&</sup>lt;sup>43</sup> This party would later become the Destourian Socialist Party (1964-88) and then the Democratic Constitutional Rally (1988-2011).

The remaining civil society institutions played an important role in the development of national policies, particularly within the social protection system. For example, the establishment of the Economic and Social Council<sup>44</sup> created a pathway for non-governmental bodies to advise on the decisions of the government. Membership in the council was initially limited to representatives of workers' and employers' organizations, as well as experts in various fields. The council played an effective and successful role as a real advisor to the public authorities and has formed a space for dialogue between the most important social actors. The actions of this council would directly lead to a number of major social protection measures, including the National Pension Fund (1959), the National Fund for Retirement and Social Prudence (1960), the Labor Code (1966), and the National Office for Vocational Training and Employment (1967). This stood in significant contrast to Jordan, where no formalized institution for the consultation of the public (albeit a selected public) has ever been established by the government.<sup>45</sup>

Despite the development of a welfare state and vast social protection measures, the undemocratic policies pursued by the central government resulted in a deep political and social crisis in the  $1970s^{46}$  that ultimately gave rise to renewed interest in civil society. Several major organizations, particularly human rights organizations, emerged in response to the crisis and promoted democratic reform as well as human rights guarantees. Among these was the Tunisian League, one of the first human rights organizations within the region.

## 3.1.2.3. The formalism of the human rights movement and its absence from economic and social policies (1987-2011)

The period immediately following the 1987 Tunisian coup d'état (late 1980s to early 1990s) witnessed significant human rights progress within Tunisia. During this time, several new human rights organizations were established in Tunisia, and the concept of human rights took a prominent place in the president's discourse. An number of important human rights agreements were ratified. The political change also made room for a multiplicity of both local and international human rights organizations and the establishment of nearly nine thousand associations that were active in various fields, including women's rights, such as the Tunisian Association of Democratic Women (1989).

<sup>&</sup>lt;sup>44</sup> Hafedh Lamouri (2020). Social dialogue in Tunisia after 2011: Challenges and prospects in a context of democratic transition, Friedrich-Ebert-Stiftung, Ameise, Tunisia, p. 21: <a href="http://library.fes.de/pdf-files/bueros/tunesien/16639.pdf">http://library.fes.de/pdf-files/bueros/tunesien/16639.pdf</a>

<sup>&</sup>lt;sup>45</sup> Mohamed El-Hadi Ben Abdallah (2010), p. 3, p. 18, p. 549.

<sup>&</sup>lt;sup>46</sup> Eva Bellin (1995), p. 129.

<sup>&</sup>lt;sup>47</sup> Mohamed Rami Abdel Mawla (2019). Civil Society in Tunisia: A Century of Existence and Conflict, 05/24/2019. https://assafirarabi.com/ar/25806/2019/05/24/%D8%A7%D9%84%D9%85%D8%AC%D8%AA%D9%85%D8%

<sup>&</sup>lt;sup>48</sup> Kamel Jendoubi (2018). What is Tunisian civil society called? In: Between continuity and a new start Tunisian-German relations over time in honor of the 30<sup>th</sup> anniversary of the Friedrich-Ebert-Stiftung in Tunisia, Friedrich-Ebert-Stiftung, Tunisia, p.17. http://library.fes.de/pdf-files/bueros/tunesien/14819.pdf

Although the government was promoting civil society and human rights on the surface, it was also making attempts to control discourse and prevent any opposition to its policies. By limiting which organizations had power and then co-opting those organizations, the central government was able to control discourse about human rights in the country, at least within mainstream media.<sup>49</sup> This was largely similar to the early independence period, where unions were incorporated into regime structure. By the late 1990s, the number of organizations in Tunisia dropped from nine thousand to only several hundred.<sup>50</sup> Those few hundred organizations that clung to their independence were denied public funding, the right to organize meetings, or even rent headquarters for their branches. Many organizations were prevented from holding their electoral conferences. As a result, organizations were forced to minimize their activism and political participation, leaving the development of economic and social policies entirely to the jurisdiction of the regime.<sup>51</sup>

For the most part, legislative input from CSOs during this period was insignificant or only procedural, without any real impact. The Tunisian government produced a number of social protection policies, including the National Solidarity Fund, which was established to reduce poverty in Tunisia's poorest districts, and the National Employment Fund, which was built to provide vocational training, assist financing institutions and investment companies, and enable graduate degree holders to obtain complementary training in specialties required in the labor market. While these organizations may seem positive in their intentions, their effectiveness was called into question and rumors of corruption circulated, and there were little opportunities for CSOs to monitor their activities. Furthermore, other social protection measures also carried greater governmental control. For example, the establishment of cooperative companies for agriculture (2005)<sup>52</sup> helped give farmers social coverage, but these companies were also controlled by government ministries and were considerably limited in their independence. Nevertheless, several of the central government's decisions did produce overall positive results, such as an increase in the guaranteed minimum wage, the establishment of disability insurance, and a variety of social security reforms. It would therefore be unfair to say that this period was exclusively negative for social protections; rather, the point is that these measures were taken without input from the public.

However, despite these measures, amendments had to be made to the Labor Code in 1994 and 1996,<sup>53</sup> which resulted in more flexibility and led to a vast increase in the number of workers

<sup>&</sup>lt;sup>49</sup> Mohamed Rami Abdel Mawla (2019).

<sup>&</sup>lt;sup>50</sup> Ahmed Al-Qalai (2017). Tunisian Civil Society, a major actor before and after the revolution, Difficult Democratic Transition, Reform Issues Series No. 36 -2017, Cairo Institute for Human Rights Studies, Tunis, p. 165.

<sup>&</sup>lt;sup>51</sup> Mohamed Rami Abdel Mawla (2019).

<sup>&</sup>lt;sup>52</sup> Wassim Al-Obeidi (2020). The Dynamics of the Social and Solidarity Economy in Tunisia: A History of Employment and Subjugation, Legal Agenda Magazine No. 19.

<sup>&</sup>lt;sup>53</sup> The third periodic report of the Republic of Tunisia under the International Covenant on Economic, Social and Cultural Rights for the period from 1999-2014.

without contracts or with fixed-term contracts, resulting in the spread of the informal sector and therefore weak contributions to social security funds.<sup>54</sup>

However, the participation of Civil Society in social protection policies was not nonexistent during this period. For example, in response to the increasing employment challenges, Tunisia witnessed a major protest movement demanding improved employment opportunities and economic development, led by the Union of Unemployed Certificate Holders.<sup>55</sup> This movement, which began in 2006, witnessed the emergence of both local and regional committees as well as coordination offices established throughout Tunisia to organize labor protests and movements in effort to highlight the unemployment crisis. Notably, the movement focused on the inadequacy of the Tunisian educational system to effectively prepare graduates for competitiveness within the existing labor market, which suffered from considerable saturation in certain sectors.<sup>56</sup> While protests were restricted by the State authority before the revolution, the Union entered into alliances with various components of civil society, whether parties or associations, to publicize their cause, despite their full awareness of the risks of doing so. For example, the Tunisian League for the Defense of Human Rights generated human rights support for the Union, adopting the Union's causes and crystallizing their economic and social demands through the different branches of the League. The League highlighted their issue through public statements, as it did when it supported the hunger strike carried out by a number of unemployed people in Sidi Bouzid governorate in protest against their deteriorating social situation. Likewise, the Tunisian General Labor Union, by virtue of the wide geographical distribution of the union's branches in the various regions of the country, supports the work and activities of the Union's members.<sup>57</sup>

Despite the efforts of the protest movement, unemployment continued to rise during the coming years. In 2010, the unemployment rate reached 13 percent,<sup>58</sup> while the poverty rate at the national level during the same year was 20.5 percent.<sup>59</sup> These harsh conditions, combined with years of frustration, ultimately lead to the 2010-2011 revolution.

content/uploads/pdf/Arab\_Reform\_Initiative\_en\_5641.pdf?ver=2563e4de19602c76f39b7287d8ae9b53

<sup>&</sup>lt;sup>54</sup> Abdel-Jalil El-Badawi. (2021).The Public Financial Crisis of 2020-2021, Economic Studies Forum, Any Reading of Existence and Any Solutions to Achieve the Desired, Tunisian Forum for Economic and Social Rights, Tunisia, p.9.

<sup>&</sup>lt;sup>55</sup>The General Ground Document", the Union of Unemployed Certificate Holders, May 2006. Copied from Chakroun, H. (2018). Between Rights and Politics: Human Rights Organizations and the Economic and Social Struggle in Tunisia, Research Papers, 26 Arab Reform Initiative, January 2018, p. 5. For more details, see the following link: https://www.arab-reform.net/wp

<sup>&</sup>lt;sup>56</sup> Ibid., p. 6.

<sup>&</sup>lt;sup>57</sup> Ibid. p. 7.

<sup>&</sup>lt;sup>58</sup> El Badawi, 2021, p.7

<sup>&</sup>lt;sup>59</sup> Ibid, p.12

#### 3.1.2.4. Post-democratization (2011-present)

Following the protests during the so-called Arab Spring social movements of 2010 and 2011, Tunisia promogulated a new constitution and ended the single-party rule that had lasted since its independence. CSOs were essential in this process, and in 2014 four major CSOs were awarded the Nobel Peace Prize for their role in helping to assist Tunisia's democratization process and ratification of its new constitution. In the new Tunisian constitution, the freedom of association is specifically protected, and since its establishment there has been a large increase in the number of organizations within the country.

These organizations have been essential in the development of Tunisia's new social contract, which prioritizes even development across all regions as well as seeks to guarantee basic rights to work, decent employment, education, training, health, housing, social protection, and equal opportunities for social advancement. Social protection is thus an essential component of the new social contract.

Furthermore, the new social contract emphasizes the role of CSOs in the legislative process. This role was preserved and formalized through the establishment of the Ministry of Relations with Constitutional Bodies, Civil Society and Human Rights in 2016, which is explicitly responsible for helping to "establish the independent constitutional bodies, contribute to perpetuating the continuous dialogue between the government and civil society with a view to establishing the rules of participatory democracy, preparing and proposing legislation, action plans and strategies and implementing them to develop the human rights system, in addition to the coordinating role with the rest of the relevant ministries, structures, organizations and associations, participating in the protection of human rights, consolidating their values, spreading their culture, and ensuring their practice in accordance with national legislation and relevant ratified international charters."

Tunisia's CSOs during this time period also had direct impacts on the rates of social protection. For example, following the 2011 revolution, efforts made by the Tunisian General Labor Union caused the Tunisian government to stop the practice of outsourcing cleaning and gardening jobs for its public spaces to private companies. By doing so, more than 30,000 workers were incorporated into public sector social protection schemes, many of whom had priorly been informal laborers and without any coverage.<sup>61</sup>

<sup>&</sup>lt;sup>60</sup> Governmental decree n° 2016-465 dated April 11, 2016, establishing the Ministry of Relations with Constitutional Bodies, Civil Society and Human Rights and fixing its competencies and powers

<sup>&</sup>lt;sup>61</sup> United Nations Economic and Social Commission for Western Asia (ESCWA), 2019. Social Protection Reform in Arab Countries.

Unfortunately, the order which established this ministry was cancelled in 2017, and its structures and roles were instead tied to the head of state.<sup>62</sup> These changes have prompted considerable worry that for some Tunisians that the government is again heading towards restricting civil society and its movement. This indicates that, while civil society has become an essential component in Tunisia's social fabric, it still faces a number of challenges.<sup>63</sup>

#### **3.2.** Current social protection schemes

#### 3.2.1. Social protection in Jordan and Tunisia

Understanding the current role that civil society plays in developing social protection strategy in Jordan and Tunisia also requires an understanding of existing social protection schemes in both countries. Both Jordan and Tunisia provide a number of social protection benefits for their citizens, including social insurance, social assistance, and healthcare benefits. However, the rates of coverage and specific mechanisms of each of these institutions vary considerably between the two nations. For example, Tunisia's current social insurance system is comprised to two distinct entitites- the Caisse National de Retraite et de Prevoyance Sociale (CNRPS),<sup>64</sup> which operates for public sector workers, and the Caise nationale de Securite Sociale (CNSS)<sup>65</sup>- while Jordan has consolidated its social insurance and pension programs under the National Social Security Commission.

In 2020, the ILO estimated that Tunisia's social protection system, broadly speaking, provides at least one protection benefit (either contributory or non-contributory) to approximately 50 percent of the population. Conversely, Jordan's current system is estimated to cover only 35 percent of the total population. Furthermore, while protection for individuals who require sick leave and child/family benefits are secured within Tunisian law, Jordan only has limited legal provisions for sick leave and no legally formal family/child-based cash transfer programs.

As seen in table 1, the areas in which each scheme provides coverage also differ considerably between Jordan and Tunisia. For example, Jordan's protection for employees who are injured while at work is substantially higher than that of Tunisia; conversely, the proportion of households receiving child-related cash benefits in Jordan is only one-third of that of Tunisia. However, both nations have similarly low rates of social assistance coverage for vulnerable persons.

#### **Table 1. Rates of coverage**

<sup>&</sup>lt;sup>62</sup> Governmental decree n° 2018-741 dated August 16, 2018 relating to the establishment of structures at the head of the government.

<sup>&</sup>lt;sup>63</sup> Hafez Al-Hinati. (2021)Opinion: Cancellation of the Ministry of Relations with Constitutional Bodies and Civil Society: An Evaluation Error or a Political Orientation

<sup>64</sup> http://www.cnrps.nat.tn/

<sup>65</sup> https://www.cnss.ma/

Rates of Coverage	Jordan	Tunisia
Population Covered by at least one social protection	35%	50%
benefit		
Persons of Retirement Age receiving pensions	57%	85%
Persons with severe disabilities collecting benefits	14%	5%
Employed Covered in the event of work injury	58%	29%
Children/households receiving cash benefits	9%	29%
Poor persons covered by some form of social protection	N/A	66%
Vulnerable persons covered by social assistance	17%	21%

Source: ILO, Social Protection Data Dashboards.

#### 3.2.2. Broad challenges within social protection schemes

While the Jordanian and Tunisian social protection systems vary considerably in their structure and levels of coverage, they face similar challenges regarding the stability, sustainability, and effectiveness of their social protection systems. These challenges represent key areas in which CSOs may advocate for improvements.

As seen within Table 1 above, both contributory social protection and social assistance programs in Jordan and Tunisia fail to provide comprehensive coverage to eligible of in-need populations. Furthermore, rates of non-coverage are not equal across all socioeconomic strata, with poor, refugee, and geographically-isolated individuals less likely to be receiving coverage.

Importantly, social insurance in both Jordan and Tunisia fails to account for informal workers, a growing sector within both countries, particularly following the economic recession experienced within the COVID-19 pandemic. In 2018, the ILO estimated that approximately 58.8 percent of Tunisian workers and 44.9 percent of Jordanian workers were employed through informal means; due to the varying definitions of 'informal,' some of these informal workers may still be enrolled in social security through opt-in programs and other mechanisms. This measurement of informal-sector workers includes both those who are employed with entities not officially registered with the Ministry of Labor and the Social Security organizations, as well as those who are working informally with a formally-registered institution and those which are unregistered self-employed freelancers or household contributors. Furthermore, poor individuals are more likely to be engaged in informal work; for example, nearly 60 percent of Jordan's poorest who are working are employed informally, compared to only 30 percent of Jordan's wealthiest.

In Tunisia specifically, recent trends towards informal labor have been particularly impactful. Historically, Tunisia has had very high rates of social insurance coverage; however, while Tunisia does have a high-rate of coverage for those who are working formally- including mandating coverage for several groups not included within Jordan's social security mechanism- many of its workers fall outside of this 'formal' umbrella. Furthermore, the growing number of individuals informally employed- which has been increasing since 2011, particularly amongst young people-

also puts the broader social insurance scheme at risk. With a decreasing number of contributors, increasing burden is placed on those who do contribute and the overall financial stability of the scheme is put at considerable risk.<sup>66</sup>

In fact, both Jordan and Tunisia face a similar, growing problem of financial deficits and instability within the current social protection systems. In Jordan, the phenomena of early retirement has greatly contributed to the overall expenditures on pensions, which currently accounts for the vast majority of social protection spending.<sup>67</sup> Simultaneously, rising rates of both unemployment and informal employment amongst Jordanian youth mean that there is little contributions being made to the social security system to offset these expenditures. In total, pension spending corresponds to nearly 9 percent of GDP, despite the fact that only 57 percent of retirement-age Jordanians are receiving benefits.

Tunisia, similarly, has had increasing deficits within its social insurance schemes. Between the Caisse National de Retraite et de Prevoyance Sociale (CNRPS), Caise Nationale de Securite Sociale (CNSS), and National Health Insurance Fund, cumulative deficits reached nearly 2 billion TND (approximately 692 million USD) in 2019.<sup>68</sup> This deficit can be attributed to a number of factors. Like Jordan, Tunisia's early retirement options and low retirement age relative to life expectancy put strain on the pension system. Additionally, the increasing rates of informal economy, unemployment, and underreporting of employee numbers by companies have all resulted in lower rates of contribution than that needed to support the provision of social insurance.<sup>69</sup>

Regarding social assistance, both Jordan and Tunisia fail to provide substantial coverage for the entirety of their vulnerable populations (17 percent and 23 percent coverage, respectively). These relatively low rates of coverage are due to a variety of factors, including high rates of absolute poverty amongst citizens in both nations (15.7 percent in Jordan, 15.2 percent in Tunisia), which make it difficult for the country to adequately cover the entirety of those eligible. For example, the national aid fund's Takaful program, which provides cash assistance for families living below Jordan's poverty line, had over 108,000 eligible applicants for its first program cycle, but only was able to provide services to approximately 21,000 beneficiaries due to limited resources.<sup>70</sup>

<sup>&</sup>lt;sup>66</sup> Cheikh, N. B., and Moisseron, J. Y. (2021). The Effects of Social Protection on Informal Employment: Evidence from Tunisia. In Social Policy in the Islamic World (pp. 187-223). Palgrave Macmillan, Cham.

<sup>&</sup>lt;sup>67</sup> Kawar, M., Nimeh, Z., and Kool, T.A. (2021). From protection to transformation: Understanding the landscape of formal social protection in Jordan. *The Economic Research Forum*. Forthcoming.

<sup>&</sup>lt;sup>68</sup> WMC, 2019. Un déficit de 2 milliards de dinars des Caisses sociales attendu cette année. https://www.webmanagercenter.com/2019/10/29/440569/un-deficit-de-2-milliards-de-dinars-des-caisses-sociales-attendu-cette-annee/

<sup>&</sup>lt;sup>69</sup> Mrad, Leila Benzarti (2016). The Social Protection System in Tunisia. Arab NGO Network for Development (AAND). https://www.annd.org/uploads/summernote/three21614341157.pdf

<sup>&</sup>lt;sup>70</sup> UNICEF and NAF (2020). National Aid Fund Takaful Program- Baseline Report. https://naf.gov.jo/EBV4.0/Root Storage/EN/EB List Page/NAF EN FINAL.pdf

Similarly, Nasri (2020) estimates that Tunisia's current social assistance programs only cover approximately half (50 percent) of the poor population, and less than half (40 percent) of the extremely-poor population.

In addition to the sheer number of poor people requiring social protection benefits, a number of other factors also result in limited coverage. In Jordan, large populations of refugees remain ineligible for national social protection schemes, and are instead reliant on international organizations, local charities, and donation-based assistance. While Tunisia does not have as substantial a refugee population as Jordan, coverage of poor individuals varies considerably by region; the de-centralized nature of deciding national social assistance benefits, which is determined regionally by councils, has resulted in a number of instances of non-eligible individuals receiving benefits while those who are eligible do not.<sup>71</sup> In the southwest, non-eligible households estimated to account for approximately 11 percent of the total beneficiary population. This would indicate that failures of coverage are not exclusively a result of lack of adequate funding, but also mismanagement of those funds.

#### **3.2.3. COVID-19 and social protection measures**

In both Jordan and Tunisia, governmental response to the COVID-19 pandemic has highlighted the challenges within current social protection schemes.

On March 17<sup>th</sup>, 2020, Jordan instituted a total lockdown in attempt to mitigate the spread of coronavirus. This lockdown- which was one of the world's strictest- initially forbade any movement outside of the home, but was later relaxed to allow for purchasing of essential goods during the hours of 12:00pm-6:00pm, without the use of cars or other automotive transportation. During this six-week period, economic activity came to a near stand-still as individuals who were unable to work from home, were not considered 'essential,' and/or were informally employed, found themselves without income.

Similar to Jordan, Tunisia's response to the COVID-19 pandemic involved strategies of national lockdowns and closure of sectors. Between March 21<sup>st</sup> to June 4<sup>th</sup> 2020, Tunisia's government implemented a nation-wide curfew between the hours of 8:00pm and 6:00am, as well as closed a number of sectors such as clothing retail, restaurants, and hairdressers. Furthermore, like Jordan, Tunisia posed significant restrictions on travel between governorates, requiring documented permission to move between locations. For a country where access to services and goods greatly differs between the interior and coastal regions, these restrictions on travel place strain on ability to provide resources to those within Tunisia's interior.

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<sup>&</sup>lt;sup>71</sup> Nasri, K. (2020). Social Safety Nets in Tunisia: Do Benefits Reach the Poor and Vulnerable Households at the Regional Level?, GLO Discussion Paper No. 440, Global Labor Organization (GLO), Essen. https://www.econstor.eu/bitstream/10419/209717/1/GLO-DP-0440.pdf

A Rapid Assessment conducted by Jordan's National Aid Fund in June 2020 revealed that the coronavirus pandemic and the associated lockdown measures has had highly detrimental effects on the overall socioeconomic wellbeing of Jordan's population, with the number of Jordanians potentially falling below the poverty line (household income of less than 68 JD per person per month) during the first months of the COVID-19 lockdown nearly doubling. The effects of this were particularly detrimental to informal workers, who were unable to access unemployment or social security benefits in order to mitigate income losses during this time. Tunisia faced similar challenges; according to a survey conducted by ERF, approximately half of Tunisian households experienced a drop in income during the initial phases of the pandemic, with those who are informally employed, the self-employed, and agricultural workers being the most affected.<sup>72</sup>

In order to provide emergency assistance for those most affected by the pandemic, the government of Jordan instituted a number of measures. For example, nearly 250,000 Informal workers, who were unable to access unemployment or social security benefits, were specifically targeted through cash assistance programs.<sup>73</sup> There were also specific programs set up for workers in the tourism sector, Furthermore, substantial efforts were made through the Social Security Corporation (SSC) to provide unemployment benefits and early access to insured income.

Similarly, Tunisia attempted to respond to the needs of its people through specific programs meant to cover policy gaps in the current protection scheme. For example, unlike Jordan, Tunisia currently does not provide unemployment benefits for individuals who lose their jobs. During the COVID-19 pandemic, unemployment greatly rose despite attempts to minimize the rate of layoffs; Tunisia's unemployed population increased from 15.1 percent to 17.3 percent between the first quarter of 2020 and the first quarter of 2021. To provide for individuals who found themselves unemployed as a direct result of the pandemic, Tunisia allocated approximately 100 million dinars towards cash assistance. Other assistance efforts included the provision of additional cash aid to families as well as pensioners receiving below a certain threshold monthly.

Despite these efforts, the pandemic also highlighted existing challenges within the current social protection schemes. For example, while the social protection efforts made by Jordan during the coronavirus pandemic were admirable, these efforts also had considerable impact on the overall stability of the SSC's funds: in order to provide these benefits, the SSC borrowed considerably from the existing maternity fund. Furthermore, the depletion of funds in order to provide social protection benefits during the pandemic will need to be offset by greater contributions to the fund in the future, meaning that the need to enroll a larger portion of the population- including those

<sup>&</sup>lt;sup>72</sup> Hassen, M., Marouani, M.A., and Wojcieszynski, E. (2021). Mitigation Strategies in Response to COVID-19 and Inequalities in Tunisia. INCLUDE Platform. https://includeplatform.net/wp-content/uploads/2021/05/COVID-report-Tunisia.pdf

<sup>&</sup>lt;sup>73</sup> Jordan Strategy Forum and UNICEF. 2020. Jordan's National Social Protection Response During COVID-19. https://www.unicef.org/jordan/media/3921/file/Jordan's%20National%20SP%20Response%20During%20COVID-%20UNICEF%20%20JSF.pdf

working informally- in social insurance schemes is more salient than ever before. Furthermore, the measures taken by the SSC were generally non-inclusive of non-Jordanians, leaving informal foreign workers, including refugees, particularly vulnerable.

Additionally, for the many individuals- in particular, refugees- who rely on humanitarian assistance through NGOs and charities, lockdown measures presented a considerable obstacle in receiving these essential services. While many organizations were eventually able to apply for movement permits during the lockdown period, thus allowing the distribution of goods, the process of receiving these permits was by no means clear nor rapid. For the beneficiaries of these organizations, this resulted in extended periods without stable and regular access to necessary goods. This further highlights the challenges in the privatization of social assistance and exclusion of non-Jordanians from national protection measures.

In Tunisia, the pandemic likewise revealed weaknesses in the existing social protection safety nets. Firstly, the pandemic particularly stressed needs for reform in the public health sector. Despite the provision of medical coverage under Tunisia's national medical insurance programs, which cumulatively cover approximately 73 percent of the population,<sup>74</sup> the widespread nature of the pandemic highlighted the need for expanding medical coverage to include those who are unemployed or otherwise not eligible for coverage. Inefficient medical treatment, mismanagement of hospitals and medical resources, and the absence of a comprehensive and fair health insurance system has deepened mistrust between the Tunisian people and their current government.

Furthermore, like in Jordan, the pandemic also highlighted the particularly potent need for incorporation of informal workers into the national social protection scheme in order to mitigate the effects of future catastrophes. It also underscored the current disparities that exist between regions within Tunisia, and the need for better and more efficient mechanisms for identifying vulnerable people, particularly in the country's remote and hard-to-reach population.

The COVID-19 pandemic produced immense loss and suffering for people around the world, and this fact will always take precedence over its positive outcomes. That being said, it has also served as a wake-up call for individuals, organizations, governments and policymakers to the importance of guaranteeing a social protection floor for all citizens, and will hopefully serve to invigorate efforts to protect those most vulnerable from future catastrophes.

#### 4. Civil society and social protection

#### 4.1 Overview

Tunisian civil society has seen markedly improved success in the development and advocacy for social protection. Since the 2011 revolution, Tunisian civil society has emerged as a leading voice

<sup>&</sup>lt;sup>74</sup> Dytz, J.P. (Nov 2021). Proposed Reforms of the Social Protection Systems of Morocco and Tunisia in Light of the Impacts of the COVID-19 Crisis. International Policy Centre for Inclusive Growth. ISSN 2358-1379.

for addressing economic and social problems as well as the development of Tunisia's new democracy. Furthermore, CSOs have played a pivotal role in strengthening and affirming the country's revolutionary policies and disposing of the contentious former policies. This shift has created new spaces centered around the role of civil society in building a state of freedoms that contribute to the promotion of human rights and public freedoms, especially for vulnerable groups that did not receive full economic and social rights in the previous era.

Tunisian CSOs have had a clear contribution to the development of the social contract, which is based on regional development and guaranteeing the rights of decent work, education, health and mainly health coverage. Through the contribution of civil society's contribution to the development and evaluation of the country's social and economic policies, CSOs have been able to generate a social contract which preserves the rights of Tunisians and supports social equality. For example, CSOs participated in shaping new frameworks that strengthen and establish social protection, such as the Social and Solidarity Economy law (SSE law). The SSE Law creates a legal and social framework for marginalized groups of workers that wish to form cooperatives and receive the advantages of formalization, including access to social protection measures, finance, markets, business development programs offered by INGOS. Similarly, CSOs have been responsible for developing the self-entrepreneur law, which targets self-employed entrepreneurs and offers simplified registration procedures in order to allow for economic formalization. This law takes particular consideration of the needs of self-employed individuals, such as ensuring that the Ministry of Employment will cover social security contributions during the first year of registration, providing registration through an online platform, and tax system which is based off of effective generated income. Together, both the SSE and Self-Entrepreneurship Law offer previously-excluded informal workers access to a comprehensive social protection model that relies on their sectoral and actual needs. Notably, civil society helped to moderate between workers and decision makers in order to propose and advocate for a new model of down-top policy.

The impacts of CSOs on Jordanian social protection policy, however, have been considerably more limited than in Tunisia. In recent years, there has been some effort to incorporate CSOs into a broader social dialogue, such as the posting of draft legislation on the prime ministry website with calls for input and feedback, as well as the invitation of some organizations to consult on national action plans. However, while local organizations may be invited to partake in some form of dialogue, their input may be completely disregarded and their presence considered more of a formality than a legitimate effort to generate social dialogue. For example, CSOs were invited to consult on the 2019-2025 National Social Protection Strategy, but were largely excluded from the decision-making or steering apparatus for the strategy. Those organizations which did have opportunity to actively engage were predominantly Royal NGOs, who can be considered paragovernmental rather than truly independent, as well as international NGOs and organizations, indicating the privileged status that these organizational types often have within the broader social and political system. However, despite these challenges, CSOs have had some notable successes

within the advocacy arena, notably the addition of the 2021 Agricultural Bylaw to the Jordanian Labor Code, which expanded social protections available to agricultural laborers.

While the capacity of CSOs to engage in social protection policy decisions may be somewhat limited, their role in the actual provision of social services is not. In fact, civic organizations are actually one of the primary providers of social protection, particularly for non-Jordanians such as Jordan's significant Palestinian, Syrian, and Iraqi refugee populations who are often excluded from social protection schemes within the country. These organizations often have intimate understandings of the needs of vulnerable peoples, such as refugees and informal workers, but are often limited in their capacity to influence policy and advocate for the populations they serve.

#### 4.2 Civil society in Jordan

#### 4.2.1. The landscape of Jordanian civil society

The impacts of long-term restrictions on civil activities during the 1957-1989 period are still quite visible within the organizational make-up of Jordan's civil society (Figure 1). As previously mentioned, during the martial law years there were few opportunities for the establishment of CSOs, particularly those which engaged in advocacy activities. As a result, charities maintain a plurality, though not a majority, within the Jordanian civil society landscape, as seen in Figure 1. It is important, however, to note that this figure details only the type of organization and not their relative size. For example, there are only a few professional associations within Jordan, but due to the fact that membership is mandatory for practitioners of those professions, they constitute one of the largest sectors within Jordan's civil society landscape.

Unlike professional associations, trade unions within Jordan do not have required membership. As such, their numbers are considerably fewer. Furthermore, the bargaining capacities of labor unions are considerably limited. The General Federation of Jordanian Trade Unions (GFJTU), for example, is entirely dependent on support from the government to conduct its activities. As such, the seventeen trade unions which it encompasses face considerable restrictions on their ability to organize labor and conduct bargaining activities.

Another important sector of Jordanian civil society are foreign organizations and INGOs, which are generally able to exert considerable influence, particularly relative to their relatively small proportion within Jordan's civil society landscape. This disproportionate level of influence can be largely attributed to the financial and political resources of these institutions, in part due to the fact that it is difficult for local NGOs to access foreign funding. This creates quite significant power and funding disparities between international and local organizations. That being said, while foreign organizations have better capacity for influencing change, they also face greater scrutiny from governmental organizations at times and therefore increased pressure to maintain neutrality.

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<sup>&</sup>lt;sup>75</sup> Awad and Sarayra (n.d.)

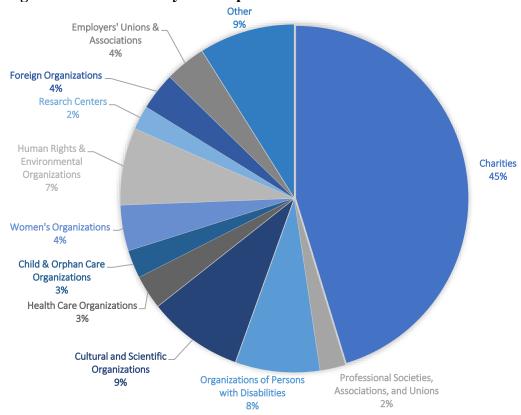


Figure 1. The civil society landscape in Jordan

Source: civilsociety-jo.net.

As a result, foreign organizations are at times either unable or unwilling to conduct explicit advocacy and lobbying efforts with policymakers.

Finally, Royal Societies and Royal NGOs also present a unique form of civil society within the Jordanian social landscape, as they are affiliated with the monarchy but fulfill and perform similar roles to non-affiliate organizations. However, these organizations, unlike their non-royal counterparts, are generally established through specific charters and laws outside of the 2008 Societies Law. These organizations occupy a gray area between the public and private spheres and thus their status as CSOs largely depends on one's precise definition of "civil society." Nonetheless, they employ a number of societally important roles, particularly regarding services and protections for the poor: for example, Tkiyet Um Ali, founded by Princess Haya Bint Al Hussein, is one of the largest food-aid distributors within Jordan. These organizations' proximal location to power structures within Jordan has at times provided them with preferential treatment, particularly in regards to receiving fundraising approvals and other government permits. For example, RNGOs were able to quickly attain movement permits during the COVID-19 pandemic lockdowns, allowing them to resume their activities earlier than other similar organizations.

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<sup>&</sup>lt;sup>76</sup> Department of Statistics, Household Expenditures and Income Survey – HEIS (2017)

Arab Renaissance for Democracy and Development (ARDD) (2020). Strengthening Localization in Jordan. Available

#### 4.2.2. Civil society and social protection in Jordan

#### 4.2.2.1. Civil society and social protection policy

Historically, the restrictions placed on the formation and freedom of CSOs has limited their consultative capacity in the generation of social protection policy, despite the fact that these organizations often are quite important in the implementation of protection activities. That being said, capacity for social dialogue in Jordan has been growing since the political liberalization period. Jordan now hosts a number of institutions which may facilitate social dialogue discussions, such as the Jordanian Economic and Social Council (ESC). However, these organizations still remain largely reactive- not proactive- in their approach to social dialogue, and "addresses issues typically sent by the government" and not necessarily those which are most pertinent in the eyes of the public.<sup>78</sup>

Similarly, other mechanisms for civil society input into laws and policies in Jordan include the process of posting of draft laws on the Prime Ministry's website with calls for input and feedback. This input and feedback is then gathered and incorporated, to varying degrees, into the final draft of the law or policy. While this mechanism does allow for CSOs to express their concerns directly with the government, it is again reactive in nature, as CSOs are tasked with reacting to policies, legislation, and issues as determined by the government. Furthermore, the capacity of CSOs to effectively lobby and consult with governmental bodies in general depends on the strength and capacity of the organization itself, as well as its relationship with relevant governmental bodies. As such, civil society's involvement in social protection advocacy has been sporadic and varies considerably between organizations.

For example, in the July of this year the Ministry of Social Development (MOSD) hosted a dialogue session aimed to "bolster the role of CSOs in being part of designing social protection policies and providing social services." While these activities certainly represent a step in the right direction towards greater involvement of civil society in social protection efforts, they often occur as one-off events rather than protracted dialogue with tangible outcomes. In fact, in many cases, CSOs are not consulted at all prior to decision-making; for instance, no social dialogue took place before the SSC took the decision to use unemployment and maternity funds during the COVID-19 pandemic. Social insurance funds are being spent by the government without a social consensus, threatening the savings of individuals towards their retirement and other unforeseen events.

 $\underline{https://static1.squarespace.com/static/58256bc615d5db852592fe40/t/5fb2af70327f2e4fadf56137/1605545864143/State+of+Localisation+in+Jordan+2020.pdf}$ 

<sup>&</sup>lt;sup>78</sup> Laith, D.R., (2016). Diagnostic Report on Social Dialogue and Collective Bargaining in Jordan. SOLID: South Mediterranean Social Dialogue. https://solidmed.eu/sites/default/files/2021-05/1.1.2\_Social\_Dialogue\_Diagnosis\_Jordan\_VA.pdf

<sup>&</sup>lt;sup>79</sup> Petra News Agency (July 1, 2021). "Public sector, CSO's team up to further societies' role in social protection." https://www.petra.gov.jo/Include/InnerPage.jsp?ID=35814&lang=en&name=en news

Furthermore, there have also been times when consultation with CSOs have been conducted, but input from these organizations was generally disregarded. For example, while CSOs did participate in the drafting of the 2019-2025 National Social Protection Strategy, participants in the strategy meeting noted that the participation was significantly limited, with few organizations being invited to partake in this consultation. Furthermore, the involvement of CSOs was generally limited to consultations only; for example, the Higher Steering Committee for the development of the strategy, while not entirely composed of governmental officials, only had representatives from RNGOs, again indicating the privileged status that these organizations often have within the decision-making process. Additionally, while the consultations for the development of the strategy included organizations working across a number of major social issues, including women's rights and disability rights, they were by no means comprehensive, suggesting that there is still considerable room for growth in Jordan's social dialogue processes.

Another recent achievement within the social protection landscape occurred very recently with the addition of the 2021 Agriculture Bylaw to the Jordanian Labor Code. Until this bylaw was added, agricultural workers were unequivocally excluded from social and labor protections. Per the new amendment, agricultural workers should now be protected by formal labor contracts, improved workplace safety requirements, limitations on number of hours they can work each day/week, maternity leave, and compensation for workplace injury. 80 Importantly, through the formalization of agricultural work, workers should now be able to access social security benefits, a key right that workers were lacking prior to this addition. This represents a major achievement on behalf of the CSOs who have been working for the past 12 years to expand labor protections to the agricultural sector, and indicates that the government of Jordan is willing to respond to the advocacy of CSOs and international organizations despite pressure from agricultural business owners. That being said, the new agricultural bylaw is by no means comprehensive; notably, it excludes agricultural workers who work in so-called microenterprises (3 employees of less). Considering the prevalence of microenterprises within the agricultural sector, this means that a significant portion of the agricultural workers are not included within the protections, and may inadvertently incentive employers to reduce the workforce in order to avoid formalizing contracts and providing labor benefits. Furthermore, the degree to which these protections will be enforced remains to be seen.

Another mechanism through which both individuals and organizations can provide feedback on policy proposals is through the website of the prime ministry, where all draft legislation is posted with calls for feedback. CSOs have the ability to provide their input regarding the legislations. However, the rate in which individual organizations partake in these activities varies greatly and depends on the individual capacity of the CSO to do so, as well as their vigilance in monitoring the website and responsiveness to legislative news.

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<sup>&</sup>lt;sup>80</sup> Sottile, Z. and Abdelhadi, R. (May 4<sup>th</sup>, 2021). Farmers, Advocates hail new bylaw, though 'imperfect'. Jordan News. https://www.jordannews.jo/Section-109/News/Farmers-advocates-hail-new-bylaw-though-imperfect-2472

Despite the fact that CSOs have been incorporated- albeit sporadically- into the policy-making process for some social protection measures, this has not been coupled with legislative changes and broadened freedoms for these organizations. CSOs continue to face considerable restrictions in their activities, indicating that any social dialogue which exists is still being conducted largely under conditions determined by governmental bodies, not CSOs or citizens.

#### **4.2.2.2.** Civil society and the provision of social services

As previously noted, the economic crisis of the 1990s resulted in a rapid withdrawal of government funding from social programs and a drastic reduction of public sector employment. CSOs, such as community-based organizations and charities, have emerged to fill these gaps. This has essentially resulted in the privatization of social welfare services.

This privatization of aid and welfare is clearly demonstrated in Table 2, which examines the percent of households earning less than 2500 JD annually (approximately 200JD/month) are receiving aid. Examining households within this income bracket which receive social assistance can help us understand the landscape of service providers in Jordan. As seen below, the National Aid Fund and Ministry of Social Development, the government's two largest welfare providers, are only providing aid to 4.9 percent and 10.6 percent of households earning less than 2500 JD annually respectively. Furthermore, over 50 percent of households earning less than 200JD per month are not receiving any form of aid. 82

Conversely, we can see the importance of non-governmental organizations in providing aid. International NGOs such as UNHCR, World Food Programme, and UNRWA not only provide considerable amount of assistance to individuals living in Jordan, they also often work closely with governmental organizations to expand services. Take, for example, UNICEF's partnership with the National Aid Fund to provide cash-for-education assistance for impoverished youth. Furthermore, NGOs, generally classified above as "other sources," also provide a notable amount of assistance to low-income individuals through the provision of in-kind goods, cash assistance, an livelihood training.

#### Table 2. Sources of aid for households with an annual income less than 2500 JD in Jordan

<sup>&</sup>lt;sup>81</sup> The national poverty line, based on the Ministry of Social Development's guidelines, is estimated to be 57 JOD/person per month. Notably, nearly 15 percent of Jordan's population falls below this line. Therefore, not every household earning less than 200 JD/monthly may be considered impoverished. That being said, the average household size for households earning less than 2500 JD annually is 4 people, which indicates that the average household within this income bracket would be considered impoverished. Additionally, there are families which may have higher incomes but could still be considered impoverished due to their large family sizes; thus, we cannot equate households which earn less than 2500 JD/monthly with households experiencing poverty.

<sup>82</sup> Department of Statistics, Household Expenditures and Income Survey- HIES (2017)

<sup>83</sup> UNICEF (2019). National Aid Fund Cash Transfer Pilot: Post-Distribution Review. https://www.unicef.org/jordan/media/2726/file/NAF English Report.pdf

Aid Source	% of	
	Households	
	Receiving Aid	
Individuals	11.9	
<b>Religious Associations</b>	2.6	
UNHCR	9.8	
<b>World Food Programme</b>	1.3	
UNRWA	1.8	
Zakat Fund	1.0	
Royal Court	2.2	
Ministry of Health	1.7	
National Aid Fund	4.9	
<b>Ministry of Social Development</b>	10.6	
Other sources	21.0	
None	50.4	

Source: Department of Statistics, Household Expenditures and Income Survey (2017).

While the importance of CSOs in the provision of social assistance is clear, it is also important to note that these organizations can and do receive governmental aid to do so, such as funding from the Ministry of Social Development.<sup>84</sup> In this way, CSOs can at times be considered subcontractors for the administration of social development policies. That being said, governmental funds generally account for only a small proportion of operating funds for most organizations.<sup>85</sup>

Outside of charities, other CSOs also provide considerable social protection benefits to both members and non-members. For example, professional associations have provided private pension plans even before social security was expanded to the public sector.<sup>86</sup> These organizations also contribute to social security for members and may provide other forms of assistance as needed.<sup>87</sup>

#### Provision of services to non-Jordanians

Jordan's history as a refugee-hosting nation also has considerable implications for the distribution of social services amongst its populace. Historically, there has been a degree of separation between services provided for refugee populations and non-refugee populations, with services for migrant populations generally being administered either wholly or in-part by international institutions such as the UNRWA or UNHCR as well as INGOs such as the International Red Cross/Red Crescent. These differences in service provider persist today: Jordan's refugees, which consist primarily of Iraqis and Syrians but also include individuals from Yemen, Somali, and Sudan, are wholly

<sup>&</sup>lt;sup>84</sup> UNICEF (2020). Geographic Multidimensional Vulnerability Analysis – Executive Summary. Available at: https://reliefweb.int/sites/reliefweb.int/files/resources/Summary%20English.pdf

<sup>&</sup>lt;sup>85</sup> European Training Foundation (2021). Civil Society Organization and Human Capital Development – Jordan Country Report. Available at: https://www.etf.europa.eu/sites/default/files/2021-04/jordan cso reporten.pdf

<sup>86</sup> Baylouny, 2008.

<sup>87</sup> Larzillière, P. (2012).

excluded from state-provided social services such as those offered by the National Aid Fund. Instead, NGOs, both international and local, provide nearly all forms of social welfare assistance to these individuals.

Additionally, due to work restrictions refugees, many refugees are employed within the informal labor sector and therefore do not have access to social security benefits. Furthermore, as foreigners these individuals are unable to attain social security coverage through the voluntary "opt-in" social security program. This means that only individuals who are employed through the formal sector in participating companies can contribute and later collect their security benefits.

Finally, it is important to also note that 'non-Jordanians' does not just include refugees, but also includes children born to a Jordanian mother and a foreign father (approx. Even if these individuals were born in Jordan and have spent their lives living in Jordan, they have no pathway to citizenship and thus are unable to receive social protection benefits.<sup>88</sup>

#### 4.2.3. Challenges faced by CSOs in Jordan

While CSOs play an important role as social protection providers for a considerable portion of the impoverished populace, it is important to note that these organizations do face a number of limitations in their activities. These limitations, which occur both on the governmental and organizational level, make it difficult for organizations not only to effectively lobby and influence social policy, but also engage in everyday operations without interference.

#### 4.2.3.1. Relationships with government and authority

Jordanian national law itself poses a considerable barrier to the formation of CSOs. Under the 2008 Societies Law, civil organizations (including unions) are required to register and be approved by the Ministry of Social Development, and the ministry does not need to provide a reason for refusing the organization's request. For example, in 2014, approximately 12 percent of organizations which applied for recognition were denied, <sup>89</sup> including two unions (Phosphate Sector and Drivers) as well as the Royal Jordanian Retirement Association and the Society of Jordanian Women married to Non-Jordanians. <sup>90</sup> Furthermore, non-Jordanians are prevented with registering associations without special approval from the Prime Ministry. Branches of foreign organizations, such as international NGOs, are allowed to register provided that they do not have any political or religious objectives- the same stipulations which apply to local organizations. Despite the restrictiveness of

<sup>&</sup>lt;sup>88</sup> Human Rights Watch. (2018, May 10). "I Just Want Him to Live Like Other Jordanians." https://www.hrw.org/report/2018/04/24/i-just-want-him-live-other-jordanians/treatment-non-citizen-children-jordanian

<sup>89</sup> Awad and Sarayra (n.d.)

<sup>&</sup>lt;sup>90</sup> Jordanian women are unable to pass their citizenship to their non-Jordanian spouse. Their children are therefore not recognized as Jordanians by national law, a fact that has come under repeated criticism.

the Societies Law, that has not stopped Jordanian CSOs from forming. Between 2008 and present, the number of CSOs within Jordan increased from approximately 1500 to over 6000.<sup>91</sup>

Even after approval, organizations may find themselves being controlled and limited in their activities by the government through both 'on-the-books' and 'off-the-books' measures. For example, the Jordanian Societies Law requires that organizations notify their relevant ministry prior to holding general assembly meetings and the ministry can (and does) send representatives to attend the meeting. Furthermore, organizations are barred from engaging in fundraising activities without approval and cannot receive foreign funds. 92 Off-the-books, the state security apparatus plays a major role in monitoring the activities of organizations and organizations can be dispersed if they are found to threaten "security and public order." This allows the central government to play a major role in deciding which CSOs are able to operate within the country and how they must conduct their operations.

#### 4.2.3.2. Additional challenges

While government and authoritative bodies can impose restrictions on the operations of CSOs, the advocacy and lobbying abilities of CSOs within Jordan are also limited through a variety of other factors which organizations may face even prior to interaction with policymakers. <sup>93</sup> Interestingly, past research regarding limitations on legislative advocacy of CSOs in Jordan found that limited financial resources, lack of communication channels with government officials, the personal and organizational views of employees and board members, lack of qualified employees to engage in advocacy work, and receipt of funding from the government were all noted as greater hinderances by CSIs than the restrictive Societies Law. <sup>94</sup> Thus, CSOs face limitations on legal, structural, and organizational levels.

Furthermore, consultation with government officials regarding policy development is highly varied. As previously noted, CSOs in Jordan are consulted through calls for feedback on draft laws on the Prime Ministry's website, as well as through the Tripartite Commission and the Economic and Social Council (ESC). These mechanisms, however, are generally reactive, rather than proactive, occur sporadically, and are non-formalized. Unlike Tunisia, Jordan has no formal social dialogue system, and while collaborations do happen, it is sporadic and non-systemized. For example, CSOs were consulted in the development of the National Social Protection Strategy (2019-2025), but were *not* consulted regarding the use of maternity funds in order to provide assistance for the elderly and daily wage workers. Furthermore, when they are consulted, Lastly, CSOs in Jordan continue to suffer from fragmentation and face difficulties in coalition-building.

<sup>&</sup>lt;sup>91</sup> USAID Civil Society Assessment (2016).

<sup>92</sup> Awad and Sarayra (n.d.)

<sup>93</sup> Abdel-Samad (2019)

<sup>94</sup> Abdel-Samad (2019)

As seen in Tunisia, these coalitions are essential in the effective lobbying of the government, as they amalgamate power and provide a unified voice for the public.<sup>95</sup>

#### 4.3 Civil society in Tunisia

#### 4.3.1. The landscape of civil society in Tunisia

The existence of CSOs in Tunisia has a nuanced political history, with the first civil society association "Khalidunya" established in 1896 arousing the suspicion of French colonialists who feared it would pose a threat to the occupation. These organizations played an important role in civic action and the formation of a national consciousness by paving the way for political resistance against occupying and undemocratic forces. Following democratization, Tunisia's Civil Society landscape has flourished, and new organizations across an increasingly broad spectrum of interests have appeared. In total, Tunisia had 20,858 registered CSOs at the end of 2017, including 357 human rights associations and 175 women's associations. Many of these organizations have been non-traditional as well, such as the introduction of new religious groups and LGBT+ Rights organizations. In many cases, these CSOs have pushed for legislation to recognize their specific rights: notable examples include the Shams Association for Gay Rights which is the first queer association in Tunisia to demand the inviolability of the body and prevent the criminalization of homosexuality, and Shiite and Baha'i groups exercising their right to freedom of religious expression, conscience, and practice as guaranteed by Article 6 of the Constitution.

Furthermore, a number of regional and international organizations, such as Human Rights Watch and the Arab Forum for Citizenship, have also expanded their programs within Tunisia, establishing national offices and even regional centers. These organizations have been working to monitor serious human rights violations, calling for penal reform and providing platforms for knowledge exchange and dialogue, <sup>100</sup> such as "I Watch," play an essential role in monitoring the performance of the government and ensuring accountability and transparency. "I Watch" has been using innovative social media strategy to pressure, mobilize, and investigate corruption cases. <sup>101</sup> Furthermore, a number of organizations specifically addressing social protection have appeared, such as the Tunisian Forum for Economic and Social Rights (2011). <sup>102</sup>

<sup>&</sup>lt;sup>95</sup> WANA Institute (2018). The Role of Civil Society Organizations in Legislative Reform.

<sup>&</sup>lt;sup>96</sup> Mohamed Rami Abdel Mawla. (2019).

<sup>97</sup> Ibid.

<sup>&</sup>lt;sup>98</sup> Hafida Chakir. (2017), Problems of Governance of the Human Rights Movement in Tunisia, a research paper, Arab Reform Initiative.

<sup>&</sup>lt;sup>99</sup> Asma Nouira (2017), The emergence, development and challenges of the human rights movement in Tunisia, Arab Reform Initiative,

<sup>100</sup> Ibid.

<sup>101</sup> https://www.iwatch.tn/ar/

<sup>102</sup> https://ftdes.net/ar/

Tunisian Civil Society thus diverges from that of Jordan in that organizations with explicit sociopolitical and advocacy motivations operate with a degree of freedom not seen within Jordanian civil society landscape. As a result, Tunisia's Civil Society not only contains more registered organizations (nearly five times that of Jordan despite comparable populations), but also has a greater diversity in the type of organizations present. This can be clearly witnessed in Figure 2, which details the sectors of CSOs in Tunisia. Unlike Jordan, which has a clear concentration in charities, there is no organizational type with clear preponderance.

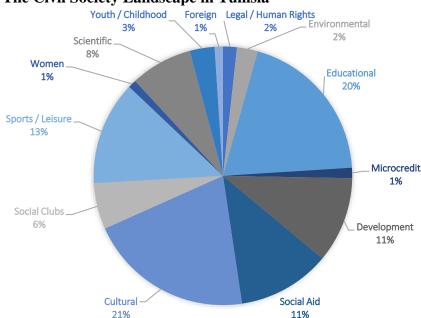


Figure 2. The Civil Society Landscape in Tunisia

Source: Centre d'information, de Formation d'Études et de Documentation sur les Associations.

Tunisian CSOs also do not have the same challenges with fragmentation as those in Jordan. For example, a number of organizational networks have been created amongst CSOs with similar goals, such as the Network of Alliance for Tunisia and the "Lemecheml" (Reunion) network. By forming networks, organizations are able to increase their leverage in order to challenge human rights violations, push forward legislative changes, and guide authorities' decision-making towards a more equal and just society. To facilitate the process of communication between the various associations and organizations, the "My Association" platform was established – the largest association platform in Tunisia. It includes the data of most associations, news, events and job opportunities in associations or funding opportunities for associations and organizations.

#### 4.3.2. Civil society and social protection in Tunisia

<sup>&</sup>lt;sup>103</sup> Anwar Mansouri ,Amin Al-Ghali. (2016) The Reality of Civil Society in Tunisia, Al-Kawakibi Center for Democratic Transitions, Tunis, p. 68.

<sup>104</sup> https://www.jamaity.tn/

### **4.3.2.1.** Civil society and social protection policy in Tunisia

Unlike Jordan, the provision of social services within Tunisia has not experienced large-scale privatization and is still largely implemented by the state rather than local and international charitable organizations and associations. CSOs have thus not necessarily been providers of social protection, like in Jordan, but rather have been the lobbying force behind guaranteeing that protection.

Since the 2011 Revolution, CSOs in Tunisia have played an essential and transformative role in the development of the nation's social protection policies. This began with the development of the Social Contract Dialogue which took place between 2013-2014, sponsored by four organizations: the Tunisian General Labor Union; the Tunisian Union of Industry, Trade and Handicrafts; the Tunisian League for the Defense of Human Rights; and the National Lawyer's Association. These arduous dialogue sessions- of which there were over fifty- led to the formation of the National Social Contract, which in turn would influence Tunisian social policy and ultimately the formation of the new Tunisian constitution. More than six thousand citizens, 300 CSOs, and 320 university representatives contributed their views in a dialogue on the Constitution at the country level. The four organizations that sponsored the National Social Contract Dialogue were crowned with global recognition, as were awarded the Nobel Peace Prize on October 9, 2015 in appreciation of their role.

The ability of CSOs to effectively lobby the government is in part due to their important relationship with their institutional environment, where associations and unions are often linked with the projects of existing international organizations (such as the United Nations Development Program and the International Labor Organization) as well as projects and procedures of the national administration (such as the Ministry of Social Affairs, the Ministry of Health....). This relationship allows civil society to take the initiative or participate in presenting a number of projects, including draft laws to guide the State's policy in many areas, namely the field of rights and freedoms and the social and economic development of the population in urban and non-urban areas.

Just as the various components of civil society in Tunisia pressured the enshrinement of economic and social rights in the Constitution, they have also contributed to the development of important new laws<sup>107</sup> related to strengthening and establishing social protection, which constitutes another contribution to achieving social stability. They have thus contributed to the formulation of laws, some of which have been approved, ratified and published in the Official Journal of the Republic

<sup>&</sup>lt;sup>105</sup> A. Mouelhi. (2018). A report on good practices of social dialogue for decent work and inclusive growth: The national social dialogue process in Tunisia, p.2, https://www.theglobaldeal.com/good-practices/tunisia-social-dialogue/National-Social-Dialogue-for-Peace-and-Democratic-Transition-in-Tunisia.pdf

<sup>&</sup>lt;sup>106</sup> Donia Jamil. (2015), Tunisian Civil Society: From Revolutionary to Guardian of Peace, the World Bank Blogs, https://blogs.worldbank.org/ar/arabvoices/tunisian-civil-society-revolutionaries-peace-keepers

<sup>&</sup>lt;sup>107</sup> Donia Jamil (2015).

of Tunisia and are pending implementation. In all of these cases, Tunisian CSOs have occupied a central role in the social dialogue between the government and the public.<sup>108</sup>

Take, for example, the process for the development of the Solidarity and Social Economy Law. This law sets a reference framework for the development of the social and solidarity economy and encourage the balance of economic growth with social needs, particularly for marginalized individuals. In order to draft this law, government institutions and CSOs were brought together through the "Promotion of Organizations and Mechanisms of Social and Solidarity Economy" (POMESS) project, which included extensive social dialogue sessions, symposiums, and workshops in order to gather insight from all affected sectors of the society. <sup>109</sup>

Similarly, the development of the Self Entrepreneur Law, which specifically promotes the transition of informal self-employed laborers into the formal sector through facilitating access to organized self-employment, funding, and vocational training. This law therefore seeks to address one of the primary challenges faced within Tunisia's social protection system- the rise of informal labor. In order to develop this law, multilateral and multidisciplinary working groups that included representatives of various ministries and relevant departments and representatives of civil society were formed in early November 2017. Throughout the remainder of 2017 and 2018, these working groups met several times to draft, revise, and workshop the law.

These aforementioned examples highlight the integrative and formalized role that CSOs have played within the development of legal frameworks and policies. CSOs are frequently invited to take part in the legislative and policy-making process through a generally well-operating mechanism of social dialogue. That being said, there are still areas for improvement in the relationship between Tunisian civil society and government regarding social protection measures. For example, although the establishment of the social protection floor is one of the development goals outlined and specified in the five-year development plan 2016-2020, and developing this floor will require contribution social actors, there has yet to be a publicly-presented document or plan for doing so.

While civil society has seen increased cooperation with the Government of Tunisia, there have also been a number of instances post-Revolution where CSOs have taken a directly adversarial role to government interests. For example, the Kamor Movement, launched on March 15, 2017, was a protest movement within the Tatouine governorate in the South of Tunisia. Protestors demanded increased economic and social rights, and utilized their proximal location to the primary

<sup>108</sup> Ibid

<sup>&</sup>lt;sup>109</sup> ILO (24 June, 2020). The Tunisian Parliament Adopts a Bill on the Social and Solidarity Economy. https://www.ilo.org/global/topics/cooperatives/sse/WCMS\_749012/lang--en/index.htm

<sup>&</sup>lt;sup>110</sup> Sahboun, A. (2020), On the Doors of the Tenth Anniversary of the Revolution: Al-Kamore ... A Tough Birth for a Strong and Effective Social Movement!, Tunisian Forum for Economic and Social Rights, Tunis, 11/23/2020, for more details review the following online link: https://ftdes.net/ar/ kamor/

route for the transportation of oil in order to draw attention to their cause. <sup>111</sup> Protestors demanded that the region benefit from the revenues of oil extraction, and that these resources are diverted into development and employment programs. The movement gained considerable attention, with protestors receiving visits from representatives of CSOs, political parties located in other regions, and the media, all of whom supported the demands of the sit-in, provided financial support, and put pressure on decision-makers to meet the needs of the sit-in protestors. This pressure prompted a visit from then-Prime Minister Youssef Chahed, accompanied by the Ministers of Employment, Trade and Social Affairs, who arrived with a 64-point proposal which was ultimately rejected by the protestors. <sup>112</sup> Days later, President Beji Caid Essebsi, addressed a letter to the protestors in which he threatened to deploy military forces to the region in order to protect oil production. In response, protestors escalated and closed one of the primary oil production sites within the region. While government officials and protestors were able to come to a temporary agreement in June 2017, authorities failed to fulfill their end of the agreement, resulting in a continuation of protests. Finally, in 2020, authorities were able to negotiate a new agreement with the Kamor protestors, after heavy economic losses as a result of the protest. <sup>113</sup>

# 4.3.3. Challenges for Tunisia's civil society

While Tunisia's civil society has made tremendous strides and has become an essential part of the Tunisian social fabric, there are still a number of challenges that these organizations face in both their operations as well as their influence on social protection measures.

Firstly, despite the high level of involvement of CSOs in the development of Tunisia's social contract and social protection policies, this involvement is still by no means comprehensive or entirely representative. Take, for example, the National Social Contract Dialogue that was held in 2013-2014. While the social dialogue represented a large shift in the role that non-governmental bodies could play in the development of social policy, it has received some criticisms, most notably that the consultations for its conclusion were not extensive, and that they excluded other major CSOs, political parties and a number of unions, especially the Tunisian Union of Agriculture and Fishing, the Tunisian Workers Union and the Tunisian General Labor federation. As a result of this exclusion, many groups objected to the finalized Social Contract for not observing the principle of expanded participation from a procedural point of view. Regarding its terms and content, many observers criticized the Social Contract and considered it too general in content, not addressing the depth of matters, and isolated from reality and the economic crises which the Tunisian economy was experiencing.

<sup>&</sup>lt;sup>111</sup>Hatem Chakroun, Ibid.

<sup>&</sup>lt;sup>112</sup>Asma Sahabun.

<sup>113</sup> Ibid.

Secondly, the Tunisian government continues to play a role in the dissolution of CSOs, often in the name of national security. For example, by 2014 "more than 50 associations have been suspended and 16 other associations have been dissolved due to the lack of clarification of their foreign funding sources." This was justified through Decree No. 88 of 2011 related to associations allows the government to manage the work of associations and carry out the necessary judicial procedures represented in filing a request to the Court of First Instance in Tunis to suspend the work of associations in the absence of clarifications regarding foreign funding. However, despite the seriousness of the threats embodied by the terrorist organizations, civil society stood firmly against the authority's desire to use the battle against violent extremism as an opportunity to return once again to the previous control on civil society's freedoms. 115

Thirdly, while Tunisian CSOs have played an essential role in the development of social protection measures with the Tunisian law, this does not necessarily mean that these laws have been implemented effectively across all levels of society. Take, for example, the implementation of the "Ahmini" (Protect Me) initiative, which began as an individual project in order to protect rural women working in the agricultural sector from exploitation and unsafe conditions and was later adopted into the government's overall social protection strategy. The project sought to enroll hundreds of thousands of women in social funds in order to protect them in case of accident as well as provide them rights upon retirement. In order to do so, the women would only need to register through an online smartphone application. However, since July, only 15,000 of the targeted women have registered with the "Protect Me" platform 117; many of them have no experience in dealing with electronic applications and face poor Internet coverage in their places of living. This indicates a lack of effective coordination of the project, ultimately resulting in the failure of its implementation.

Furthermore, legal protections for the safe transportation of agricultural workers (Law No.51) have been nominally created, but there has been a lack of initiative from the government to enforce these protections. During the last five years, the Tunisian Forum for Economic and Social Rights monitored more than 40 deaths and 496 injuries among agricultural working women, as a result of

 $<sup>^{114}</sup>$  Salah El- Din El –Jourchi (2017). Tunisia: Social Movements and Civic Space, Network of Arab NGOs for Development, Beirut, Lebanon, p.5. <a href="https://www.annd.org/uploads/publications/112019.pdf">https://www.annd.org/uploads/publications/112019.pdf</a>

<sup>&</sup>lt;sup>115</sup> Ibid.

Alessandra Bajec.(2020). Tunisia: COVID-19 Increases Vulnerability of Rural Women, Arab Reform Initiative, Bawader, https://www.arab-reform.net/wp-content/uploads/pdf/Arab\_Reform\_Initiative\_en\_tunisia-covid-19-increases-vulnerability-of-rural-women\_15292.pdf?ver=435edd5713b9809f8b9926ab5206c324

 $<sup>^{117}</sup> https://ahmini.net/en/2020/06/17/more-than-1500-women-working-in-the-agricultural-sector-have-been-integrated-into-the-national-social-security-fund/$ 

<sup>&</sup>lt;sup>118</sup> Tunisian Forum for Economic and Social Rights.(2020).One year from the entry into force of Law No. 51 of 2019 regarding the creation of a type of transfer of workers and currency in the agricultural sector: what has changed. https://ftdes.net/ar/loi-n-2019-51-du-11-juin-2019-portant-creation-dune-categorie-de-transport-de-travailleurs-agricoles

the catastrophic and unsafe transportation conditions experienced by workers on their way to work. This confirms that Law No. 51 has remained ink on paper in the absence of political will and decisive measures and with the failure to establish the necessary mechanisms to enforce it. For this reason, civil society associations and organizations require all stakeholders to make the necessary efforts to solve this problem.<sup>119</sup>

### 5. Analysis

This section closely examines the results of the interviews, divided by subject as well as by country. It provides a comprehensive analysis of groups of actors, their role in social dialogue and the revision of social contract, and the broad challenges they face.

# **5.1.** Enabling environment

Understanding the current groups of civil society actors within the national social dialogue process in both Jordan and Tunisia also requires an understanding of the current enabling environment in which these organizations operate. Table 3 provides an overview comparison of both the current policies governing CSOs within Jordan and Tunisia, including the specific activities which they are able or forbidden to do. Furthermore, the table also examines the mechanisms for social dialogue which exist in both countries, and the degree to which their functions fulfill their designated purpose.

Table 3. Enabling environment comparative analysis

	Jordan	Tunisia
Formation of CSOs and Regulation	2008 Societies Law,	Decree-Law on
of Activities	MOSD	Associations (No. 2011-
	MOL (Labor	88)
	Unions)	
Ability to form CSOs	Somewhat limited	Yes
Access to foreign funding for CSOs	Very limited	Yes (due diligence is required)
Freedom of assembly	Somewhat Limited	Yes
Ability to host board meetings without	No	Yes
supervision / interference		
Ability to host and organize activities	No	Yes
without permission		
Freedom of protest	Very limited	Yes
Formalized Mechanism for Social	The Economic and	<b>National Council for</b>
Dialogue	Social Council; The	Social Dialogue
	Tripartite	
	Committee	
Regular meetings	Somewhat	Somewhat
Independent	Somewhat	Yes
Obligatory consultation	No	Yes
Diverse representation of CSOs	Somewhat	No

<sup>&</sup>lt;sup>119</sup> Ibid.

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Source: Author's Compilation.

### 5.1.1. Formation of CSOs and regulation of activities

#### 5.1.1.1. Jordan

Jordanian interview participants noted that, in general, the enabling environment for CSOs in Jordan is weak. CSOs face a number of continuing restrictions which present considerable obstacle for CSOs in the delivering of services, conducting of activities, and participation in advocacy-based work. As noted in Section 4.1.3., Jordanian CSOs are governed by the 2008 Societies Law. All organizations must register with the Ministry of Social Development (MOSD), which, alongside the security forces, has authority in approval or disapproval of organizational requests.

This is also true for trade unions, which are registered with the Ministry of Labor rather than the MOSD. No new trade unions are allowed to be formed outside of the existing 17 professional associations that fall under the umbrella of the General Federation of Jordanian Trade Unions (GFJTU). Recently, labor law reforms gave full authority to the Minister of Labor when it comes to collective bargaining, striking, and freedom of association. Furthermore, while independent trade unions do exist, they are viewed as illegitimate by the by the government and are heavily restricted in their activities: for example, they are unable to collect dues from members, have little bargaining power, are typically unable to financially support workers during strikes, and generally suffer from neglect, restrictions, and weak performance.

The government has also imposed a number of restrictions on activities that CSOs/CBOs can conduct, and can even delay their activities, as all activities, including board meetings, general assemblies, events, and, of course, protests, need approval from MOSD. These approval times greatly limit activities- for example, it can take between 1-3 months to receive approval for hosting a board meeting. Interview participants attributed these restrictions not to the MOSD themselves, but to the security and intelligence departments, which view CSOs with considerable distrust. Participants also suggested that this was not due to an actual security threat, but rather a desire to protect and gain political.

As such, CSOs, particularly those which are overtly critical of governmental policies, often struggle to receive the approvals necessary to conduct activities and have limited advocacy abilities.

#### 5.1.1.2. Tunisia

Despite the fact that the Decree law No. 88 of 2011 relating to the organization of associations in Tunisia is considered a legislative revolution that opened a wide field for the formation of associations and the consecration of freedom of activity, the practical reality revealed that the administration of the Presidency of the Government, through its practices, has established a

restrictive policy on applicants requesting permission to form associations, especially representative organizations. This is by returning to the licensing system, not the permit system, as stipulated by the decree.

Although the aim of adopting the permit system was to reduce the time period for forming associations, in practice it was observed, according to the procedures stipulated in Decree No. 88 of 2011, that the period was estimated between 3 months to 6 months that are considered relatively long terms.

In addition to that, some provisions of Law No. 30 of 2018 related to the creation of the National Register of Institutions, constituted severe restrictions on the freedom of association and activity, as this law imposed a new procedure when establishing associations obligating them to be registered in the National Register of Institutions. Any association that fails to do so will be subject to severe penalties and fines.

Associations' access to foreign funding is subject to the supervision of the Central Bank of Tunisia, which imposes a number of complex procedures to verify the sources of this funding, in accordance with Law No. 26 of 2015 related to combating terrorism and preventing money laundering.

The respondents agreed that civil society in general are not witnessing restrictions that hinder the exercise of their activities or their administrative and organizational meetings, even those that interfere in political affairs such as monitoring and accountability of the government and parliament, or detection and combating corruption in state agencies. The decree relating to the organization of associations grants civil society protection and freedom to practice their activities without being subject to restrictions or prior procedures and licenses that could limit the freedom and effectiveness of their activities.

Tunisia has recently witnessed political turmoil and instability that worsened even more on July 25, 2021, which prompted the head of state to take a number of exceptional measures, including the freezing of Parliament and the dissolution of the government. This exceptional situation, of course, allowed him to exercise exclusive political authority and to take a number of decisions and measures, among which the ban on travel outside Tunisia that affected many heads of civil society associations, and this measure is considered unconstitutional and contradicts freedom of movement, especially in the absence of a judicial order that justifying this.

These measures raised doubts and fears about the violation of rights and freedoms and a return to the policy of prosecution and accountability.

# **5.1.2. Social dialogue mechanisms**

### 5.1.2.1. Jordan

In Jordan, social dialogue is formally conducted through the Economic and Social Council (ESC), which has the explicit mission of "advising the executive body with regards to social and economic policies... The ESC works to promote social dialogue on matters that concern Jordanian citizens, such as; income distribution, unemployment, poverty, and education." <sup>120</sup>

The ESC as the hosting body for social dialogue has a number of shortcomings; firstly, its membership is directly determined by the prime ministry and is considered on an individual-rather than organizational-basis. Thus, members from all corners of Jordan's civil society landscape are not necessarily included. Furthermore, as previously discussed, the ESC is generally reactive in nature, researching and discussing issues determined by the prime ministry according to the government's needs. Secondly, the ESC has no regular-scheduled meetings, and instead meets as directed by the prime ministry.

Social dialogue also occurs through the Jordanian Tripartite Committee, which is responsible for determining the minimum wage. The committee, which consists representatives from the General Federation of Jordanian Trade Unions, the so-called 'employer's union,' and the Ministry of Labor. Thus far, its influence has largely been limited to minimum wage policy, and it has not engaged in significant social protection and social contract dialogue outside of this framework.

#### 5.1.2.2. Tunisia

Tunisia's primary forum for social dialogue is the "National Council for Social Dialogue," which was established per Law No. 2017-54 ratified on July 24, 2017. The council is created as a framework to ensure the continuity and regularity of dialogue regarding the social contract, including social protection initiatives. 121

Unlike the Jordanian ESC and Tripartite Commission, the National Council for Social Dialogue is administratively and financially independent from the government. Furthermore, the Council is obligatorily consulted with on all policies and legislation related to the social contract, importantly included the current Social Protection Floor draft law. As such, the council plays a significantly greater role in the production of the social contract than its Jordanian counterparts.

<sup>120</sup> http://www.esc.jo/Contents/Council-Message.aspx

<sup>&</sup>lt;sup>121</sup> Hafedh Lamouri.(2020), pp39-56.

That being said, membership of the council is limited to only four organizations: the Tunisian General Labor Union (UGTT), the Tunisian Confederation of Industry, Trade and Handicrafts (UTICA) and the Tunisian Union of Agriculture and Fisheries (UTAP), and the Government of Tunisia. This presents considerable issues, particularly regarding the inclusion of informal laborers in the development of the social contract, as these individuals are not covered by any existing union.

Furthermore, since the pandemic, the Council has faced a number of challenges, including inconsistent meetings due to restrictions imposed by the coronavirus.

### 5.2. Key actors and initiatives in social contract dialogue

In general, organizations working on social protection in both countries are similar, but the importance of these groups of actors varies considerably. In Tunisia, for example, trade unions generally are the primary actors in social dialogue. In Jordan, they are somewhat excluded, except for within the Tripartite Committee which only is active in setting the minimum wage, and cumulatively have very little influence on social protection policy. Conversely, the immense financial contributions made by international organizations in Jordan, including UN organizations and INGOs, has resulted in them having considerable social and policy influence, certainly more so than local organizations. INGOs thus are generally the organizations most often invited to take part in the consultative process in Jordan, a significant contrast from Tunisia, where national trade unions have occupied center stage. Furthermore, there are certain groups of actors, such as Royal NGOs (RNGOs) which are unique to one nation and have a specialized role in the social fabric of that country.

#### **5.2.1.** Jordan

### **5.2.1.1.** International organizations

According to a representative from the Ministry of Planning and International Cooperation (MOPIC) the key organizations working on social protection reform are not Jordanian institutions, but rather international organizations such as the World Bank, International Labor Organization, and UNICEF. The World Bank in particular has been actively engaged in social protection technical assistance. According to a representative from the bank, social protection-related activities currently underway include initiatives to improve the capacity of government institutions to deliver services, building a unified referral system, generation of ICT and infrastructure solutions, and the development of strategic mechanisms for coordinating/supporting work of INGOs, UN Agencies, and CSOs working on social protection. The representative from MOPIC further noted that, unlike international organizations, Jordanian CSOs and CBOs have largely not been consulted by the government of Jordan in an "efficient and effective manner," and stressed the importance of doing so in order to advance the social protection reform agenda, especially in areas related to social transformation and social programming.

The considerable influence given to international organizations is also reflected in the participants in the National Social Protection Strategy dialogue; many of the non-governmental consultants were representatives from international, rather than local, organizations, such as the U.S. Agency for International Development (USAID), the International Youth Foundation, the Sisterhood is Global Initiative (SIGI), and the World Bank. The reason for the high rate of influence of international organizations is multifaceted. Firstly, these international organizations are often funders and key implementation partners for social protection initiatives, such as UNICEF's relationship with the National Aid Fund. As noted by one participant, "Most infrastructure, schools, and hospital rehabilitation efforts are covered by INGOs, not government initiatives. Even the salaries of some government employees are covered by INGOs." Accordingly, INGOs play a considerable role in the policy and decision-making processes.

That being said, the role of these organizations is not necessarily counterproductive to the incorporation of local CBOs/CSOs- in fact, it is often international organizations which place stipulations and requirements for the participation of local organizations in policymaking and development processes, not the Government of Jordan. For example, the representative from MOPIC noted that one of the World Bank's key requirements for funding is the full engagement of social partners in the strategic planning and implementation of social protection activities through a stakeholders' matrix. However, she also noted that coordination, particularly with chambers of commerce and trade unions, is still not even in its initial stages. Furthermore, the harsh limitations on sourcing funding for Jordanian CSOs, as well as the considerable restrictions they face in their activities, often means that international organizations are better positioned in terms of both financial resources and within the regulatory framework of Jordanian Civil Society legislation

In addition to their advocacy activities, international organizations are often essential for the provision of social protection services, particularly for refugee populations. Cash assistance, housing, educational and vocational programs, and healthcare are often provided and coordinated by international organizations. However, despite their at-times privileged status, international organizations also face considerable challenges when organizing activities. This was made clear during the coronavirus pandemic; a representative from Oxfam noted that their organization was the only that received permission from the government to conduct work in Jordan's refugee camps during the pandemic, indicating that most INGOs working with camp populations had to suspend activities in their entirety. Furthermore, the Oxfam representative also noted that coordination with the government was smooth at an operational level, but quite difficult and complicated whenever activities required approval from senior employees and security entities, indicating that INGOs are not above scrutiny of security forces despite their considerable resources. These obstacles in receiving approvals often resulted in considerable delay; according to the Oxfam representative, activities which were supposed to be confirmed within a two-week period often took much longer,

delaying essential services for highly vulnerable populations in the camp. Thus, despite the essential role that these organizations play in the provision of social services, particularly for refugee populations otherwise uncovered by other forms of contributory and non-contributory protection, they still face considerable obstacles when conducting activities.

# 5.2.1.2. Advocacy and human rights organizations

The sentiment that CSOs remain largely excluded from social protection efforts was also echoed by CSOs themselves. While a number of advocacy organizations were included within the creation of the National Social Protection Strategy, interview participants who were party to its development noted that their participation was largely 'superficial' and that consultation with community segments was generally weak.

This does not mean that CSOs are not active in advocating for reforms in the social contract and provision of additional protection services. Organizations like the Phenix Center, Workers' House and Tamkeen for Legal Aid all have an explicit focus on improving protections for workers and vulnerable people in Jordan, which they do through direct aid, research, and other activities. That being said, the rate in which these organizations are included in national social dialogue is considerably lacking, and when it does occur, it is often superficial in nature.

A representative from a local women's rights-based organization noted that there is an explicit need to include CSOs in the creation of national development priorities, as these CSOs are better informed about community needs due to their close proximity on the ground. Also echoed by nearly all CSOs/CBOs

#### **5.2.1.3.** Community-based organizations and charities

Another group of key organizations in the provision of social protection services within Jordan are community-based organizations (CBOs) and charities. These organizations, like the aforementioned advocacy and human rights organizations, conduct a number of activities that provide basic services to Jordan's most vulnerable, such as cash assistance, food parcel distribution, legal assistance, and psychosocial support for community members.

Despite their importance within the framework of providing essential protective services, these organizations have generally poor coordination with governmental bodies, and — with the exception of Royal NGOs- are largely excluded from the policymaking process. This is particularly true for CBOs/CSOs based outside of Amman, who are generally not included in the acquisition of funding nor the broader Jordanian development canvas. As noted by interview and focus group participants from organizations outside of Amman, the coordination between CBOs and the government is generally limited to large organizations located within the capital; CBOs in

the governorates have almost no coordination mechanism with the government, despite being funded by the Ministry of Social Development

# Royal NGOs

As previously noted, RNGOs- which are often Jordan's largest charities- are the exception to this phenomenon of poor communication with the government. These organizations, in fact, are often given a somewhat preferential status. For example, RNGOs were among the only Jordanian charities invited to take part in the development of the National Social Protection Strategy; furthermore, not only were they party to its development, they were members of the central planning committee.

#### **5.2.1.4. Trade unions**

In Jordan, it is important to distinguish between formal trade unions- the seventeen unions which fall under the General Federation of Jordanian Trade Unions (GFJTU)- and those which are informal and thus considered to be illegitimate in the eyes of the Ministry of Labor. Due to harsh restrictions on labor organizing, the existing 'legal' professional associations and unions under the GFJTU can generally be considered semi-governmental. For example, the General Federation of Jordanian Trade Unions is financially supported almost entirely by the government of Jordan and the Social Security Corporation. These organizations- and their parent organization, the GFJTU-have been formally incorporated into the development of the social contract and social protection policy through a number of specific mechanisms, the most notable of which is the tripartite committee responsible for the determining minimum wages.

The GFJTU is also consulted on a number of other legal and political decisions regarding social protection; however, its role is often quite weak despite its formalized status and governmental support. For example, according to a representative from the GFJTU, it was party to the 2019 amendments of the Jordanian Labor Code, but found that the amendments which were created were fragile and did not fully take into consideration the technical input of the unions despite their consultation. Thus, despite the fact that the 17 established trade unions could be considered semi-governmental in nature, that still does not necessarily mean that they are fully incorporated into the development of social protection policies and formation of the social contract. The representative from the General Federation of Jordanian Trade Unions (GFJTU) noted that "there is a necessity to expand the role of the tripartite committee to include other social protection measures, not only setting the minimum wage." He also noted that the development of the National Social Protection Strategy did not include any consultation with the GFJTU, and because of that, the organization was also excluded from its implementation plan. He expressed that the organization has a desire to be a part of the strategy's implementation, but thus far has been excluded.

While the GFJTU has a formalized – though often minimal- role in social protection policy, other independent (informal) unions are almost entirely excluded. Independent trade unions face a number of challenges, particularly due to the restrictions placed on their activity by the government due to their 'illegal' status. For example, a representative from the Jordanian Federation of Independent Trade Unions noted that during the pandemic, independent unions were initially unable to mobilize to provide assistance to their members due to restrictions on movement and inability to receive permits. Furthermore, due to the illegal status of independent unions, many workers are afraid to mobilize and demand better rights.

However, despite this status, independent trade organizations can and do play a role in the provision of services at the program service level: for example, independent trade unions were able to secure food parcels for their members in collaboration with Phenix Center during the pandemic. In total, independent unions under the Jordanian Federation of Independent Trade Unions (ITU) represent approximately 13000 workers, and should not be underestimated as a partner in the development of social protection policy.

#### **5.2.2. Tunisia**

# 5.2.2.1. Unions and professional associations

While there are a number of actors which contribute to social dialogue in Tunisia, there are three organizations which have a direct impact through their membership in the National Council for Social Dialogue: the Tunisian General Labor Union (UGTT), the Tunisian Confederation of Industry, Trade and Handicrafts (UTICA) and the Tunisian Union of Agriculture and Fisheries (UTAP). Thus, trade unions occupy a central role in the development of social protection policy in Tunisia.

This was confirmed during an interview with a representative from the Ministry of Social Affairs, who stated that "The social dialogue scene in Tunisia is operated by four main actors: the state, the Tunisian General Labor Union, the Tunisian Union of Industry, Trade, and Handicrafts, and the Tunisian Union of Agriculture and Fishing." According to the representative, these organizations have been long-time actors and partners of the state, thus indicating that their centralized role in social dialogue is not a new phenomenon but rather a continuation of existing social structures. However, since the 2011 Uprising, these organizations have had an expanded social role, and have been continuously invited to participate in a number of initiatives, including issues related to development, minimum wage, joint and sectoral agreements, basic laws and regulatory provisions for state employees and public institutions, regional and local groups

The influence of these organizations was clearly demonstrated during their During the COVID-19 pandemic, when unions advocated for the rights and negotiated assistance from the government for their members. Furthermore, as part of the National Council on Social Dialogue (NSD), they

have recently been working on the development of a Job Loss Insurance Fund, addressing a key gap in Tunisian social protection policy through the generation of unemployment coverage. Further, they are also assisting in the drafting of the National Social Protection Floor Law, which aims to provide full social protection in terms of income and health coverage for all Tunisians. Representatives from the Unions also noted that they are consulted on a number of revisions to current system, such as the regulation of programs hosted by the National Employment Fund and the conditions and formulas of their use, and the government order related to the revision of Order No. 499 of 1974, which deals with the system of pensions of old age, disability, and survivors after the death of a beneficiary.

Despite their importance, it is important to note that UGTT, UTICA, and UTAP are primarily concerned with the rights of their members, a sentiment confirmed by trade union representatives during the interviews for this project. Thus, their role in the national dialogue is not necessarily to represent the interests of the general population, but rather the interests of their members. This has resulted in a particular challenge within the NSD: the lack of representation of informal workers. Since these workers have no representative union to advocate for them, they were, in the words of one informal worker, largely "left to their fate" during the COVID-19 pandemic. The existing unions recognize the importance of providing services to informal workers, but also noted that this work was outside of their scope, due to priority of providing representation to their own members. Furthermore, representatives from UGTT and UTICA also noted that their organizations would be unlikely to support the formation of a new union for informal workers, and noted that there needs to be a more concrete solution for this challenge – though, as of yet, had not developed one.

This speaks to broader challenges within the National Council for Social Dialogue. As noted by the representatives for UGTT and UTICA, there has not been significant progress on the development of the social contract- particularly protections for informal workers- through the NCSD. They highlighted recent challenges of political instability, the pandemic, and Tunisia's fragile economic situation as all impeding the efforts of the council, but also noted that there has been a lack of follow-through and monitoring of council decisions. This thus indicates that, while the NCSD has made considerable progress on the advancement of Tunisia's social contract and social protection policies, it still remains an imperfect mechanism with significant room for improvement.

### 5.2.2.2. Human rights organizations

While other organizations, such as human rights organizations, may not have a formalized seat at the metaphorical social dialogue table through membership in the NSCD, that does not mean that they are not active participants in social fabric of Tunisia and the formation of social protection policies. According to a representative from the Tunisian Forum for Economic and Social Rights (FTDES), a nongovernmental, neutral, and independent organization that promotes economic and

social rights on the national and international level, CSOS who didn't participate in the national dialogue still have the power to raise social problems, organize conferences, open discussions around economic and social rights issues, and negotiate directly with the government.

That being said, the level of influence that these organizations have is largely dependent on their size. FTDES, for example, noted that they collaborate directly with the ministry of social affairs to find solutions for vulnerable populations, as well as assist with the monitoring of laws and access to social benefits, in particular for women in the garment sector. Furthermore, they have implemented and joined advocacy campaigns to change laws and procedures, thus occupying an important- and at times directly influential- role in the

That being said, other organizations have a less-direct influence on the social contract. For example, the Tunisian League for Human Rights, the National Union of Tunisian Women and the Tunisian Association of Democratic women also participate in social dialogue, but do so in a more indirect manner such as through the preparation of reports which they submit to the United Nations and highlight economic and social rights violations in the country.

While their levels of influence may vary, human rights organizations, alongside other CSOs, also directly participate in social service provision. For example, during COVID, FTDES assisted with the distribution of in-kind aid, the registration of people on the E-Vax platform, especially in the internal regions, the distribution of medical equipment, and supported a number of other local initiatives.

# **5.2.2.3.** International organizations

Like in Jordan, international organizations in Tunisia also play a significant role in the provision of social protection and conducting advocacy campaigns regarding social policies. For example, OXFAM Tunisia has been working intensively on the development of improved conditions for agricultural workers.

A representative from the organization noted that "the poor rate of affiliation in the social protection system [for female agricultural workers] is caused by the absence of national orientation and strategies to invest in and develop the agricultural sector. Since the 1970s, efforts made to develop the sector targeted only the actors at the end of the production cycle, and excluded farmers and workers." The representative also notes that the existing laws which are meant to include agricultural workers in the social protection scheme are generally ineffective, and have thus been working on specific policy solutions for this particularly vulnerable population. In particular, Oxfam has worked with the UGTT, Tunisian Association of Democratic Women (ATFD), Tunisian Women's Association for Developmental Research (AFTURD), and FTDES to develop a policy brief that summarizes the root challenges faced by this category of workers. They have

also worked to conduct advocacy campaigns for decision-making bodies, thus pressuring governmental bodies to adapt and organize the legal and social framework that protects the economic and social rights of agriculture workers, particularly women. In general, OXFAM has pushed for greater prioritization of the agricultural sector by the state when reducing reforms, increased union representation. That being said, like all CSOs, international organizations were heavily impacted by the COVID-19 pandemic, and their activities were severely limited and progress was stalled on a number of fronts.

Thus, international organizations are also able to play a significant role in advocating for specific social rights and policies, and have served as major partners to Tunisian organizations for the development of campaigns, policy recommendations, and other activities. That being said, international organizations in Tunisia do not necessarily occupy the centralized role that they do within Jordanian social protection strategy.

### **5.2.2.4. Other CSOs**

Other CSOs- notably community organizations and youth associations- also play a significant role in the broader social fabric of the country, particularly regarding provision of services to vulnerable populations. However, social assistance within Tunisia has not been privatized nearly to the extent that it has in Jordan; in fact, according to CSO beneficiaries, CSOs within Tunisia are not able to provide financial aid or cash assistance per legal requirements. Instead, these organizations largely provide in-kind aid, programs and trainings, and other forms of transformative social protection activities to beneficiaries. Institutions like ENDA, Tunisia's largest microfinance institution, also promote transformative social assistance through funding projects for vulnerable people and allowing them to develop their livelihoods.

During the pandemic, many organizations adapted and transformed their activities to better respond to increased needs of the population. According to a focus group discussion with CBO beneficiaries, youth organizations in particular stood out as some of the most effective in locating vulnerable people and collecting them to services, including assisting them with registering with national social protection schemes. In this way, CSOs largely served as a mobilization force through which national social protection programs were connected to the populations which needed them.

In addition to providing in-kind aid and connecting individuals to national programs, CSOs in Tunisia also participate in advocacy campaigns, such as the "Ahmini (Protect Me)" campaign, which promotes social protection for women in rural areas. These organizations often work through coalitions, indicating that CSOs within Tunisia have a better degree of inter-group coordination than those within Jordan.

### 5.3. Challenges

Despite the differences in the actors which make up the social dialogue scenes in Jordan and Tunisia, and the varying mechanisms with which that social dialogue is conducted, the two countries face similar challenges, namely poor communication with government, lack of supports for CSOs, and preferential treatment by decision-making bodies of some organizations over others.

#### 5.3.1. Jordan

### 5.3.1.1. Coordination, consultation and open communication with government

Nearly all of the participants interviewed noted that communication with the government was weak on nearly all levels, from both a consultation and social dialogue standpoint and communication regarding rules and regulations governing CSO activities.

On the consultation level, it has previously been noted that communication and social dialogue has been sporadic at best. Often, the government makes decisions without any consultation at all. According to CSO representatives during a focus group discussion, there was an explicit lack of consultation with CSOs during the COVID-19 pandemic. This was also noted by the representative from GFJTU, who highlighted that the trade unions were not consulted at any level during the decision-making process for defense orders related to the labor market and employment. As a result, these defense orders were generally biased towards the needs of employers/businesses rather than the workers.

Furthermore, even when CSOs do have a channel for communication with the government, that does not necessarily mean that results of this communication are fruitful. For example, CSO participants recounted that during the pandemic, 16 CBOs formed a coalition to directly petition the Cabinet for a greater role in pandemic response, but this role did not come into fruition.

Specifically, regarding social protection, some participants noted that this lack of coordination and consultation with CSOs is coupled with a lack of governmental commitment to expanding protective services. A representative from the ILO, for example, noted that they felt that government of Jordan was not entirely committed to social protection efforts; that being said, international organizations have begun to stipulate results-based funding for governmental bodies, providing greater incentive for governmental bodies to actively work towards results and hopefully expanding the participation of CSOs in the overall policymaking process and social dialogue.

On a more organizational level, beneficiaries of CBOs noted that there was considerable confusion with the receipt of services due to unclear communication between the CBOs and the government. During the pandemic, changing regulations regarding the defense orders also proved to be a great source of confusion for organizations, and communication channels with governmental bodies to

answer their questions were either nonexistent, ineffective, or over-inundated. This was true even for INGOs, despite mechanisms for formal coordination with the government as outlined within the Jordan Response Plan.

#### **5.3.1.2.** Governmental restrictions on activities

As previously noted, CSOs within Jordan face a number of restrictions on their activities, including requiring permission to hold events and board meetings, and needing approval to make any significant changes to already-planned events. During the pandemic, these restrictions were heightened in line with the defense orders delivered by the Prime Ministry. Focus group discussions with CBOs highlighted the difficulties they have faced with conducting activities during the pandemic. According to the participants, coordination with government agencies (the Ministry of Social Development) to get the required approvals on activity changes created significant delays in activities, and the MOSD was not equipped to handle the number of requests made.

Furthermore, the effects of these restrictions were amalgamated for organizations which depend on MOSD for funding, particularly in areas outside of the capital; for example, on participant from a CBO in Tafilah noted that there were 63 CSOs in the area who needed to make significant adjustments to their programming in light of the COVID-19 pandemic restrictions, but had to wait long periods of time for requests to be processed, thus rending them effectively inactive until approvals could be made and funding channels reopened.

# **5.3.1.3.** "Wasta" and nepotism

Another adverse phenomenon affecting CSOs and their beneficiaries in Jordan was the prevalence of 'wasta' or nepotism across multiple levels. Firstly, organizations themselves face challenges due to preferential treatment of certain CSOs by the state establishment over others. For example, representatives from CBOs expressed that they felt that government funding was determined primarily through 'wasta'. Furthermore, CSOs which have close relationships with governmental bodies were noted to have a greater freedom in their operations, as well as eased approval processes with the government. For example, interview participants from CSOs noted that RNGOs were among the first to receive movement permits during the pandemic in order to deliver services, whilst other organizations conducting similar activities were denied.

This preferential treatment also occurs within the policymaking arena. There is also wasta in the policymaking arena. For example, according to a representative from OXFAM, the societies law

<sup>&</sup>quot;which has no direct English translation, but can understood as "connections ( which can be used to acheive desirable outcomes such as expedited services and improved job prospects, and is .connected with nepotism and cronyism

is currently being revised, but the only non-governmental organizations included are Jordanian Hashemite Fund for Human Development (JOHUD), an RNGO, and Caritas, an INGO. The representative suggested that there needs to be more inclusion of both INGOs and CSOs, as this law directly affects them.

However, while CSOs and CBOs face wasta and nepotism from government, they also may perpetuate it within their own activities. Beneficiaries of CBOs noted that service delivery and even the selection of beneficiaries by CBOs/CSOs is often based on nepotism and wasta rather than through objective needs-based criteria. This can be seen as a symptom of the broader challenge of the privatization of social assistance within Jordan.

# 5.3.1.4. Limited capacities of CSOs/CBOs

Interviews and focus-group discussions with both CSOs/CBOs and their beneficiaries revealed a number of significant challenges in organizational capacity. These challenges occur across both the financial and administrative spheres.

Firstly, CBOs noted that they have a significant funding challenge, which was worsened during the pandemic. For most CBOs, particularly those which do not receive funding from the MOSD, funds are acquired through the private sector. The pandemic, which brought about significant economic challenges across all sectors, thus reduced private sector capacities to fund CBOs. This model of service delivery- by which CSOs deliver services through private sector funding- is thus very susceptible to market and economic fluctuations, and cannot be considered a reliable and unwavering source of social protection.

CBO beneficiaries also echoed these limited capacities within their interviews, noting that CBOs in general require a higher level of technical capacity, better monitoring and evaluation services, and improved targeting of populations. Furthermore, they suggested that there needs to be a transition from an aid-based approach to a development-based approach, and that CBOs should complement and coordinate governmental social protection activities rather than serve as a substitute for them.

#### **5.3.2. Tunisia**

# 5.3.2.1. Limited capacity of CSOs/CBOs

Like in Jordan, focus group discussions with Tunisian CSOs and their beneficiaries also revealed a number of challenges within the effectiveness and capacity of CSO-delivered services. In general, CSOs themselves noted a number of weaknesses, most notably sustainability and technical capacity. For example, due to the fluctuating availability of funding, turnover rates in the

nonprofit sector are often very high within Tunisia, preventing staff from building long-term technical capacities, specialized skills, and sustainable practices.

Furthermore, CSOs themselves also noted that they were largely unprepared for the crisis of the pandemic, with the exception of the Red Crescent, which, as an international organization, has been able to build technical capacity for handling crisis situations. Most other organizations noted a need for additional training on crisis response, in order to ensure that they are prepared in event of any future crises like COVID-19. This sentiment was also echoed by beneficiaries, who noted that CSOs were unable to adapt to the changed needs of beneficiary populations during the pandemic. For example, beneficiaries noted that there are greater needs for financial support, food supply, and medical services, but most CSOs were unable to provide those services. Informal workers, who had little access to other forms of social protection due to their lack of incorporation into formal schemes, also noted that the services provided by CSOs were inconsistent and insufficient for their needs.

Finally, both CSOs and beneficiaries also noted that CSO/CBO outreach is limited; people within remote/hard-to-reach areas, particularly with interior regions, are much less likely to receive services than those within urban areas.

#### **5.3.2.2.** Unclear Communication with Governmental Bodies

Similar to Jordan, CSOs in Tunisia also reported challenges due to unclear communication with governmental bodies. This was particularly true during the COVID-19 pandemic, with miscommunication and changes in decisions regarding the health situation during COVID-19 created confusion and provided significant barriers for CSOs when delivering services. Furthermore, these miscommunications also produced significant distrust between CSOs and their beneficiaries, leading to a sense of general dissatisfaction with CSOs expressed by beneficiary participants.

CSOs also reported that, despite effort to partner with governmental institutions during the pandemic, the government was generally non-responsive. For example, some CSOs reported that they had collected information regarding vulnerable populations, which they then shared with governmental bodies, but this information was largely ignored. Several organizations noted that CSOs could be uniquely well-positioned to monitor the financial aid distributed by the government, ensure the equitability and transparency of the provision of social assistance.

# 5.3.2.3. "Wasta," Nepotism, and Corruption

Finally, while not as prevalently mentioned as Jordanian participants, the prevalence of 'wasta' in the governance and services of CSOs was also mentioned by Tunisian participants. In particular,

participants noted that during the pandemic, individuals who had good connections and favoritism within CSOs were able to receive these organization's health services at a faster rate than those without prior connections.

#### 6. Policies and recommendations

As seen within Chapter 5, there are a number of challenges faced by Tunisian and Jordanian CSOs when taking part in national social dialogue. These challenges are at times quite similar- such as the need for improved supports and capacity building for CSOs- and at other times quite different, such as Jordan's disabling Societies Law. As such, these recommendations are divided into recommendations specific to Jordan (6.1), recommendations specific to Tunisia (6.2.) and recommendations for both Jordan and Tunisia (6.3.).

#### 6.1. Jordan

# Institution of a formalized and regular mechanism for social dialogue.

Key informants from CSOs noted that the current consultation mechanisms – the tripartite committee and the Economic and Social Council- are not functional in ensuring proper representation of CSOs with the consultation process. In the case of the ESC, participants noted that its role has largely transitioned to that of a research center, while the tripartite committee rarely meets. As such, neither institution is currently fulfilling the role of a regular and formalized arbitrator of social dialogue. Furthermore, other mechanisms of social dialogue, such as sessions hosted by various ministries or calls for feedback on proposed laws, generally occur sporadically or on an individual basis rather than through regular, formalized public dialogue sessions.

This suggests that there needs to be a formalized and regular mechanism for social dialogue in Jordan, created either as an entirely new institution or restructuring of one of the existing institutions. It will need to include representatives from across all levels of civil society, including organizations which are located outside of the capital, as these organizations are often excluded entirely from the consultative process.

### Amendment of the 2008 Societies Law and improved freedom of association

Essential to improving the capacity of CSOs to engage in social dialogue and advocacy is improved freedoms for these organizations. Currently, the 2008 Societies Law places considerable restriction on the activities of CSOs, and allows for governmental interference in internal activities. In order for Jordanian civil society to effectively engage in policy discussion and dialogue, it must be given the freedom to conduct those activities without interference or fear of repercussions. As such, current restrictions on association must be lifted in order to foster an environment which promotes social dialogue.

In addition to amending the 2008 Societies Law, restrictions on the formation of labor unions should be lifted in order to provide all workers with a capacity to collectively bargain and self-advocate, particularly regarding policy issues such as worker's protections, minimum wages, and labor rights.

### 6.2. Tunisia

# 6.2.1. More diverse representation of CSOs within social dialogue

Currently, the formal social dialogue space is limited to the National Council on Social Dialogue, only including labor unions. As such, individuals who work informally or do not work are not incorporated into the formalized social dialogue system, as they do not have labor unions through which they can advocate. This is particularly concerning considering the high rates of informal labor in Tunisia, and indicates that the NCSD, while a progressive step towards improved Civil Society- Governmental relations, is yet not comprehensive in its representation of the Tunisian people.

Thus, in order to ensure that the entirety of Tunisian society is represented, there is a need to diversify membership of the National Council of Social Dialogue. This could be done through the incorporation of an Informal Sector Labor Union, human rights organizations, or similar civil society bodies which provide representation to those who exist outside of current union coverage.

### 6.3. Both Jordan and Tunisia

# 6.3.1. Improved support for CSOs

Interview participants in both Jordan and Tunisia noted that there is a need for improved supports for CSOs in order to increase their capacity across a number of dimensions. Firstly, participants, particularly those in Tunisia, noted that there is a need to build the technical capacity of organizations in order to improve the quality of services. In the view of CSO beneficiaries, this is particularly important for monitoring and evaluation activities, in order to eliminate instances of wasta and corruption during the provision of services; as such, there is a need for CSOs to not only be trained in effective monitoring and evaluation strategies, but for monitoring and evaluation to be explicitly incorporated into the society registration process.

Additionally, a number of participants from CSOs as well as their beneficiaries also noted that there is an explicit need for improved access to financial resources. In Tunisia, this access is limited by difficult economic conditions, while access in Jordan is limited through restrictions on fundraising activities, both from local and international sources, through the 2008 Societies Law. Through improved financial capabilities, organizations can improve the effectiveness of their services and increase their capacity for advocacy.

Additionally, participants from both Jordan and Tunisia noted that there is a need for improved coordination between CSOs. While Tunisian CSOs have been able to form coalitions quite effectively, they still suffer from a degree of fragmentation and lack of coordination regarding the provision of services. In Jordan, CSOs abilities to form coalitions is significantly limited by restrictions on freedom of assembly. Several participants suggested that there is a need for a unified and easily-accessible database of CSOs through which organizations could identify and consult with similar organizations; while some form of these databases do exist within both countries, they are currently being under-utilized by organizations themselves when it comes to information-sharing, coordination, and alliance-building. This suggests that there is a need to improve organizational capacity to build partnerships within both countries.

# 6.3.2. Improved communication with governmental bodies

In both Jordan and Tunisia, participants from CSOs noted that communication between their organization and the government was often fraught with changing information and delays, particularly during the COVID-19 pandemic. This indicates that there is also a need for improved governmental capacity when coordinating with CSOs, as well as more open channels of communication for organizations. In Jordan, communication with government could be expedited through no longer requiring approvals for certain activities, thus reducing wait-times and declogging communication channels.

## 7. Conclusion

The creation of fair, just, and inclusive social policies necessitates input from all corners of society, which can be generated through equitable and representative social dialogue. In both Jordan and Tunisia, there have been recent pushes to improve social protection through the expansion of social benefit coverage and establishment of a social protection floor; however, the effective generation of these social protection policies will require comprehensive consultation with civil society. Currently, both Jordan and Tunisia have established mechanisms for social dialogue, but the effectiveness of these mechanisms varies greatly.

In Jordan, social dialogue systems are largely reactive rather than proactive; CSOs (CSOs) are called to comment on policies and draft legislation proposed by the government, rather than leading these initiatives in a proactive manner. For example, organizations like the Economic and Social Council (ESC), which was initially created with the purpose of providing a forum for dialogue, are largely malfunctioning, serving more as what could be considered a governmental research institution than dialogue space. As such, the Government of Jordan can be viewed as the primary arbitrator of dialogue, rather than independent organizations and CSOs. Furthermore, the capabilities of independent organizations to generate dialogue are limited through restrictions on assembly of CSOs.

In Tunisia, conversely, greater freedoms for CSOs following the 2011 revolution have also been coupled with increased involvement of CSOs in the policy-making process, as well as the institution of formalized social dialogue mechanisms such as the National Council for Social Dialogue (NSCD). As such, CSOs within Tunisia have played a formative role in the development of social policies since 2011, and the NCSD occupies an important position within the overall policymaking process. Unlike Jordan, the NCSD has a formalized, regular meeting schedule, and not only reacts to proposed legislation but is also a major partner in its creation.

That being said, representation of Tunisians within the NCSD is not complete. As the council is made up of the existing trade unions, it is largely exclusive of informal workers and those not active within the labor market. As informal workers make up such a considerable portion of the Tunisian workforce, and face considerably more vulnerabilities than formal workers, their exclusion from the national social dialogue is particularly harmful.

While CSOs within Tunisia are afforded greater freedoms than those within Jordan, organizations within both countries face similar challenges regarding the success of their operations. In both countries, there is a need for improved technical and financial capacity as well as better monitoring mechanisms in order to ensure that aspects of wasta and nepotism do not influence CSO operations and beneficiary selection processes. Furthermore, CSOs in both countries noted challenges in their communication with governmental bodies, particularly during the pandemic when restrictions on movement and activities were shifting rapidly.

Ensuring the successful participation of Civil Society within the overall social dialogue, and thus the generation of effective social policies, requires both improved enabling environment for the operation of CSOs as well as increased capacities of these organizations to bargain, advocate, and influence policymaking processes. Changes to existing frameworks regarding freedom of association, such as Jordan's 2008 Societies Law, as well as a comprehensive representation of CSOs within the dialogue process are necessary to ensuring that social dialogue within both Jordan and Tunisia is both effective and impactful.

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