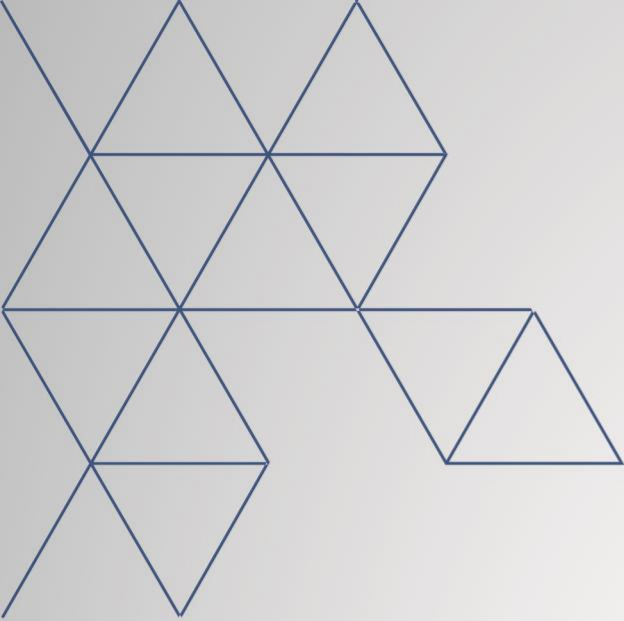




PUBLIC SECTOR MODERNIZATION: DETAILED REFERENCE REPORTS



LEGISLATIONS



WHAT DO WE WANT?

A general review of legislation governing the work of the public administration in order to keep abreast with international practices and contribute to raising the efficiency and performance of the public sector departments and enable them to carry out the tasks for which they were established, leveraging the technological structure and the rapid development in this field.

INTRODUCTION

Since 1994 up to 2006, the organizational form of the entity concerned with the public administration development and administrative reform in the Hashemite Kingdom of Jordan has varied, from a public sector reform program, to a Ministry of Administrative Development, or a Minister of State, or a public administration for public sector development linked to the Prime Minister.

- In 2006, the Ministry of Public Sector Development was established as a legal successor to the Public Administration for Public Sector Development. The Ministry assumes the following duties and powers:
 - Setting general policies for managing and developing human resources in the public sector.
 - Setting general policies related to the development of the public sector, improving its performance, and working to raise the level of services provided and simplifying their procedures.
 - Developing the organizational structures of government administration and providing an opinion on the systems of administrative organization of public sector departments and institutions.
 - Laying the foundations for the optimal use of human resources in the public sector.

- Contributing to the setting of policies and strategies for training and capacity building in the public sector, and providing support and advice to build the capacities of public sector institutions in the field of human resources management, and restructuring and improving government services.
- Spreading and consolidating a culture of creativity and excellence in the public sector.
- Supporting decision-making and policy-making mechanisms and providing technical support in the processes of strategic planning and institutional performance monitoring.
- In 2018, the Ministry of Public Sector Development was abolished and transferred as an organizational unit (Department of Policies and Institutional Development) within the organizational structure of the Prime Ministry, to which five organizational units are linked. However, the department faced the following challenges:
 - The lack of a legislative framework that covers the technical aspects of its work.
 - Not withdrawing from the operational projects of the previous ministry.
 - Insufficient empowerment in terms of human and financial resources.
 - The lack of clarity of its complementary role with the rest of the sector's components.



- At the onset of 2022, the department was abolished according to the Prime Ministry's administrative organization bylaw for the year 2022, and the Directorate of

Institutional Development was established within the Prime Ministry's organizational structure.

DUTIES AND RESPONSIBILITIES

In order to be able to identify gaps and future aspirations, a simplified analysis must be conducted of the most important roles, responsibilities and duties stipulated in the legislation regulating the central entities concerned with the development and oversight of the public sector, while indicating the most prominent overlaps and duplication of tasks between these entities, as follows:

ENTITY	LEGISLATIONS REGULATING WORK	PROMINENT TASKS	REMARKS
The Civil Service Council (not institutionalized)	The Civil Service Bylaw no. 9 of 2020	• Adopting general policies for managing and developing human resources in the public sector, and approving the instructions emanating from the civil service bylaw. • Adopting the general framework of the human resources strategy in the civil service. • Making recommendations to the Cabinet to issue legislation related to the civil service.	• The council undertakes the task of drafting policies and some of the executive tasks stipulated in the bylaw (granting annual increments for professional certificates...etc.). • The council does not undertake any oversight functions.
The Civil Service Bureau	The Civil Service Bylaw no. 9 of 2020	• Participating in proposing legislations related to civil service affairs and preparing drafts for instructions and foundations emanating from the civil service bylaw. • Contributing to setting training and capacity building policies and strategies in the public sector. • Nominating people to fill vacancies in the civil service and taking part in their selection process. • Establishing a central database and information systems for human resources management. • Administrative oversight	It undertakes the task of drafting executive and control policies.
The Institute of Public Administration	The institute of public administration bylaw no. 102 of 2019	• Raising the competence of public sector employees. • Contributing to the consolidation of the principles of governance, integrity, transparency and the rule of law in the public sector. • Institutional and functional capacity building.	It takes on executive duties.

ENTITY	LEGISLATIONS REGULATING WORK	PROMINENT TASKS	REMARKS
		• Matching the needs of the public sector in terms of skills, knowledge, scientific and administrative developments, and the services it provides. • Supporting the public administration in decision-making and policy-making through capacity-building, training and development, research and administrative consultations.	
King Abdullah II Center for Excellence	King Abdullah II Center for Excellence bylaw No. 6 of 2006	• Spreading a culture of excellence. • Providing a guiding reference and standard bases for measuring the progress and development in the government agencies' performance. • The center manages a number of awards related to government performance and periodically issues assessment reports according to the standards adopted by the center.	• It contributes to drafting policies for developing standards of excellence and monitoring government performance. • It takes on executive duties (training). • It carries out oversight tasks (evaluation reports).
The Ministry of Planning and International Cooperation	The Planning Law No. 68 of 1971	• Preparing long-term plans for the economic, social, human and cultural development of the Jordanian society. • Developing the local resources in Jordan and raising the standard of living of the Jordanian people. • Setting comprehensive development programs such as economic, social, human, cultural and others, provided that these programs and projects to be implemented include specific timelines, while identifying priorities among them, and estimating their expected costs, and clarifying their anticipated outcomes and means of funding. • Preparing annual implementation programs for projects that are decided on within the comprehensive development programs.	It undertakes the task of drafting planning policies, in addition to executive tasks and control tasks (performance reports).

ENTITY	LEGISLATIONS REGULATING WORK	PROMINENT TASKS	REMARKS
		• Participating and cooperating with the General Budget Department in preparing the development budget as part of the state's annual general budget. • Seeking funding sources and technical assistance from friendly countries and international organizations, and negotiating with them to obtain assistance and loans to finance development projects of all kinds. • Conducting studies for all internal and external assistance and loans for development projects in the Kingdom from any party and preparing their agreements in cooperation with relevant government institutions. • Establishing a system to organize comprehensive development programs, annual implementation programs, and development projects of all kinds in the Kingdom, and to monitor them, and evaluate the level of performance in implementing all projects, and submit periodic reports. • Encouraging the private sector to contribute to the development of the Jordanian society and proposing policies and methods that revitalize and develop this sector.	
The Ministry of Digital Economy and Entrepreneurship	• Telecommunications Law No. 13 of 1995 • The administrative organization bylaw of the Ministry of Digital Economy and Entrepreneurship for the year 2019	• Setting the general policy for the development of the digital infrastructure for the telecommunications, information technology and postal sectors in the Kingdom, and setting the strategic plans and programs necessary for their implementation. • Proposing the policy related to the inclusiveness of services. • Facilitating the legislative environment for digital entrepreneurship. • Providing the necessary facilitations for setting the National Frequency Distribution Plan and the National Register for Frequency Allocation.	It undertakes the task of drafting executive and control policies.

ENTITY	LEGISLATIONS REGULATING WORK	PROMINENT TASKS	REMARKS
		• Establishing, managing and operating the national information system. • Setting the necessary legal and regulatory frameworks and monitoring their implementation to ensure the protection of personal data. • Setting plans to promote investment in the telecommunications, information technology and postal sectors in the Kingdom. • Promoting investment in Jordanian entrepreneurial companies and removing obstacles that hinder the use of digital financial services and obstacles that face the telecommunications, information technology and postal sectors. • Enhancing the Kingdom's competitive position at the international level in the field of digital economy and entrepreneurship, and monitoring the implementation of the Kingdom's commitments under international agreements in the field of digital economy and entrepreneurship. • Establishing digital platforms to provide government services. • Managing internet domains and registering them in the domain known as (mz), and determining the fee for the services that the Ministry collects for that. • Setting plans and programs to train public servants and qualify them to use information technology resources. • Consultations in the fields of information technology resources, software, specifications and everything related to it. • Switching to electronic payments. • The National Fiber Optic Network Program.	

ENTITY	LEGISLATIONS REGULATING WORK	PROMINENT TASKS	REMARKS
The Audit Bureau	The Audit Bureau Law No. 28 of 1952	• Monitoring state imports and expenditures. • Counseling in the fields of accounting. • Monitoring public funds to ensure that they are spent legally and effectively. • Ensuring the proper application of environmental legislation. • Administrative oversight.	It carries out executive and oversight tasks.
The Integrity and Anti-Corruption Commission	The Integrity and Anti-Corruption Law No. 13 of 2016	The Commission aims to ensure adherence to the national principles of integrity and combating corruption through: • Activating the system of values and code of conduct in public administration and ensuring their integration. • Ensuring that the public administration provides services to citizens with high quality, transparency and fairness. • Ensuring the commitment of the public administration to the principles of good governance and the standards of equality, eligibility, entitlement and equal opportunities. • Ensuring the commitment of the executive authority to transparency when setting policies and making decisions, and guaranteeing the citizen's right to access information in accordance with legislation. • Ensuring that the public administration enforces legislation transparently and in a manner that realizes the principles of justice, equality and equal opportunities.	• It undertakes the task of drafting the policies for the commission's board. • It carries out executive and oversight tasks.

JUSTIFICATIONS FOR LEGISLATIVE INTERVENTION

There was an emerging need for legislative intervention and a comprehensive review of the legislation regulating the central bodies concerned with the development and oversight of the public sector, and the creation of a legislative framework that reflects the public policies adopted by the government, for the following reasons:

1. The need to clearly define the roles and responsibilities of the parties involved in implementation.
2. Contextualizing things that clarify standards, foundations, roles and responsibilities, and placing them within a single legislative document that ensures institutionalizing the application of good practices in the preparation and development of legislation, policies and decision-making.
3. Determining the institutional types (ministry, institution, and department) and the need to harmonize their classifications and definitions, and determine their affiliation and the degree of private sector participation in them.
4. Enhancing the efficiency and effectiveness of governmental institutions in strategic planning and decision-making, and enabling them to use the tools of integrity, transparency and accountability.
5. Creating a legal framework that adopts the system of governmental and institutional development and performance indicators (indicators for the public sector / efficiency and productivity) in the work of governmental institutions and departments, and creating a clear and consolidated concept of the objectives of the institutional development units and their tasks in government departments, and enhancing their roles and complementarity and the various requirements necessary for them to carry out their tasks, and standardizing the practices followed in the implementation of their tasks.
6. Ensuring sustainability and institutionalization of processes and procedures, and avoiding fragmentation and scattering of efforts.
7. Ensuring the integration of roles among all concerned parties in the management and development of government services, to ensure ease of provision and access and simplification of procedures.
8. Organizing and harmonizing oversight functions and their governance and ensuring enhanced compliance.
9. Developing tools for managing legislation while keeping pace with technological developments and for their content to be in line with best practices in relevant fields.

ASPIRATIONS, STRATEGIC OBJECTIVES AND INITIATIVES

STRATEGIC ASPIRATION

“Legislation supportive of positive change and that is futuristic, makes use of technology, and ensures automatic compliance with best standards and countering risks.”

In order to achieve the desired strategic aspiration, the following determinants must be taken into consideration for the purpose of transitioning into:

- Proactive legislation that addresses future risks (Risk-based Regulation).
- Legislation supportive of positive change (Positive enforcement strategies).
- Electronically programmed legislation that enables amendments (Legislation as code).
- Legislation technology that enables legislators (RegTech for regulators).
- Technology that enables automatic compliance with legislation (Touchless compliance).

Strategic objectives

1. Launching a fast track to review, update and align legislation to ensure the implementation of the public sector modernization program.
2. Enhancing compliance by enacting laws, regulations, instructions, and foundations of monitoring and accountability.

First Objective: Launching a fast track to review, update and align legislation to ensure the implementation of the public sector modernization program.

To ensure the success and institutionalization of the public sector modernization initiatives, it has become imperative to conduct a comprehensive review of the legislation regulating the central entities concerned with the development and oversight of the public sector, through a number of initiatives to be implemented over a period of four years, as the Legislation and Opinion Bureau will study and review the necessary legislation with the concerned entity/s, and include legal provisions to any legislative texts which would guarantee the actual implementation of the foundations of monitoring and accountability, and they are as follows:

2022

- Reviewing the bylaw on development of government services No. 156 of 2016 and reorganizing the relevant roles and responsibilities.
- Finalizing the legislative framework for the establishment of the Service and Public Administration Commission and the institutional arrangements for the government performance monitoring units.
- Amending the Civil Service bylaw No. 9 of 2020 to ensure the inclusion of the outputs of modernization by focusing on the outputs of the human resources and leadership component.
- Adopting the law related to investment and the business environment in Jordan and regulating the relevant legislation, especially

with regard to customs procedures, income and sales taxes, and incentive systems.

- Reviewing the bylaw no. 80 of 2012 on forming government departments and developing organizational structures, and amending it by adding provisions that guarantee the mechanism and requirements for establishing independent institutions.
- Finalizing a system to ensure continuity of work and implementation by regulating the process of handing over responsibilities and tasks when making any changes in leadership positions (ministers, secretaries-general, general managers, Handover & Transition bylaw).

2023

- Reviewing the sectors' legislation (health, education, water, energy, agriculture and social development) in order to raise the efficiency of work in these sectors.
- Reviewing Planning Law No. 68 of 1971 and introducing amendments that ensure complementarity of roles and responsibilities between all parties in managing government performance (planning, cascading, implementation, monitoring and evaluation) in a manner that ensures coherence with budget planning, human resources and setting future scenarios.
- Developing an integrated system for managing government leaders in terms of organization and procedures

2024

- Issuing a code of good practices and impact assessment to improve policy-making and decision-making.

2025

- Adopting a proactive legislation approach to address the risks of future scenarios in order to achieve advanced and efficient legislation.
- Adopting a positive change approach in drafting legislation in order to stimulate

adherence and automatic compliance with its requirements.

- Applying an electronic system to automate legislation and adopting modern technology for managing and developing legislation.
- Applying an electronic system and adopting modern technology for automatic compliance.
- Developing integrated technological systems to enhance the management and development of legislation and the rule of law (RegTech).

Second objective: Enhancing compliance by enacting laws, regulations, instructions, and foundations of monitoring and accountability

To achieve this, a number of initiatives were identified and divided over four years, as follows:

2022

- Enacting and developing legislation related to compliance and governance in a way that enhances the role of the body responsible for monitoring performance in the Prime Ministry, and oversight bodies such as the Audit Bureau and the Integrity and Anti-Corruption Commission, and the bodies concerned with developing plans and policies, especially the Ministry of Planning and International Cooperation and the Civil Service Bureau.
- Regulating the government and institutional performance management system and the national system for public administration, integrity and governance to ensure enhanced compliance and accountability according to the proposed amendments in the structure, and to achieve 70% government compliance with the laws, regulations and instructions related to the management of the sector.

2023

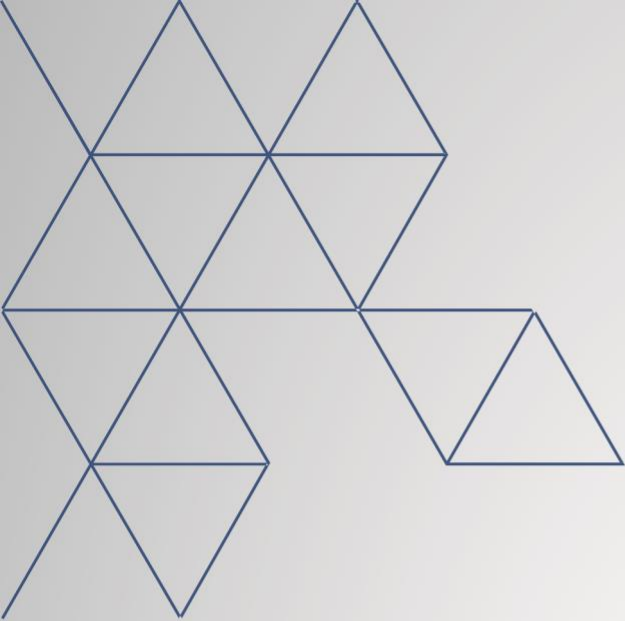
- Launching a government communication plan concerned with enhancing transparency, that clarifies the new monitoring and accountability mechanisms, and ensures government agencies' compliance with laws and regulations.
- Sharing and disseminating compliance mechanisms to achieve transparency and integrity with the various entities and stakeholders, in addition to strengthening the role of the platform "It is your right to know" as a reliable reference to ascertain facts and refute rumors by correcting them.
Regular monitoring of performance and implementation of legislative initiatives in order to achieve 80% government compliance with laws, regulations, and instructions related to public sector management.

2024

- Establishing an integrated system of legislation that enhances governance and compliance, and separates the oversight role from the executive role.
- Finalizing the study of future scenarios that require proactive legislation in order to update them.

2025

- Regular monitoring of performance and implementation of legislative initiatives in order to achieve 95% government compliance with laws, regulations, and instructions related to public sector management.
- Evaluating implementation and identifying gaps and including them in the modernization plan for the years (2026-2028).



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